

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 Terry O'Connor (LIFE ESTATE) ELMIR & KECEN PARAK ROBY O'CONNOR

Address 25 E. HIGH ST
BALSTON SPA NY

Phone 518 209-2339 | 518 857 6400

Email GETITTOGO14@YAHOO.COM ROBY@SARATOGAAREAPROPERTY.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

1. Property Address/Location: 25 E HIGH ST Tax Parcel No: 414201 216.40-1-20

2. Date acquired by current owner: 2022

3. Zoning District when purchased: R-1

4. Present use of property: SINGLE FAMILY RESIDENCE W/ APPROVED ADU

5. Current Zoning District: R-1

6. Has a previous ZBA application/appeal been filed for this property?
a. Yes (when? 2023, for what? USE)
b. No

7. 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

Appeal 25 E. High St. Page two

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

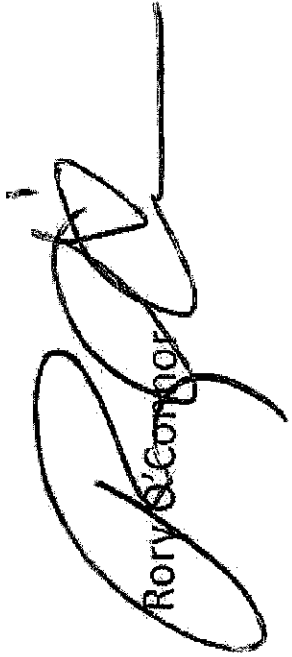
I, Rory O'Connor, 90 Grove Street, Ballston Spa NY 12020, am a member(Chair) of the Village of Ballston Spa Planning Board. I am also a Real Estate Broker and Builder/Construction Manager.

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 O'Connor <rory@saretogarealproperty.com>
to John, Teri, randye Elliott 25, 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 n 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



Rory OConnor <rory@saratogarealproperty.com>

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.r.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:

This e-mail communication and any files transmitted with it may contain privileged and confidential information from the Village of Ballston Spa and is intended solely for the use of the individual(s) or entity to whom it has been addressed. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Please also note that email correspondence with the Village of Ballston Spa may be subject to public disclosure through the Freedom of Information Law of the State of New York, unless it falls within one of the statutory exceptions.

