

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

March 18, 2025

Present: Chairman Michael Dudick, Christopher Lemire, John Klimes, Lisa McCoy, Scott Styles, Juliano Febo, Mark Brockbank, Caryl Hugg (alternate)

Absent: S. Styles

Also Present: Scott Reese, Building and Zoning
Paula Cooper, Secretary
Neil Weiner Esq., Attorney

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

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

Mr. Dudick stated with the absence of Mr. Styles, Ms. Hugg would be a voting member tonight.

Mr. Dudick told the applicant that per Town Code that the applicant would need 4 out of 7 of the Board members to vote in favor of the application to pass. He let the applicant know that there are 7 voting members of the Board here tonight, so that 4 of the 7 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 at least 4 votes.

The applicants stated they would like to continue tonight knowing 4 of the 7 votes need to be in favor of the application tonight.

Old Business:

None

New Business:

An application from AJ Signs – Thomas Wheeler is requesting two area variances, the first is from Town Code Chapter 171 Chart I – freestanding signs require a 15 foot front line setback. The proposed location of the freestanding sign is 8 feet from the frontline. A 7 foot area variance from the required 15 foot setback is being requested. The second is from Town Code Chapter 208-50.3B. no sign larger than 20 square feet shall be within the 80 for front yard setback. The proposed sign is 50 square feet. The variance requested is 30 square feet. The property is located at 1745 US Route 9, Clifton Park, NY.

Applicant:

Carly Clark stated she is here tonight for a freestanding sign. She stated that the applicant plans to replace the existing sign and would like to move it to the grassy knoll on the property as it will be easier for people to locate the building when driving. Ms. Clark stated that they need to keep away from the parking and this is why they need relief from the setback. She stated they would like relief from the sign size as well as they feel it is too small to be seen traveling on Route 9. She read from a letter written by the applicant and that the 2 existing signs would be removed if this is approved.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Febo to close the public hearing at 7:21 p.m.

Board:

Mr. Febo asked if the tree in the grassy knoll would be removed for the sign. Ms. Clark stated she does not believe it would be removed.

Mr. Brockbank asked if the tree would be blocking the new proposed sign. Ms. Clark stated she cannot speak to this at this time.

Ms. McCoy asked what the height of the sign would be. Ms. Clark stated it would be higher than the existing sign.

Mr. Dudick asked if this was a new tenant to the building looking for relief. Ms. Clark stated that this is new owner that has been there for about a year.

Mr. Lemire asked if there was a mock sign that was going to go where the prior sign is. Ms. Clark stated that they were going to do one but they didn't like it so they decided to over it. She stated that then they realized that without a variance it would be on the pavement so 2 variances are needed. She stated that there is a prior variance in place so if they left it where it is they would not need to come here tonight. Mr. Reese stated that the variance in place is in the Sign Code but in a B-4 Zone, stating noting can be within 80' of frontage. He stated that he does not know the history of the Code or the variance.

Mr. Lemire asked if they get denied this variance if they could go back to the original sign location without a variance tonight. Mr. Reese stated that they could as they already have a permit. Mr. Lemire stated if the applicant makes a grassy area in the parking for the signage then this would be one less variance and they could clean up the tree to make the sign more visible.

Mr. Febo stated he feels that the tree must come down or the variance and placement is pointless. Mr. Reese stated the tree may be part of the site plan and if they wish to remove it they may have to go back to the Planning Board.

Mr. Klimes stated that the offset of the travel on the road means the tree would not be in the way. He stated he feels coming out to the road makes sense but not to over it to the middle of the property. Ms. Clark stated that once the sign is seen then it gives little time for the driver to turn into the site.

Ms. Hugg stated that applicant could move the sign to where the Berkshire-Hathaway sign is. Ms. Clark stated the applicant does not want it at that location.

Mr. Brockbank asked if there was a sign on the building. Ms. Clark stated that there is one on the building already for the owner only.

Mr. Reese stated that this is a Type II for SEQRA and the Saratoga County Planning Board has looked at the application and has found no community impact. He stated that notices were posted on March 2, 2025 and mailings were sent on February 18, 2025. He stated that he has had only one inquiry about the project. Mr. Reese stated that per the size of the building the sign can go up to 60 sf and this variance is needed because they are in the B-4A Zone.

Mr. Lemire asked if the sign would be in the State right of way. Mr. Reese stated it would be on the owner's property.

Mr. Dudick stated he does not see a problem with the application request. He stated he feels that there are better locations for the sign but it is up to the applicant to decide where they would like to put the sign and ask for variances.

