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CLIFTON PARK  
TOWN CLERK

## Town of Clifton Park Zoning Board of Appeals

One Town Hall Plaza  
Clifton Park, New York 12065  
(518) 371-6054  
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## Zoning Board of Appeals

March 2<sup>nd</sup>, 2021

**Present:** Chairman Michael Dudick, Christopher Lemire, Randy Gifford, Mario Fantini, John Klimes, Lisa McCoy,

**Absent:** Jerry Cifor, YiFengWang (alternate)

**Also Present:** Steve Myers, Director, Building and Zoning  
Paula Cooper, Secretary

The meeting was called to order at 7:00 p.m.

Mr. Dudick recused himself from the applications tonight. Mr. Lemire led the meeting.

All stood for the Pledge of Allegiance. Roll call was taken.

Mr. Lemire told the applicant that per Town Code that the applicant would need 4 out of 5 of the Board members to vote in favor of the application to pass. He let the applicant know that there are only 5 voting members of the Board here tonight, so that 5 members need to vote in favor tonight to grant the variances. He asked the applicant if they would like to come back at a later date or if they would like to proceed knowing the Board tonight needs to vote in favor of the application with 4 votes.

The applicants stated they would like to continue tonight knowing 5 votes need to be in favor of the application tonight.

**Old Business:**

*An application from AJ Sign requests a variance for additional wall signage. Currently wall signage is at maximum allowed or two wall signs at 30 sf each. Variances required 1) Third wall sign. 2) Additional 63 sf of wall signage. Property is located at 1768 Route 9, Clifton Park, NY 12065. (Permit #81273)*

**Applicant:**

Tom Wheeler - AJ Sign – Mr. Wheeler stated he is here tonight on behalf of Ortho NY. He stated that Ortho NY has an urgent care facility on the premises and would like signage to indicate that Mr. Wheeler stated that this has been done across the country and now in New York. Mr. Wheeler stated these services are so if someone breaks a leg or needs help on the weekends an orthopedic is available. Mr. Wheeler stated that Ortho NY would like a sign that is visible from the roadway so that it is easy to find.

**Public:**

No public comment

Mr. Lemire moved, second by Mr. Fantini to close the public hearing.

**Board:**

Mr. Gifford asked if the urgent care would be open 7 days a week. Mr. Wheeler stated he did not know this information.

Mr. Lemire stated that the existing sign that is on the south facing side building looks nice and is under an awning of sorts and looks like where patients would enter. Mr. Lemire is and asked where the new sign would go. Mr. Wheeler stated that the new sign would go under the old one on the east side of the building over the door facing Route 9 and is a staff entry door. Mr. Lemire asked if they already have a sign and they want to add to it, then they wouldn't need a third sign variance, just an area variance. Mr. Myers commented that the application is similar to the Ellis urgent care that faces I87 and if this was done originally then it would be considered one sign. Mr. Wheeler stated that they would like better visual from Route 9 and then possibly have directional signs when on property. Mr. Lemire asked why it wasn't put on the original sign. Mr. Wheeler stated that urgent care concept is new to them and Ortho NY has been around a while.

Mr. Lemire asked if the application could be amended to reflect one sign with an area variance for the addition of the extra letters for "urgent care." Mr. Myers stated that it can be done and that he does not have a problem with it. Mr. Lemire asked if the entire building us an urgent care or if only a portion of it is and there are doctors who see patient there routinely. Mr. Wheeler stated both urgent. Mr. Lemire asked why then do the sign need to be so big. Mr. Wheeler stated that the urgent care needs to be seen when people need the help, not just for an appointment. Mr. Lemire stated that how people would differentiate between the urgent care and the doctor's

office since the sign would be over a staff door. Mr. Myers stated that the door is in the area of the sign but the overhangs on the buildings are put in places so that people know where to go Mr. Myers stated that they want visuals from Route 9. Mr. Myers agreed with the applicant that there may need directional signage for the parking lot that if small enough would not need to come back to the board.

Mr. Gifford stated that he is a patient at the facility and stated that the urgent care is nice. He stated that if someone were driving by and needed emergency services that they would see the signage and pull in.