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

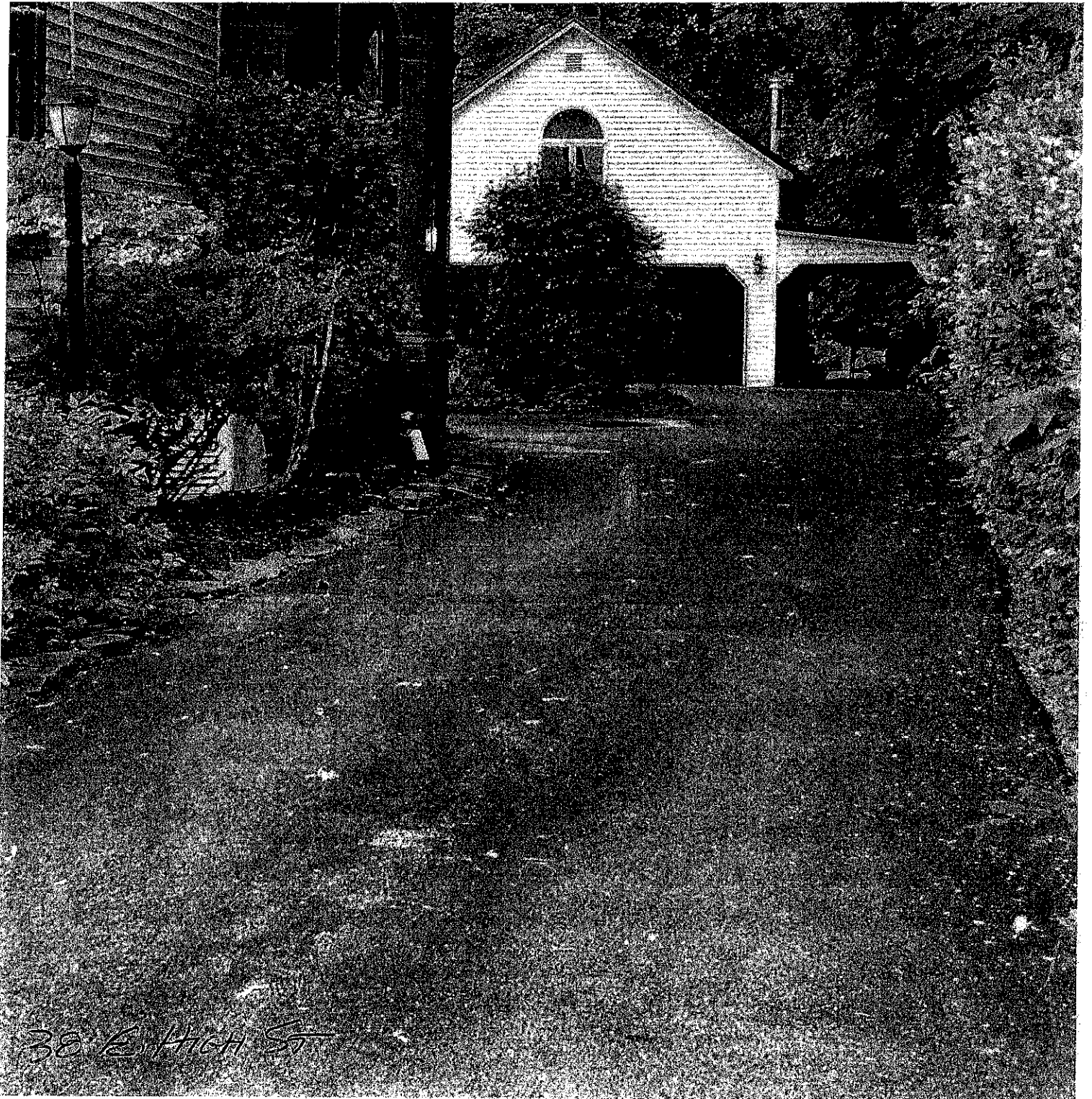
7) The plans of the layout of the housing unit are to be modified to conform with the attached south elevation, as modified above.

