

VILLAGE OF BALLSTON SPA

66 Front St

Ballston Spa, NY 12020

Ph: (518)885-5711 Fax: (518)885-0512

APPLICATION FOR: APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION AND APPEAL OF HISTORIC COMMISSION DETERMINATION

APPLICANT(S) _____ OWNER(S) (if not applicant) _____ ATTORNEY/AGENT _____

Name TERI O'CONNOR (LIFE ESTATE) ELMIR & KATHY PARANIC ROBY O'CONNOR

Address 25 E. HIGH ST _____
BALLSTON SPA NY _____

Phone 518 209-2339 _____ | _____ | 518 857 6400

Email GETITTOGO14@YAHOO.COM _____ ROBY@SARATOGAIDEALPROPERTY.COM

*An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.

Applicant's interest in the premises: Owner Lessee Under option to lease of purchase

PROPERTY INFORMATION

- Property Address/Location: 25 E HIGH ST 414201 Tax Parcel No: 216.40-1-20
- Date acquired by current owner: 2022
- Zoning District when purchased: R1
- Present use of property: SINGLE FAMILY RESIDENCE W/ APPROVED ADU
- Current Zoning District: R-1
- Has a previous ZBA application/appeal been filed for this property?
 - Yes (when? 2023, for what? USE)
 - No
- Is property located within (check all that apply):
 - Historic District
 - Architectural Review District
 - within 500' of a State Park, city boundary, or county/state highway?

To: Anna Stanko, Chair, Village of Ballston Spa ZBA, Ballston Spa, NY 12020

RE 25 E. High Street

Teri O'Connor, Life Estate; Elmir and Keegan Pasalic, owners SBL 414201 216.40-1-20

Appeal Request:

Per Section 205.41 Village Code Appeal to the Zoning Board of Appeals:

The applicant was issued a Building Permit to renovate her garage into an Accessory Dwelling Unit, and was granted the variance to do so by the ZBA, with a Building permit issued 3/31/2023; # 22-0078. The HDC issued a letter 10/13/2022 with an opinion that iterated a variety of stipulations that the applicant believes are arbitrary and capricious, overly costly and not in keeping with the nature of the renovation, the actual age of the structure and compatibility with the existing neighborhood. The applicant requests a modification of the opinion to allow the use of vinyl siding, rather than wood clapboard.

Narrative:

The applicant engaged Rory O'Connor (no relation) to undertake the management of the renovation of the existing garage. Randy Elliott was asked to perform the construction and act as General Contractor. Scott Burlingame, Licensed Engineer and Architect did the plans, light/vent calculations, taking into consideration the applicant's loss of visual acuity.

Construction was begun, with interior framing, windows and siding completed in May. The exterior finishes were recently noted by the HDC as not complying with their opinions; with the building Inspector being notified. Subsequently Mr. O'Connor reached out via email to the HDC chair, John Cromie, requesting a meeting to discuss the HDC concerns in an attempt to reach a compromise.

Mr. Cromie never responded; although did convey to the BI that he had no intentions of responding; the issue was closed. This was passed on to Mr. O'Connor by the BI. Mr. O'Connor then, at the applicant's direction began the process to do this Appeal.

The BI and Mr. O'Connor met at the property in late May and went over what was done to the exterior; with the BI concurring that all the items in the HDC opinion had been done to his satisfaction; other than the use of vinyl siding instead of wood clapboard siding.

The items opined by the HDC and completed *before* their letter of objection are:

- Frieze and water boards are installed
- Windows are double hung, sized to meet Code light and vent
- entry door is compatible with existing house
- entry door overhang is built more substantially

Vinyl siding was used due to significant cost differentials and the applicant's limited budget. Additionally, the front of the structure was infested with carpenter bees; which are difficult to

Exterminate. The vinyl siding has effectively eliminated that infestation. Further, and more to the point, vinyl siding is quite common in this block of the HD. Evidence is provided showing this fact. Photos and addresses are attached.

For the HDC to refuse any discussion summarily, and arbitrarily demand the applicant use more expensive materials and labor is unconscionable and unwarranted.

The applicant requests relief from the HDC's arbitrary opinion and requirements in the form of a modification, or preferably, a reversal, to allow the applicant to get her Certificate of Occupancy upon completion. Thank you.

Respectfully submitted,

Teri O'Connor

NYS MUNICIPAL LAW SECTION 809 DISCLOSURE

Addendum to Appeal application of Teri O'Connor 25 E. High Street, Ballston Spa, NY 12020

FULL DISCLOSURE

I, Rory O'Connor, 90 Grove Street, Ballston Spa NY 12020, am a member(Chair) of the Village of Ballston Spa Planning Board. I am also a Real Estate Broker and Builder/Construction Manager.

I was the Broker representing the applicant as a Buyer's agent and assisted in their purchase of the family home at 25 E. High Street, Ballston Spa for which I received a commission.

Upon learning of Teri O'Connor's (no relation) loss of sight, I agreed to assist her in the project management of the conversion of the barn located in the rear yard of 25 E High Street to an Accessory Dwelling Unit to help accommodate her disability.