Mr. Myers stated that he received a letter from the County and it stated that they found no county impact. Mr. Myers stated that this is a Type II action and that no further SEQOR is needed. He stated that the variance can be changed to reflect only having an area variance for the sign as this can be considered an addition and that he is ok with making the changes since the letters would have gone up separate anyway. He stated that this would decrease the variances which are positive changes as well. Mr. Myers stated that the building is 40,000 square feet so the addition to the sign is not a lot.

**Public:**

No public comment

Mr. Lemire moved, second by Mr. Fantini to close the public hearing.

Mr. Gifford moved, second by Mr. Fantini, to approve an amended sign variance for an additional 63 square feet added to current sign. The property is located at 1768 Route 9, Clifton Park, NY 12065.

Mr. Gifford read the Area Variance Criteria, Mr. Gifford answered in favor to all 5 criteria.

The Secretary called the Vote:

**Ayes: 5**

**Noes: 0**

**New Business:**

*An application from AJ Sign requests a variance to replace existing freestanding sign at 1783 Route 9 with a new sign for both 1783 & 1785 Route 9. Applicant also proposes a new freestanding/directional sign for 1783 Route 9 which would be a second freestanding sign on the parcel. Variances needed: 1) Chapter 171, Table 1 allows one freestanding sign per parcel. Second sign proposed; 2) Per 171-4.H.(1) no off premises sign allowed. Proposal is to be facilities at 1785 Route 9 on to the sign at 1783 Route 9. Property is located at 1783/1785 Route 9, Clifton Park, NY 12065. (Permit #81274)*

**Applicant:**

Tom Wheeler – AJ Sign – Mr. Wheeler stated that if you were looking into the sight from Route 9 1783 would be on the left and 1785 would be on the right. Mr. Wheeler stated that a sign was to originally go on the 1785 side of the property but the utilities running along the road is there and a sign could not be put in. Mr. Wheeler stated that 1783 has a sign already on the property but the proposal is to take it down and out up a larger sign for both 1783 and 1785. He stated that the proposal is to separate the two building signs with a column down the middle and have 1785 sign with tenants listed and the other side 1783 with tenants so that it can be seen from the road. He stated that when you proceed in, each building would have their own directional sign for tenants. He stated that there are multiple practices so the signage is important to help the community find where they need to go. Mr. Wheeler stated that one sign is better for this area as two monument signs would be a tight fit and would be harder for the community driving by to locate as well as keeping the area cleaner looking.

**Board:**

Mr. Wiener asked if bit of the parcels have the same owner. Mr. Wheeler stated that they do not. Mr. Matt Paulsen stated that 1785 is owned by 1785 Route 9 Real Estate Group which is made up of the doctors and that 1783 is owned by another group.

Mr. Fantini asked if there was an agreement between the two owners for the signage or an easement. Mr. Paulsen stated that both parties have come together with this proposal.

Mr. Weiner asked where the current sign is now. Mr. Paulsen stated it is 1783 and that is where the new sign is proposed as well just moved away from the road a bit and be larger. Mr. Weiner asked if the owner of 1785 is willing to waive their right to another sign on their own property in the future. Mr. Paulsen stated there is but there is nothing in writing stating so. Mr. Weiner stated he would like confirmation for the Board. Mr. Paulsen stated that 1783 would have a small directional sign on their property so that would fulfill their one freestanding sign that is allowed. Mr. Weiner asked Mr. Myers if this was satisfactory. Mr. Myers stated that the sign that 1783 is going to have is classified as their freestanding sign, the second freestanding directional sign on 1783 is substantial in size and this is what the second sign variance is.

Mr. Lemire asked if the large sign on 1783 building would be removed if the new freestanding sign is put in. Mr. Wheeler stated no, it is good visual for people in the community which building they are looking for when driving on Route 9. Mr. Wheeler stated that they are just trying to make it easier to find.

Ms. McCoy asked if 1783 could come back to the Bard and ask for a second freestanding sign if 1785 was granted one. Mr. Myers stated that it would be hard to do as there are utilities running along the roadway and he stated he can confirm the utilities and they have agreed to use the one sign. Mr. Wheeler stated that the directional signs would be 8 feet tall and most of it would be the post with the tenant number and the tenant name would only be about 8 inches.