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

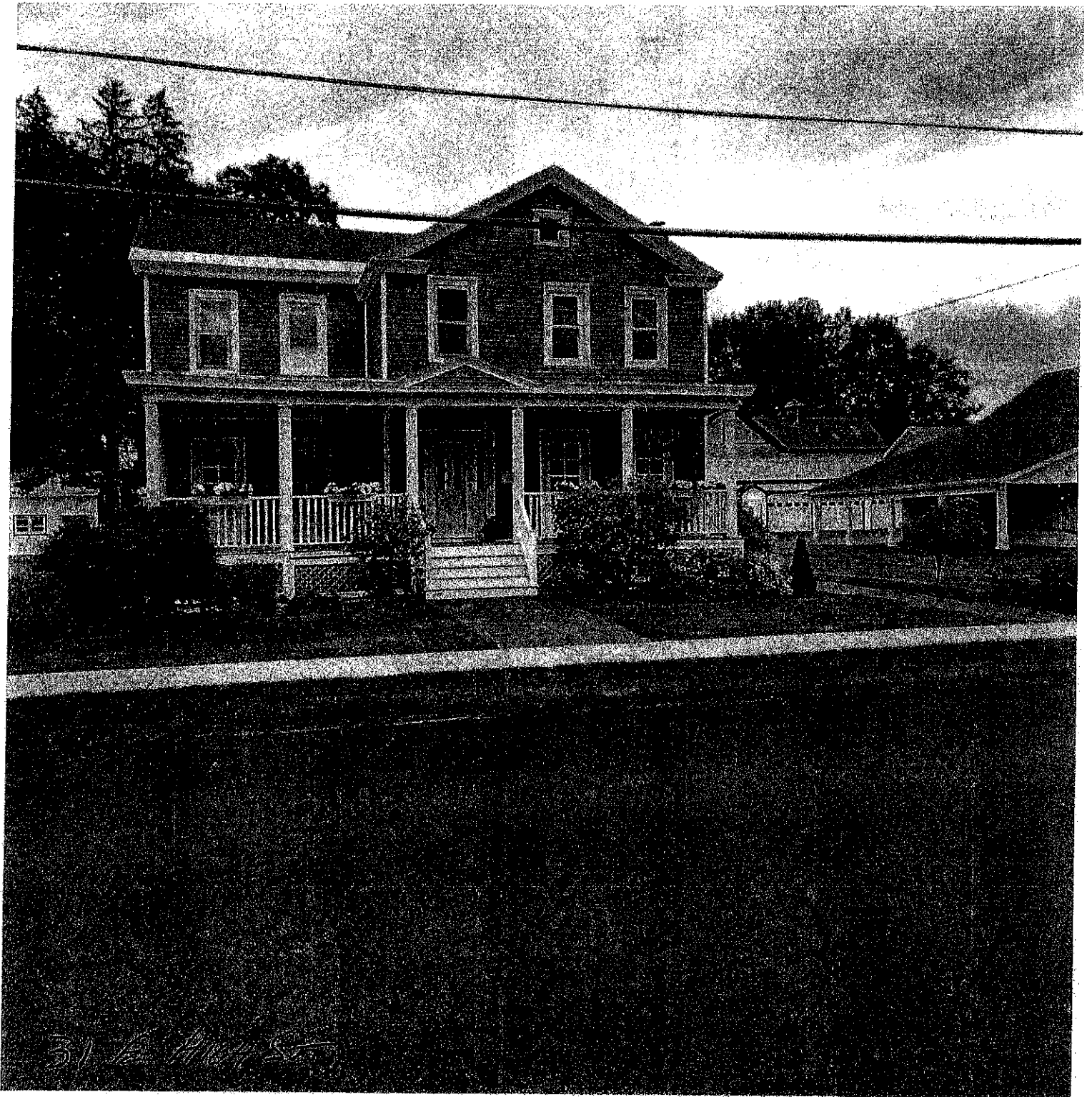
There being no further business, the meeting was adjourned.