My responsibilities, among others, include sourcing materials, hiring a General contractor, and coordination of the construction of the ADU.

I am being compensated for this work by Mrs. O'Connor and the Pasalic's.



Rory O'Connor

19

Compose

Mail

Inbox 19

Chat

Starred

Snoozed

Spaces

Important

Sent

Meet

Drafts 210

Trash

Categories

Social 255

Updates 2,225

Forums

Promotions 8,741

More

Labels

[Imap]/Drafts

[Imap]/Sent

[Imap]/Trash 1

Junk E-mail

Unroll.me

25 E High Street



Rory OConnor <rory@saratogarealproperty.com>
to John, teri, randyelliott525, Building

John-

I am in receipt of your recent email to our Building Inspector regarding this property, and the renovation of the approved ADU

I have been working with Teri on this project, trying to get it done for her with the least expense possible. Randy Elliott has b know, has deteriorated significantly over the past few months, with no known cure.

While the items pointed out in your memo are not in concert with your Board's recommendations, I accept responsibility for r requirements, and others financially related.

Regardless, I should have reached out to you sooner to go over the changes; for that I apologize.

I'd like to meet at your convenience to discuss the issues raised, and try to work out an equitable compromise if possible. Th

Best-

Rory
518 857 6400

Reply

Reply all

Forward

FW: HDC meeting with BI & 25 E High

Building Inspector <buildinginspector@villageofballstonspa.org>

Mon, May 22, 2023 at 8:02 AM

To: "rory@saratogarealproperty.com" <rory@saratogarealproperty.com>, Randy Elliott <randyelliott525@gmail.com>

Rory and Randy please see the attached correspondence from the HDC. Regarding 25 East High St. please make sure the finishes and required historical features are in place.

From: johncromie1@gmail.com <johncromie1@gmail.com>**Sent:** Thursday, May 18, 2023 10:27 PM**To:** Building Inspector <buildinginspector@villageofballstonspa.org>**Cc:** 'Carrie Chapman' <carriemchapman@gmail.com>; 'Steve Springer' <sspringer@atlanticbritish.com>; 'Gary Stephenson' <gstephenson@nycap.rr.com>**Subject:** HDC meeting with BI & 25 E High

Dear David,

During the Historic District Commission's meeting this morning, members were concerned the accessory dwelling unit at 25 East High does not appear to conform with the determination of the October 13, 2023. Corner boards and top frieze to match the house's appear to be missing. Windows appear to conform with those depicted in the plans, which were rejected by the commission, and not trimmed and sized proportionately to those on the main house above the cellar entrance. Framing around the door is to match that around the cellar door appears to be missing.

Please take the time to review the Commission's decision and review the work completed thus far. We hope any irregularities found can be readily remedied. If a stop work order is appropriate, we trust it will be honored. As always, Commission members are willing to assist the homeowner with their knowledge and experience. A copy of the October 13 decision is attached for your convenience.

On another note, members of the Commission wish to meet with you on May 24 at 8 am, if it is convenient. We wish to review the tentative guidelines for your input and to discuss our respective roles.

John

Confidentiality/Privilege Notice:

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VILLAGE OF BALLSTON SPA, NY
HISTORIC DISTRICT COMMISSION
OCTOBER 13, 2022

The Ballston Spa Historic District Commission met at 4:30 PM on October 13, 2022 at 25 East High Street. Members Carrie Chapman, John Cromie, Keith Lewis, and Garry Stephenson were present with Terri O'Connor, owner.

The Commission is responding to an application for a building permit to modify an existing garage at the back of the property to a single one-bedroom unit. The application is scheduled to be presented to the Zoning Board for needed variances.

The garage's south elevation is visible from the street. The other sides are not and not subject to the Commission's jurisdiction. The applicant supplied the Commission with a computer-generated picture of the proposed southern elevation. It is attached to this decision and made a part hereof. The existing roof will remain.

It was the opinion of the Commission that the picture provided depicts design elements that are incompatible with the main residence on the property, but elements from the current residence could be applied to the garage façade to make the modification compatible with surrounding architecture.

It was noted the elevation did present corner boards and a frieze under the eaves. There appears to be no water board in the drawing as there is on the main residence. It was felt by the Commission that corner boards, frieze, and water board be installed on the south side of the remodeled garage to match those on the house. Instead of vertical siding, the south elevation is to be sided with wooded clapboards with a reveal that is the same as on the house. The windows are to be double-double-hung, one-over-one sash as depicted in the picture, except the height and width should be in the same proportion as the double-double-hung windows on the east side of the house over the cellar entry. The windows are to present framing that matches the window frames of the house, but in proportion with the size of the windows. The depicted entry door is not appropriate with the style of the main house. However,

the house's side entry door to the cellar with large window and horizontal panels below can be used as a model to replicate for the building's door. The overhang above the cellar entrance of the house can be replicated as the rain protector over the entry door, with more robust brackets.

