

REC'D
APPEAL TO THE BALLSTON SPA ZONING BOARD OF APPEALS
PURSUANT TO SECTION 205-70 (C)
BY GARY AND MARILYN STEPHENSON
FROM A DECISION OF THE BUILDING INSPECTOR.

BUILDING
DEPARTMENT

DEC 30 2024

VILLAGE OF
BALLSTON SPA

To the Zoning Board of the Village of Ballston Spa:

I, G. Preston Lewis, reside in the Historic District of the Village of Ballston Spa, have invested in historic renovations of our home at 38 East High Street, and depend on the Historic District Commission to protect our investment and the character of the community.

We hereby appeal the decision of the Building Inspector to issue a Building Permit to Applicant Ryan Douglas ("Applicant") in relation to 103 East High Street, Ballston Spa (216.33-2-28). Upon information and belief, said building permit was issued on or about November 27, 2024. The Building Inspector has refused to provide your Appellants with a copy of said Building Permit and has forced us to seek it through the FOIL process, which has not been completed.

The basis of appeal is that the Building Permit fails to contain conditions as issued by the Historic District Commission on July 1, 2024, at a duly convened meeting of the Commission at which the Applicant provided his plans for renovation of 103 East High Street and a hearing was had and a decision was rendered. At the time, the Applicant appeared to be in agreement with the decision, and the decision was not appealed. It remains in full effect.

Specifically, the Commission required:

"After discussion, it was moved by Carrie Chapman and seconded by Steve Springer, that the HDC approve the elevations with the following modifications:

1. Window shutters are to be eliminated.
2. Windows are to be one-over-one, double hung, and the same size as original existing windows.
3. All entry doors are to be with a rectangular single light in the upper portion and a single panel below,
4. Cellar windows are to be the original size, single light, and an awning style.
5. Original cornice is to be retained and the burned area replaced with designs that are the same or substantially similar as the original.
6. Steps to entrances may be removed and replaced with wooden steps complying with code. Accompanying railings may not be installed until the HDC approves their design.
7. The siding of the building is to be stucco or a stucco substitute which has the same appearance as existing stucco after painting.

The motion passed with a unanimous vote. It was noted changes in design resulting from site plan review may have to come back to the HDC.”
(SEE ATTACHED MINUTES)

Pursuant to sections 205-39 and 205-40, if the Building Inspector issues a building permit, it is to be conditioned upon the restrictions, determinations and/or conditional approval of the Historic District Commission as set forth in its above decision.

A different façade treatment for 103 East High Street was presented to the Planning Board during site plan approval. The different façade does not comply with the conditions in the Historic District Commission’s approval of the building permit for 103 East High Street. Upon information and belief, the Planning Board approved the site plan with the different façade. Upon information and belief, the building permit allows the façade of 103 East High Street as presented to the Planning Board in complete disregard of the decision of the Historic District Commission. Further, this façade is visible from my porch and cupola adversely affecting the sizable investment I made in my property. This investment was made because of the protection the Historic District afforded. The decision to abandon the HDC guidelines and subsequent requirements puts my property at risk and erodes the character of the district and our investment.

Section 205-85 empowers the Planning Board to engage in façade review only in business districts and refers to standards to guide the Planning Board. Nowhere else in the zoning code are standards to guide the Planning Board when reviewing a structure’s façade, and without standards, any governmental decision is subject to being arbitrary and capricious and contrary to law. Also, without standards to follow, the Planning Board has no authority to usurp the role of the Historic District Commission.

The Building Inspector’s issuance of a Building Permit absent the conditions of the Historic District Commission was outside of the Building Inspector’s authority and contrary to the Village Zoning Code. The Building Inspector should be required to issue a building permit conforming to the decision of the Historic District Commission. The Appellant hereby asks the Zoning Board of Appeals to annul the building permit issued on or about November 27, 2024, and require the Building Inspector to reissue it conforming to the July 1, 2024, decision of the Historic District Commission.

Dated: December 26, 2024

Yours,



Keith Lewis

(POA for G. Preston Lewis)



VILLAGE OF
BALLSTON SPA

DEC 30 2024

BUILDING
DEPARTMENT

HISTORIC DISTRICT COMMISSION
VILLAGE OF BALLSTON SPA
JULY 1, 2024

Meeting was called to order on the sidewalk by 103 East High Street on July 1, 2024 at 9:30 AM. Present in person: Members Carrie Chapman, John Cromie, and Steve Springer and Applicants Ryan Douglas and Scott Bianchi. In virtual attendance: Member Gary Stephenson, Atty Stephanie Bitter, Esq. (Toward the end of the meeting, the transmission ended.)

Minutes of June 17, 2024, relating to 15 W. High were reviewed and approved.

Architectural elevations of the completed building showing the condition of the fully renovated structure were reviewed by the committee. The elevations are attached and made part of the decision for point of reference only.

It was noted the building is a transition from Craftsman style to Art Deco and is the only example of its kind in the village. It would not have had shutters. Those that exist were added perhaps 50 or 60 years ago. The one-over-one double hung windows are most likely original. If possible, they should be preserved and storms used, but due to the state of the building, that may not be possible. Their configuration, material, and size should be retained. It was noted cellar windows have been replaced and are not appropriate. Originals were probably single light awning windows.

The applicants noted they expected to replace the burned cornice with cornice of similar if not identical design as the remaining cornice. It was noted the porches, when built, may have had screens. But it was determined screening was not necessary for the renovation. Entry doors and screen doors are all replacements and inappropriate in design. Original doors of the period often had a large single light with simple paneling below.

Concrete steps to the ground level porches are probably original but are in major disrepair and not code compliant. It was agreed that new steps will be constructed of wood and painted. Applicants will provide designs for railings to the Commission for approval.

All repairs and replacement to the exterior body of the building are to have a stucco finish or a modern finish that appears to be stucco.

It was noted the Commission has no jurisdiction over color, but painting the body white with black trim would be inappropriate for the building. The structure was originally unpainted allowing the natural stucco color to show. Because of repair patches, the building must be painted. Applicants asked HDC members for suggestions for paint

colors. It was also noted the HDC has no jurisdiction over portions of the building not visible from the street

After discussion, it was moved by Carrie Chapman and seconded by Steve Springer, that the HDC approve the elevations with the following modifications:

1. Window shutters are to be eliminated.
2. Windows are to be one-over-one, double hung, and the same size as original existing windows.
3. All entry doors are to be with a rectangular single light in the upper portion and a single panel below,
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The motion passed with a unanimous vote. It was noted changes in design resulting from site plan review may have to come back to the HDC

Meeting was adjourned.