Respectfully Submitted,
John Cromie, Chair

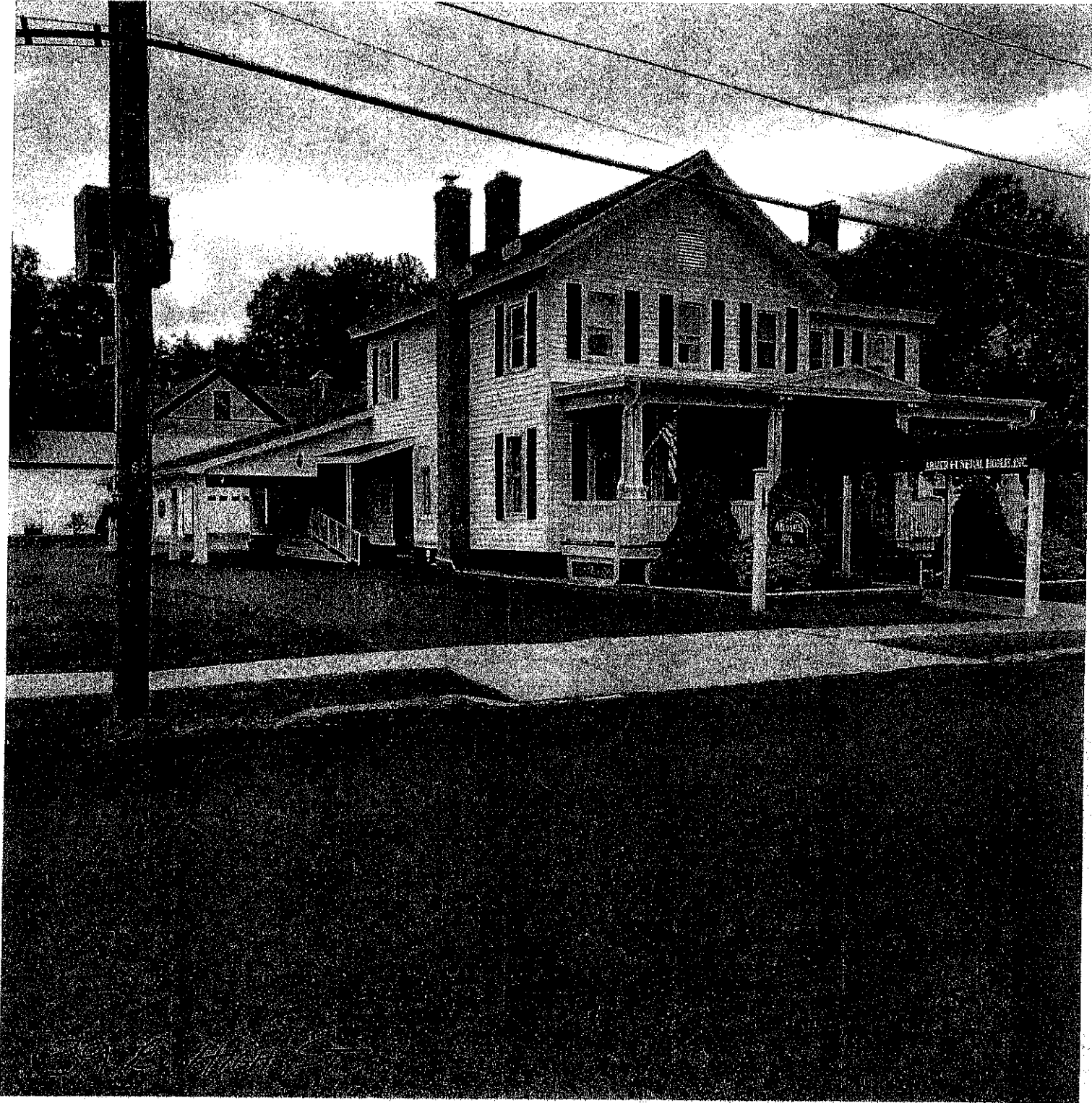
Note: Moving the location of the two windows closer to each other will not require a review by the Commission. If the applicant wishes to add a third window to the façade, the application is to be returned to the Commission for a summary review of the modification.