Mr. Lemire stated 1783 has a large sign on the side of the building with the number and the name of the facility. He stated he understands the sign at the entry but does not understand the need for a directional sign when there is a clearly marked building sign and then a tenant sign at the front of the building. Mr. Wheeler stated that sometimes the older population have a hard time finding

places and this would help them find where they need to go. Mr. Wheeler stated that the new CDPHP building is to have a café, fireplaces, and is made to be more of a concierge type of a medical building. Mr. Lemire asked what was more important, the road sign or driveway sign. Mr. Lemire stated that pillion sign does not need a variance; the variance is for not putting on their own parcel.

Mr. Gifford asked if there is enough room in the rear of the buildings to put in another building and then ask for another roadside sign. Mr. Myers stated that there is not enough room and the town line is to the rear as well.

Mr. Myers stated that he has a letter from Saratoga County stating there is no countywide impact, this is a Type II SEQR and no further action is needed. Mr. Myers stated that he agrees with the applicant that the more signage the better for the community especially seniors and for parking flow. Mr. Myers stated that he does not have an issue with the roadside sign being larger and that the masonry columns would make it larger but nice but. He stated he feels that this is an answer to a problem for both buildings.

Mr. Weiner asked if the new sign would need an area variance. Mr. Myers stated it would not as the original allowed is up to 150 square feet. The two needed is for an additional sign and for a freestanding sign off premises.

Mr. Lemire stated that 1783 is asking for variances for 1785 and he has concerns. Mr. Lemire asked that the applicant withdraw the request for a 3rd sign and amend the application to apply for an area variance to the existing sign. Mr. Wheeler agreed to this. Mr. Lemire suggested that the applicant to considered to ensure both parties of 1785 and 1783 are in agreement of the freestanding sign that a letter from the owners of 1785 be submitted to the Zoning Board of Appeals stating that they agree with the application and waive their own right to seek a 2nd free standing sign on their parcel in the future. Mr. Paulsen stated that he agrees with this and will have a letter sent to the ZBA Attorney, Mr. Weiner. Mr. Weiner stated he would like confirmation from the property owner for this application within 2 weeks. Mr. Paulsen stated he will be able to get the letter to Mr. Weiner within 2 weeks and agreed to these conditions; Mr. Wheeler agreed as well.

**Public:**

No public comment

Mr. Klimes moved, second by Ms. McCoy to close the public hearing.

Mr. Klimes moved, second by Mr. Gifford, to approve an off premises sign variance as well as a second freestanding sign. The property is located at 1783/1785 Route 9, Clifton Park, NY 12065.

Mr. Klimes read the Area Variance Criteria, Mr. Klimes answered in favor to all 5 criteria.

Conditions:

1. Within 2 weeks the applicant needs to provide the Town with a letter from both owners of the buildings stating they agree to this and that they will not come back for further signage on their own parcels.

The Secretary called the Vote:

**Ayes: 5**

**Noes: 0**

### **Discussion:**

Chairman Dudick joined the meeting to take part in the Discussion item.

Mr. Weiner stated that at times not all Board members can make meetings and this policy provides an alternative for the minutes to be adopted timely. He stated he had a discussion with the Town Attorney, Mr. McCarthy and Mr. Myers and as a result drafted a policy, reviewed by both of them, to be reviewed tonight. He stated that it is not required by Town Code to record minutes recorded but it is useful to have minutes recorded. Mr. Weiner read the Policy being discussed for all in attendance. Mr. Weiner stated that this means if you miss a meeting following one that was attended you can still vote on the minutes of the meeting that was attended.

Mr. Fantini asked about the majority of the qualifying members and the meaning of it. Mr. Dudick stated that if there were 8 people at the meeting then the majority would be needed as well as the majority of 4 attending.

Ms. Cooper asked about a majority where there were 4 Board members in attendance and one of them is no longer on the Board. She asked if then the remaining 3 could vote and that would qualify as the majority and therefore be adopted and filed. Mr. Weiner stated that was correct.

Mr. Fantini asked if Mr. Dudick would be able to vote today since he was abstaining from the applications. Mr. Dudick stated that he would not vote for the minutes tonight. Mr. Dudick stated that technically all could vote and then Mr. Dudick would only count for the discussion tonight as it is on record that he recused himself for the applications. Mr. Lemire agreed with this. Mr. Weiner stated he would verify with Mr. McCarthy.

