

**Town of Clifton Park**  
Clifton Park, New York 12065 (518)371-6651  
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**ZONING BOARD OF APPEALS**  
**Minutes**  
**November 20, 2018**  
**7:00 PM**

**Present:** Chairman Dudick, Lisa McCoy, Jerry Cifor, John Klimes, Michael Bloss, David Donohue, alternate

**Absent:** Chris Lemire, Mario Fantini

**Also Present:** Neil Weiner, Esq., ZBA Counsel  
Steve Myers, Director, Building and Zoning  
Meg Springli, Secretary

The meeting was called to order at: 7:06 pm.

PLEDGE OF ALLEGIANCE  
ROLL CALL

Chairman Dudick noted that the Mr. Donohue would be a voting member in the absence of Mr. Lemire. Then the chairman noted that all applications require at least 4 affirmative votes to pass.

**OLD BUSINESS:**

NONE

**NEW BUSINESS**

- 1) An application from **Partners II LTD** for an area variance from Section 208-38C, to build additions onto existing building in a B-3 zone. The only addition requiring a variance is at the front of the building. 14' roof addition proposed. 80' front setback required, 66' available, 14' variance required. Property is located at 135 Lapp Rd, Clifton Park, NY 12065 (Permit #81187)

This application was deferred to December 4th

- 2) An application from **Stephanie Rocklin** for an area variance for a sign from Chapter 171, Table I. Setback required for a freestanding sign in a B-3 zone is 15'. Sign is installed at 6' off Property line. 9' variance required. Property is located at 521 Vischer Ferry Rd., Clifton Park, NY, 12065 (Permit #81189).

The secretary read the notice as it was published in the Daily Gazette.

Keith Buff, consultant for the applicant, Stephanie Rocklin, for a project on property owned by Dr. Neda Azadivatan was asked to represent the applicant at tonight's meeting. Mr. Weiner noted that an Owner Authorization form acknowledging Mr. Buff as a representative was not provided to the Board and that one would need to be sent to include in the application file. Mr. Buff explained that a sign was installed by a contractor on the property only 6 feet from the property line. The applicant is requesting a variance to allow the sign to remain at its current location. A letter from the applicant dated September 27, 2018 has been placed in the file. It was noted that other signs along Vischer Ferry Road appear to be within the right of way in line with the location of this sign.

#### Discussion

Mr. Bloss asked if contractors are measuring from the road rather than the right of way. Mr. Myers agreed that that was likely.

There being no further comment, Dudick made a motion, seconded by Cifor, to close the public hearing at 7:21 pm. All in favor, none opposed.

Mr. Myers noted that the application was a Type II action pursuant to SEQR and no further action was required. Saratoga County issued a letter of no significant county wide impact. Mr. Myers also stated that the signs visibility heading northbound would be diminished if they moved it back and he agreed that it was positioned in line with the other signs along the roadway. Mr. Myers then added that he felt there would be no issue with any future road widening.

Mr. Klimes moved, seconded by Mr. Cifor to approve the area variance as requested.

Mr. Klimes stated that the variance would not create undesirable change, it was inline with other properties in the area. Then he stated that there were other reasonable methods of achieving the result as was already demonstrated but they were not optimal. Then he stated that he felt the request was not substantial; nor would it create an adverse effect on the environment. The board member also noted that he felt the hardship was self-created but the application was minimal.

Ayes: Chairman Dudick, Lisa McCoy, Jerry Cifor, John Klimes, Michael Bloss, David Donohue

Noes: none

Motion Approved

- 3) An application from **AJ Signs** for an area variance for a sign from Chapter 171, Table I for a New freestanding sign in a B-4A zone. Applicant requests 0' setback from property line, 15' required, 15' variance required. Applicant requests to install a sign panel for the Shenendehowa

District offices on this sign. Shenendehowa building is on a different parcel then this sign and building is in Town of Halfmoon. Property is located at 2 Chelsea Place, Clifton Park, NY 12065 (Permit #81190)

The secretary read the notice as it was published in the Daily Gazette.

Consultant, Tom Wheeler with AJ Signs, representing the applicant, stated that they would like to replace an existing sign that exists to enable residents to find the Shen District offices which are located at the rear of the entrance. It was explained that the property where the sign is located is a separate parcel. The sign is in the Town of Clifton Park and the offices are in Halfmoon.

#### Discussion

There being no further comment, Dudick made a motion, seconded by Bloss, to close the public hearing at 7:28 pm. All in favor, none opposed.

Mr. Myers noted that the application was a Type II action pursuant to SEQR and no further action was required. Mr. Myers cannot find previous variances for this location. Saratoga County issued a letter stating that it found no county wide impact. Mr. Weiner stated that he did not find an issue with placing a sign in Clifton Park for property in another town.