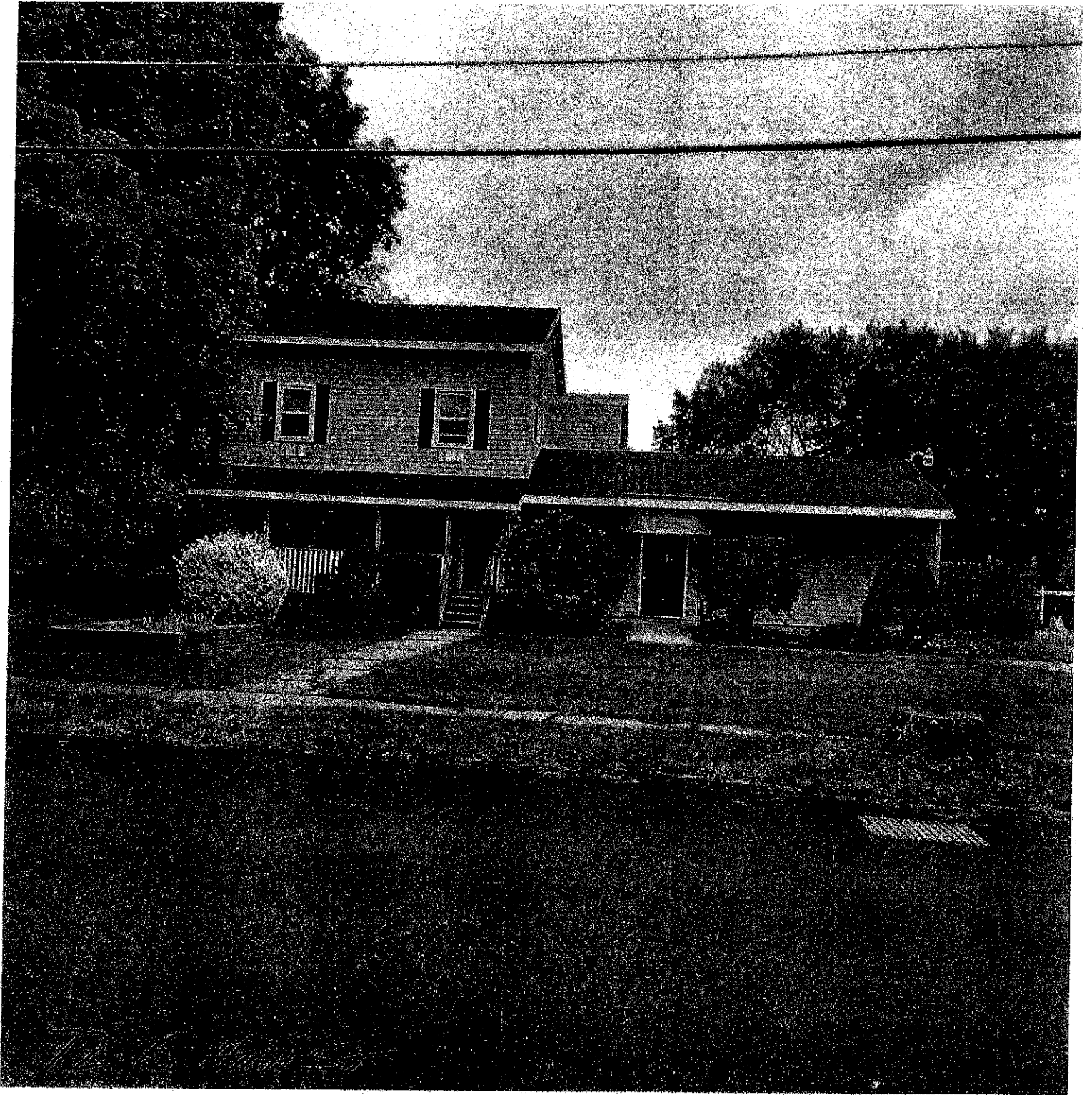
38 E. HIGH ST.



31 E. Main St.







In the Matter of the Appeal of

Teri O'Connor, Elmer Pasalic, Keegan Pasalic, and Rory O'Connor
from an Opinion of the Historic District Commission
of the Village of Ballston Spa of October 13, 2022 regarding
25 East High Street, Ballston Spa, NY

REPLY OF THE
HISTORIC DISTRICT
COMMISSION

TO: The Zoning Board of Appeals of the Village of Ballston Spa:

The Historic District Commission of the Village of Ballston Spa offers the following as a reply to the Application for Appeal from its decision of October 13, 2022 affecting the premises at 25 East High Street, Ballston Spa, NY

Purpose of the Historic District Commission

Powers given to the Historic District Commission exist because the Village of Ballston Spa determined the preservation of structures of historic, architectural and aesthetic value safeguards the heritage of the village, enhances the education, pleasure and welfare of its citizens, and stabilizes and enhances property values. (Section 205-34.A)

Process of Decision Making

In recent years, Historic District Commission (HDC) members have made it a practice to meet at a property with the owner or owner's representative to discuss the substance of the owner's request for a building permit. Generally, documentation accompanying a building permit application lacks sufficient detail to allow an assessment of a project's design. In this matter before the Zoning Board, the application included a simple elevation without measurements and scale. Rather than denying an application and requiring the applicant to resubmit with detailed elevations incorporating recommended changes, the HDC resorts to conditioned approvals with required changes laid out in written form. Most meetings with owners involve an explanation of the owner's needs and desires, application of the HDC law, and a result which the owner believes to be doable and Commission members believe conforms to the law. The meeting with the owners of 25 East Street and Commission members was not an exception.