Mr. Lemire stated that if this is approved then after the minutes are drafted they should be approved then and not wait until the next meeting.

The policy has been approved by all in attendance and signed by Chairman Dudick.

The chairman made a motion to approve the minutes from the February 2<sup>nd</sup>, 2021 meeting. All who were present at the February 2<sup>nd</sup>, 2021 meeting voted in favor and the meeting minutes were approved.

The chairman made a motion to approve the minutes from the January 5<sup>th</sup>, 2021 meeting. A majority of all who were present at the January 5<sup>th</sup>, 2021 meeting voted in favor and the meeting minutes were approved.

The chairman made a motion to approve the minutes from the December 1<sup>st</sup>, 2020 meeting. All who were present at the December 1<sup>st</sup>, 2020 meeting voted in favor and the meeting minutes were approved.

The chairman made a motion to approve the minutes from the September 15<sup>th</sup>, 2020 meeting. A majority of all who were present at the September 15<sup>th</sup>, 2020 meeting voted in favor and the meeting minutes were approved.

Mr. Dudick, Chairman, made a motion to adjourn the meeting, Mr. Klimes second, all voted in favor and approval was unanimous. The meeting was adjourned at 8:12p.m.

The next scheduled ZBA meeting will be held on April 6<sup>th</sup>, 2021.

Respectfully submitted,

*Paula Cooper*

Paula Cooper

Secretary, Zoning Board of Appeals

## ZBA Meeting Minutes Approval

2 messages

**Paula Cooper**

To: Jerry Cifor

Cc: Neil Weiner, Steve Myers

Wed, Mar 3, 2021 at 3:13 PM

Good afternoon Jerry,

At last night's meeting the Board approved the discussion item to either email minutes approval or approve on the record. There are a number of meetings that are outstanding that I would like to get to the Town Clerk's Office as soon as possible for filing.

At your earliest convenience could you please email me back whether or not you vote to approve or not each date.

You were at the following meetings:

9/15/2020

12/1/2020

2/2/2021

Thank you so much,  
Paula

**Jerry S. Cifor**

To: Paula Cooper

Cc: Neil Weiner, Steve Myers

Wed, Mar 3, 2021 at 3:15 PM

I vote to approve the minutes from the below referenced three meetings. Thank you  
Paula. jerry

Policy to Permit the Members of the Town of Clifton Park  
Zoning Board of Appeals to Approve Minutes Either on the Record of  
Meetings or by Email

To facilitate the matter of record keeping pertaining to the minutes of a meeting of the Town of Clifton Park Zoning Board of Appeals (hereinafter CP ZBA) the CP ZBA ~~herby~~ <sup>hereby</sup> adopts as its practice and procedure, the following policy:

*D 3/2/21*

Members may attend meetings in person or electronically when electronic meetings are called, consistent with the NYS Open Meetings Law and any amendments, executive orders, or policies allowing for the same.

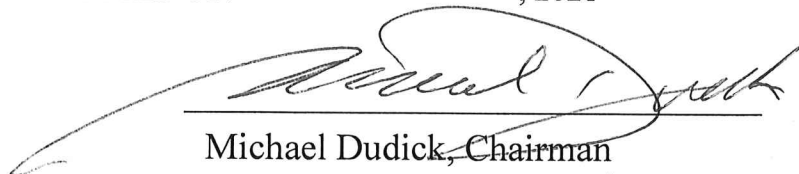
Qualified members (those who were in attendance either in person or electronically) may vote to approve the minutes at any subsequent meeting of the CP ZBA that the member may attend, or may email his or her approval of the minutes to the to the CP ZBA secretary.

Approval of the minutes shall be complete when either the majority of the qualifying members who have attended the meeting have voiced their approval on the record of any subsequent meeting, or email approvals from a majority of qualifying members have been received by the CP ZBA secretary (who shall confirm such receipt on the record of the meeting), or by any combination of voice or email approvals by the majority of qualified members, without need that the qualified members be in attendance at the same meeting.

The secretary shall attach a copy of the email approval from the member(s) to the minutes of the meeting for which approval was finalized, and include a notation of the dates of voice approvals by any other member, so that the actual minutes of the meeting show that there has been approval by the Board.

APPROVED AND ADOPTED ON

, 2021



Michael Dudick, Chairman

*3/2/21*