Mr. Dudick asked if this was replacing a similar sign in the same location. Mr. Myers responded that it was.

Mr. Klimes moved, seconded by Mr. Bloss to approve the area variance as requested.

Mr. Klimes stated that the variance would not create undesirable change. Then he stated that there were other reasonable methods of achieving the result but none were better. Then he stated that he felt the request was not substantial; nor would it create an adverse effect on the environment. The board member also noted that he felt the hardship was self-created but the application was insignificant.

Ayes: Chairman Dudick, Lisa McCoy, Jerry Cifor, John Klimes, Michael Bloss, David Donohue

Noes: none

Motion Approved

- 4) An application from **Peter & Donna Bond** for an area variance from Section 2080-12 for the front setback for an accessory structure in an R-1 zone. 80' required, 72' available, 8' variance required.

Property is located at 54 Shadow Wood Way, Ballston Lake, NY 12019 (Permit #81191)

The secretary read the notice as it was published in the Daily Gazette.

Applicant, Peter Bond explained that he would like to build a single car garage on his property and needs a variance to do so. He submitted a sign off from each of his neighbors. Mr. Dudick noted that a form was not dated and Mrs. Reed completed it at the meeting.

Mr. Cifor commended the applicant for reaching out to the neighbors and getting their signatures ahead of the public hearing. Mr. Cifor stated that he felt this was a reasonable application.

There being no further comment, Dudick made a motion, seconded by Bloss, to close the public hearing at 7:35 pm. All in favor, none opposed.

Mr. Myers noted that the application was a Type II action pursuant to SEQR and no further action was required. The Chief Zoning Officer said that he felt this was a minor request, there were no issues seen, and that an existing fence would be in the way if they located the building elsewhere on the property.

Mr. Cifor moved, seconded by Mr. Klimes to approve the area variance as requested.

Mr. Klimes stated that the variance would not create undesirable change. Then he stated that there were no other reasonable methods of achieving the proposed. Then he stated that he felt the request was not substantial; nor would it create an adverse effect on the environment. The board member also noted that he felt the hardship was self-created but the application was not preclusive.

Ayes: Chairman Dudick, Lisa McCoy, Jerry Cifor, John Klimes, Michael Bloss, David Donohue

Noes: none

Motion Approved

- 5) An application from **Rachel Fleischman Mabb** for an area variance to build an addition onto a pre-existing non-conforming residence in an HR Hamlet Residential zone. Front setback required = 50', 0.7' available, 50' variance required per Section 208-17C(3). Accessory building needing a variance from Section 208-12A, 10' required, 2.5' available, 8' variance required. Property is located at 5 Church Rd., Rexford, NY 12148 (Permit #81192)

The secretary read the notice as it was published in the Daily Gazette.

Applicant, Rachel Fleischman Mabb, explained that she would like to build an addition on to the house to include room for her mother. Stated that her neighbors were notified.

There being no further comment, Dudick made a motion, seconded by Bloss, to close the public hearing at 7:41 pm. All in favor, none opposed.

Mr. Myers noted that the application was a Type II action pursuant to SEQR and no further action was required. Mr. Myers explained it was an old section of town and many lots do not conform to today's zoning standards and that this variance would be bringing the property into conformance.

Mr. Dudick confirmed that the applicant would not build any closer to the road than the existing structure. It was noted that the house was about 110 years old. Mr. Dudick asked if there was any historical significance to the application. Mr. Myers stated that Historic Preservation might review it once there was a building permit application, if the variance was granted.

Mr. Dudick moved, seconded by Mr. Cifor to approve the area variance as requested.

Mr. Dudick stated that the variance would not create undesirable change. Then he stated that there were not other reasonable methods of achieving the result based on the property. Then he stated that he felt the request was substantial but that since the building predates zoning code, it was reasonable; and it would not create an adverse effect on the environment. The board member also noted that he felt the hardship was self-created but the application was not preclusive.

Ayes: Chairman Dudick, Lisa McCoy, Jerry Cifor, John Klimes, Michael Bloss, David Donohue

Noes: none

Motion Approved

**Minutes**

It was noted that the Minutes from October 16, 2014 will be approved at Dec. 4<sup>th</sup> meeting

A woman who identified herself as “a mom” asked that the students present at the meeting participate a bit in the public process. The chairman invited them to speak at the podium, and each student did so. Mr. Dudick and Mr. Weiner explained a bit about the role of the Zoning Board.

Mr. Dudick moved, seconded by Ms. McCoy to adjourn the meeting at 7:55 pm.

All in Favor. None opposed.

Respectfully Submitted,

  
Meg Springli