Facts

On September 20, 2022, appellants applied for a building permit to convert a garage at 25 East High Street into an accessory residence. It was denied by the building inspector the next day, and appellants were advised a variance was necessary from the Zoning Board. A copy of the denial was sent to the Zoning Board Chair. An application for a variance was submitted by

appellants on October 3, 2022. The denial letter and application were provided to the HDC on that same day by email to the Chair. On request, an engineered floor plan was also supplied. As of October 5, appellants indicated there were no elevations reflecting the proposed modification. On October 7, appellants supplied a computer-generated rendition of the proposed front elevation and a meeting of the HDC was set at 25 East High Street on October 13, 2022 at 4:30 pm for the convenience of appellants, and the Village Administrator was requested to post a notice. The Zoning Board had not yet met to determine the appeal for a variance.

The meeting was held by the sidewalk outside 25 East High Street with four of the five HDC members and Terri O'Connor, the life tenant of the premises and future resident of the proposed accessory structure, and her daughter and son-in-law, Elmer and Keegan Pasalic. The HDC determined only the front elevation of the building was under the Commission's jurisdiction because the other sides could not be readily seen from the street. After an open discussion concerning options to redesign the façade of the garage to complement the main house, the HDC passed the following by a vote of 3 in favor and one abstention:

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 decision was accompanied by a note regarding possible changes in window location and number:

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 facade, the application is to be returned to the Commission for a summary review of the modification.

Appellant was ultimately successful in obtaining a variance, a building permit was issued and construction began. No new plans or layouts, as required by the HDC's decision, were

produced by appellants or demanded by the Building Inspector. It is unclear when the building permit was issued and when construction began. According to Appellants' narrative, interior framing, windows and siding were completed in May 2023, six months after the HDC decision.

At a scheduled and noticed monthly meeting of the HDC on May 18, 2023, members discussed 25 East High Street's failure to be constructed in conformity to the October 13 decision. The minutes of the meeting stated:

The topic was discussed regarding a request for a stop-work order at 25 East High Street for failing to follow the decision of the HDC. It was felt enforcement was the obligation of the building inspector. There was a recommendation that powers of review and investigation could be added to the commission's powers.

As a result, a communication was transmitted to the Building Inspector later that day:

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 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 easily 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.

Two days later, the HDC Chair received an email from Rory O'Connor, who stated he was working with the appellant, Teri O'Connor. In relevant part it stated:

While the items pointed out in your memo are not in concert with your Board's recommendations, I accept responsibility for making the decisions which have led us here. Some were oversights, some were due to space and Code light vent 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. Thanks John; I am free later this week Th/Fr if that works for you or next week after the Holiday.

After discussion with HDC members, it was decided that talking directly with the applicant's representative would undermine the role of the Building Inspector and that communication should go through the Building Department. That sentiment was passed on to the Building Department.

On or about June 13, 2023, this appeal was submitted to the Building Department.

POINT ONE
The Appeal is Untimely

The Historic District Law Section 205-41 does not specify a time by which an appeal to the Zoning Board must be made but refers to the existing procedure of the Board. "Any person aggrieved . . . may take an appeal therefrom to the duly constituted Zoning Board of Appeals in the same manner as is provided for zoning appeals. . ."

This language embraces existing Zoning Board procedure without having to restate it. That procedure is laid out in Section 205-70 C:

An appeal from a determination of the Building Inspector may be taken by an aggrieved person or by an officer, department or board of the Village of Ballston Spa. Such appeal shall be taken within 30 days of the date of the decision by filing with the Building Inspector and the Zoning Board of Appeals a notice of appeal specifying the grounds thereof. All appeals shall be made in writing, on forms provided by the Board. The Building Inspector shall then transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed was taken.