Mr. Mr. Dudick moved, second by Mr. Febo, to approve the variance as requested. The property is located at 1745 US Route 9, Clifton Park, NY.

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

The Secretary called the Vote:

Ayes: 5

Noes: 2; Mr. Klimes, Mr. Lemire

New Business:

An application from **Conhol LLC – Travis Wood** is requesting two variances, the first is from Town Code Chapter 208-11 minimum land area with central sewer only in a Conservation Residential (CR) Zone is 30,000 square feet. The pre-existing non-conforming lot size is 10,890 square feet. The variance requested is a 19,110 square feet relief. The second is from Town Code Chapter 179-26 C. in no case shall a subdivided lot have less than 40 feet of frontage on a public street. The pre-existing non-conforming lot has 0 feet frontage. The variance requested is 40 feet relief. The property is located at 167 East Side Drive Clifton Park, NY.

Applicant:

Joe Dana stated that he is here tonight as the architect for the application and the owner is here as well. Mr. Dana stated that the property has a well and public sewer will be coming soon to the roadway. He stated that there is an error on the agenda tonight and they are asking for a variance from 20,000sf not 30,000.

Mr. Weiner asked what it was advertised as. Mr. Reese stated it was advertised as 30,000 sf. Mr. Dudick stated this is less of a variance so he feels it does not need to be re-advertised. Mr. Weiner stated that the asking variance is correct and is less than advertised so he thinks the application can be heard tonight.

Mr. Dana stated that they have DEC approval for demo and it has been complete. He stated that they are here tonight asking for the variances so that they can construct a new home. Mr. Dana stated that there is no other adjacent property available to purchase to avoid the variance or to ask for a smaller one. He stated there is no grandfather clause for this land and that it used to be an old boathouse that was converted to a home.

Travis Wood stated he is the owner and that his mother and grandfather had previously owner the property and there was a half home built over the water that a prior family had built over the boathouse and he would like to build a new home and move himself and family into it.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Febo to close the public hearing at 7:43 p.m.

Board:

Mr. Dudick asked if there was any concern with erosion. Mr. Reese stated there are silk skirts installed with ACOE and DEC approval to prevent erosion. He stated that they are in the flood plain zone but the home is proposed to be built raised. Mr. Dana stated the old boathouse and

home had no setbacks and he talked with the DEC and ACOE and they wanted the home away from the shoreline. He stated that there is a flood vent foundation proposed as well as other precautions being proposed.

Mr. Brockbank asked if there was land to be purchased around this property. Mr. Dana stated that there is not and other homes in the area are similar in lot size.

Mr. Lemire asked if the home is being built to be lived in by the applicant. Mr. Wood stated that he intends to move in with his family after construction and to keep as his primary residence. He stated that due to the dangers with the existing foundation he had to move his family out of the boathouse home. Mr. Lemire asked if the lot has no frontage on a Town owner road. Mr. Reese stated the Town owned the road up to a point and then access to the lot continues with a 15' right of way to 99a and 99b. He stated that there is a right of way in the deeds so there is an easement for access. Mr. Reese stated that the lot size is a preexisting condition. Mr. Lemire stated that this is an improvement to the lot with the same situation. Mr. Reese stated this is true. Mr. Dana stated that the new home will meet the setbacks. Mr. Dana handed out renderings of the proposed home and showed pictures of the lot.

Mr. Reese stated that this is an improvement to the lot and is preexisting. He stated these proposals are bringing the lot closer to the Town Code. Mr. Reese stated that this is a Type II action pursuant to SEQRA and the Saratoga County Planning Board waived their review of the application. He stated that the notice was posted on March 7, 2025 and mailings went out the same day with no inquiries.

Mr. Brockbank moved, second by Mr. McCoy, to approve the variance as requested. The property is located at 167 East Side Drive Clifton Park, NY.

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

The Secretary called the Vote:

Ayes: 7

Noes: 0

The chairman made a motion to approve the minutes from the February 4, 2025 meeting. All who were present at the February 4, 2025 meeting voted in favor and the meeting minutes were approved. Ms. McCoy abstains.

The chairman made a motion to approve the minutes from the March 4, 2025 meeting. All who were present at the March 4, 2025 meeting voted in favor and the meeting minutes were approved. Mr. Klimes and Mr. Styles abstain.

Mr. Dudick, Chairman, made a motion to adjourn the meeting, Mr. Febo second, all voted in favor and approval was unanimous. The meeting was adjourned at 7:55 p.m.

The next scheduled ZBA meeting will be held on April 1, 2025.

Respectfully submitted,

Paula Cooper

Paula Cooper

Secretary, Zoning Board of Appeals