After discussion, Carrie Chapman moved that the exterior of the former garage visible from the street be the same as shown on the south elevation picture, except

- 1) The siding is to be clapboard with a reveal compatible with that on the house;
- 2) Corner boards, top frieze, water board will be installed in the same proportion as those on the house;
- 3) The entry door is to be of the same design as the exterior cellar door on the house;
- 4) The two double one-over-one sash windows are to be the same as the paired windows over the cellar entry, but of proportionate dimensions to the smaller building;
- 5) Framing around the windows and door are to match those on the house;
- 6) The cap over the door is to follow the design of the cap over the cellar entry, and
- 7) The plans of the layout of the housing unit are to be modified to conform with the attached south elevation, as modified above.

The motion was seconded by Gary Stephenson. Voting in favor were Carrie Chapman, John Cromie, and Gary Stephenson. Keith Lewis abstained.

There being no further business, the meeting was adjourned.

Respectfully Submitted,
John Cromie, Chair

Note: Moving the location of the two windows closer to each other will not require a review by the Commission. If the applicant wishes to add a third window to the façade, the application is to be returned to the Commission for a summary review of the modification.

38 E. High St

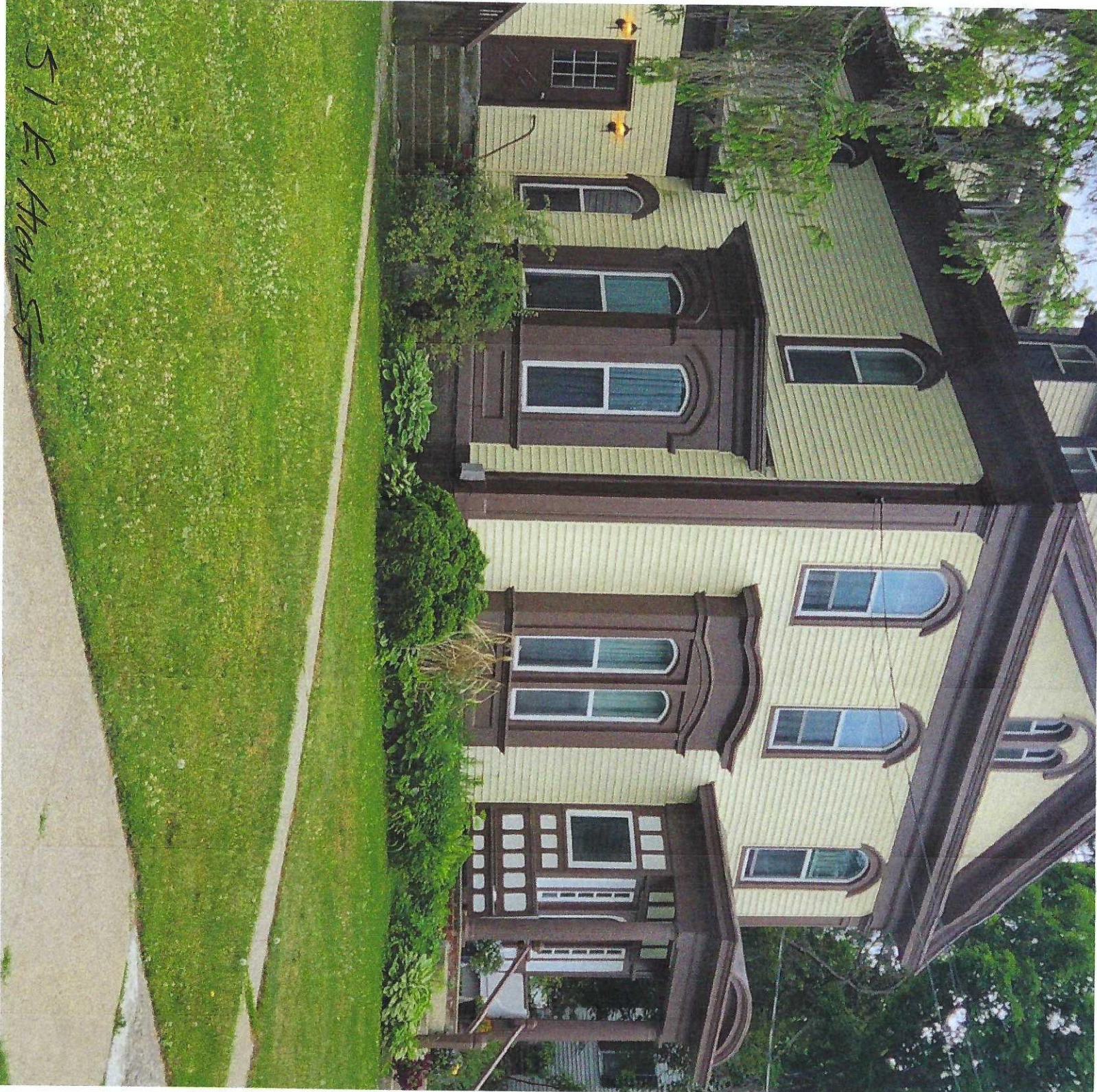




31 E. High St

39 E. HIGH ST.





51 E. Aten St



72 E. HIGH ST