Accordingly, because far more than 30 days has elapsed since the Building Inspector issued a permit based on the HDC's decision, the present appeal is to be denied as being untimely.

Even if the 30-day period for an appeal did not exist, the appeal should be dismissed due to laches. Laches is fully discussed by the New York Court of Appeals in Saratoga County Chamber of Commerce, Inc v. Pataki, 100 NY2d 801, 798 NE2d 1047, 766 NYS2d 654 NY 2003. In that case, the Court defined Laches as, "an equitable bar, based on a lengthy neglect or omission to assert a right and the resulting prejudice to an adverse party. The mere lapse of time, without a showing of prejudice, will not sustain a defense of laches." [Citations omitted]

If the 30-day statute of limitations did not exist and no work had been carried out on the garage's facade at 25 East High Street, there would be no question, the appeal could be heard. However, as confirmed by the email from Rory O'Connor to the HDC Chair, work on the facade of the accessory structure was knowingly carried out in defiance of the HDC's decision. The Village of Ballston Spa, through its Building Inspector and HDC, has been put in a prejudicial position in seeking an acceptable compliance with the law. Delaying an appeal until after compliance was

sought by the Building Inspector implies there was no intention to pursue a timely appeal. Rather, the appeal becomes a tactic to confirm past action which is otherwise not allowed.

Due to the delay in pursuing an appeal until after the Village is placed in a disadvantage in carrying out its law, this appeal should be denied due to laches, if the 30-day limitation period does not apply to this situation.

POINT TWO

Zoning Board Appellate Discretion

The Historic District Law Section 205-41 seemingly gives the Zoning Board extremely broad powers constrained by Chapter 205 and provisions of law:

[The Zoning Board] after proceeding in the same manner as is provided for zoning appeals and with the same power and authority therein vested in [deciding] upon appeals before it under the provisions of law and this chapter and in the exercise of the Building Inspector.

While this mandate may sound limitless, it is not. Included in the terminology, "provisions of law and this chapter." The Historic District Law gives the HDC power to "give consideration to any factors it may deem pertinent" (Section 205-36) The Zoning Board is not given the discretion of considering any factors it may deem pertinent. The Zoning board is initially constrained from substituting its judgment for that of the HDC and hold a "hearing de novo," ignoring the action of the HDC.

As stated in Appellants' narrative, the primary question before the Zoning Board is whether or not the decision of the HDC is arbitrary and capricious. "Arbitrary and capricious" is a well-defined standard against which governmental conduct is measured in proceedings brought under the Civil Practice Laws and Rules Article 78.

The New York Court of Appeals laid out the concept in Ward v. City of Long Beach, 20 NY3d 1042, 985 NE2d 898, 962 NYS2d 587, NY Slip Op. 954 (NY 2013). "[T]he issue is whether the action taken had a 'rational basis' and was not 'arbitrary and capricious.' 'An action is arbitrary and capricious when it is taken without sound basis in reason or regard to the facts. If the determination has a rational basis, it will be sustained, even if a different result would not be unreasonable.'" (Citations omitted)

Should a determination of the HDC have been made without a rational basis and a conclusion that it was arbitrary and capricious, the law does not give the Zoning Board the option of remanding the decision to the HDC. In that situation, the Zoning Board would have to look at the facts and modify the decision to properly conform with the Historic District Law. The lack of power to remand is consistent with other portions of the statute which attempts to minimize red

tape for the property owner. It would be at that point the Zoning Board would look into applying the standards in the Historic District Law.

POINT THREE

HDC's Decision has a Rational Basis

Throughout the HDC's decision there are various references that the remodeled garage is an accessory structure of the main house and is to reflect architectural elements of the house. The building is obviously much smaller than the main house and, therefore, identically sized architectural elements would appear too large for the smaller structure if applied without a proportional reduction. Rather than demanding the property owners to pay for architectural renderings to be reviewed and approved by the HDC, the owner was allowed to modify plans of the computer-generated picture of the south elevation to conform with the decision. It was anticipated the change would be reviewed by the Building Inspector.

Applying the Historic District Law to a conversion of a relatively modern garage into an accessory residence demanded the HDC to extrapolate from the law's guidelines. The Historic District Law was written before it was acceptable to convert carriage barns into residences, and the law does not address that process directly.

For instance, Section 205-36 A (5), if applied, would have prevented the conversion completely. The building's cubical contents, gross floor area, and height are totally dissimilar with all residences within 250 feet. The law refers comparisons in several sections to other buildings fronting the street. Accessory structures face the backs of main residences, not the street. The HDC recognized the accessory dwelling/modified garage is to be subordinate to the main house. As such, it would take its architectural clues from the main house. If the two buildings are not compatible in appearance, a visual dissonance results which devalues other properties in the area. The effect extends throughout the Historic District, because if it happens at 25 East High, it can happen on any other property. People are willing to pay top dollar if visual impacts are pleasant. As the Law's purposes point out, aesthetic are important.

For instance, although vinyl siding is not favored, the property to the east of 25 East High Street was allowed by the HDC to replace existing vinyl siding because it was important for the main house to appear compatible with a large building at its rear.

Appellants appear to miss this point. The existence of other houses in the Historic District with vinyl siding would only be a relevant argument if this garage modification was behind a vinyl-sided house. It isn't. 25 East High is wooden clapboard. Its accessory structure should appear to be also.

The accompanying photographs taken recently of the main house and the façade of the modified garage exhibit the stark difference between what was directed by the HDC's decision and what was done to the accessory building. The frieze, corner board, and water board on the

house are significant architectural elements. There are no frieze or water boards on the new façade, and the channel into which ends of the vinyl siding terminate is too thin to represent a corner board. The double window on the house is twice as high than it is wide. The double windows inserted in the accessory dwelling are twice as wide than high. The three vertical framing members of the house's double windows are of equal width. The distance between windows on the accessory structure is minimal. It is conceded wooden clapboards were to be used, not vinyl.

Appellants' arguments why the HDC's decision is arbitrary and capricious are not convincing:

1. "Overly costly." The HDC commission came to its decision in the presence of the owners, and cost concerns could have been raised at that time. They were not.

2. "Not in keeping with the nature of the renovation." The nature of the renovation is to create a residence which is accessory to the principal residence. The design elements required by the HDC tied the renovation to the main structure. The proposed design and what was constructed visually separate the two structures, making them appear unrelated to each other.

3. "Actual age of the structure." The principal structure's age is of overriding importance, especially in this case where the garage was a utilitarian structure and lacked notable architectural elements.

4. "Compatibility with the existing neighborhood." Almost all accessory structures in the neighborhood, whether barns, garages, accessory residences, or casket showroom, reflect the architecture and presentation of the main structure on the lot. The appearance of the garage modification at 25 East High Street is about the only accessory structure that does not.

5. "Vinyl siding eliminated carpenter bee infestation." This was not an issue at the time of the HDC's decision. In any case, chemical extermination is the preferred method of ridding a structure of carpenter bees. If the queen bee escaped from the vinyl siding, the colony may now be in another part of the structure.

Conclusion

Members of the HDC request the Zoning Board of Appeals to sustain the determination of October 13, 2022 and dismiss the appeal.

Should the Zoning Board dismiss this appeal because it was not timely brought or the determination of the HDC was neither arbitrary nor capricious, the matter returns to the Building Department for the Building Inspector to determine the process of enforcement. One viable option for the Building Inspector to sit with the owners and the HDC to hammer out a solution.

It was not for an owner representative to directly contact the HDC, which has no enforcement power.

Respectfully Submitted,
Historic District Commission
Of the Village of Ballston Spa
Carrie Chapman
John J. Cromie, Chair
Steven Springer
Gary Stephenson, Vice Chair