

Town of Clifton Park Zoning Board of Appeals

One Town Hall Plaza
Clifton Park, New York 12065
(518) 371-6054
FAX (518) 371-1136



Zoning Board of Appeals

May 6th, 2025

Present: Chairman Michael Dudick, John Klimes, Lisa McCoy, Juliano Febo, Mark Brockbank

Absent: Christopher Lemire, Scott Styles, Caryl Hugg (alternate)

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 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 5 voting members of the Board here tonight, so that 4 of the 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 at least 4 votes.

The applicants stated they would like to continue tonight knowing 4 of the 5 votes need to be in favor of the application tonight.

New Business:

An application from ABD Engineers requests an area variance for a second addition to a Special use permit (SUP). The two proposed parking area expansions are approximately 35% expansion from the original SUP. Per Town Code Chapter 208-79 G. (3) any amendment or modification we be limited to a twenty-five percent (25%) expansion of the improved area subject to the special use. An area variance is being sought for a 10% relief of the permitted 25% maximum modification to the SUP. The project is located at 14 Jarose place, Clifton Park

Applicant:

John Hitchcock, ABD, stated he is here tonight representing Starpoint Church for a 64 parking space expansion at the north end of the property. He stated the existing home will be demolished and this would be the second expansion for parking they are asking for. He stated that there is high demand for parking from the community that goes there and people have been parking on the street. Mr. Hitchcock stated in 2022 they had asked for a parking expansion and now they are back again for a second. He stated this was looked at as a whole them and the Planning Board had decided to look at other options before full build out. Mr. Hitchcock stated the church has added 2 more services to try to help with the parking but it has not and they currently need 40-65 more to get cars off the road in onto their parcel. He stated that people are now parking also in areas they are not allowed to and he is concerned about emergency vehicle access. Mr. Hitchcock stated that there is no room to expand to the south as there are wetlands in the area as well as storm water management.

Public:

Pat Rohstedt, 26 Jarose Place asked what the standing water was to the front of the property. Mr. Reese stated that it is a stormwater basin that is about 2' deep and it typically drains within 48 hours of rainfall. Mr. Reese stated that concerns with neighbors are also being addressed by the Planning Board as this is a low-lying area and they are required to address this by DEC.

Dinesh Dondapati, 25 Jarose Place stated that he moved into the home in 2019 when the church had only one section. He stated that he had no problems with the church and then in 2022 they expanded and he stated they keep expanding. He stated that he has had his children stop going out to play on Sundays due to the amount of traffic and the same is for Thursdays. He stated that the amount of growth with 150-200 parking spots added over the last few years seems a lot and asked how much the applicant is allowed to expand more. Mr. Dondapati stated he cannot go out on Sundays and asked what the plans for the church are for the next 5 years.

Mary Viscitti 520-522 Grooms Road stated that her property borders the church and she gets runoff from the church as well. She stated that the church used to be small 10 years ago and it lended to the atmosphere of the area. She stated that it feels that now it is a mega church and this was not intended for this part of Town and the resident have to conform to the church growth and feels they are expanding beyond their footprint. Ms. Viscitti stated that this will continue to be a problem and they are now removing a home to do so. She stated that the church should limit congregations and the residents should have to live with the consequences as it is feeling like a

commercial area now. Wayne Lubien, 516 Grooms Road stated that right turns out of Grooms Road would not solve the problem as he sees this play out week after week.

Mr. Dudick moved, second by Mr. Brockbank to close the public hearing at 7:45 p.m.

Mr. Dudick re-opened the public hearing at 8:04 p.m.

Board:

Mr. Dudick asked how many spaces are being proposed. Mr. Hitchcock stated they are asking for 64.

Mr. Brockbank asked if there are any concerns with runoff and if the applicant is confident that the porous pavement will resolve resident concerns. Mr. Hitchcock stated the pavement will allow water to infiltrate to the sand and move to the front of their own property. Mr. Brockbank stated that there is concern as well about the parking being so close to the property line on the west side. Mr. Hitchcock stated that they will be 15'-13' from their property line as requested by the Planning Board and a 1.5' berm.

Mr. Dudick stated that the church has grown in 3 years and asked how long they have been on the property. Mr. Hitchcock stated they have been there 10 years. Mr. Hitchcock stated that they cannot cut back on parking now nor else they will be here for a 3rd ask and stated that the number of spots being asked for tonight are based on a traffic study. Mr. Dudick stated that he feels this this is a temporary fix. Mr. Hitchcock stated that there is nowhere to expand on the site so this would be it.

Mr. Reese stated that this is an Unlisted action pursuant to SEQRA and there are no environmental impacts found. He stated that the Saratoga County Planning Board stated that they saw no intercommunity impact. He stated that they have responded to a neighbor's concern and he read them. Mr. Reese stated that public mailings went out on 4/2/25 and the public was notified on 4/26/25. Mr. Reese stated the Planning Board comments from their meeting are available for review and the Board had access.

Ms. McCoy asked if the porous pavement would affect the flow of the rain water to the management area. Mr. Hitchcock stated it would but not below the frost line so they may have difficulty in cold weather but it is typical.

Mr. Febo asked if the applicant is submitting drawings to the Planning Board and if the dry wells are existing. Mr. Hitchcock stated that they are and they are looking for a dedicated snow area and the dry wells are existing on site Mr. Febo stated that he may see concerns with ice buildup and snow melt to the road. Mr. Hitchcock stated that there is a grading change there to help bring the runoff to Grooms Road.

Mr. Klimes asked if the Town could require the applicant to remove the snow. Mr. Hitchcock stated that the Town has required that be added to the plan already.

Mr. Febo asked what is allowed for parking on the road. Mr. Reese stated that they don't want them on the road so they have used help to get people parking. He stated that more services have

been added as well as attendants. Mr. Reese stated they are allowed to park on the road just not block the road. Mr. Febo stated he would rather see cars in the lot than on the street.

Mr. Febo asked if the church would need to go to County or DOT for approval and see if they would allow a dedicated exit to Grooms Road only. Ms. McCoy agrees with an exit only to grooms Road. Mr. Reese stated that the Saratoga County Planning Board was notified. Mr. Hitchcock stated this idea was brought up at the 2022 Planning Board meeting and they could do this if the Planning Board and DOT agree. He stated he can take this back to the Planning Board to discuss.

Mr. Klimes asked if there was a template to show the 25% vs. the 35%. Mr. Hitchcock stated they would lose 18 spaces. Pastor Roscoe Lily stated that when they first purchased the building they were not out of capacity. He stated that they have 700 max people allowed in the building with 204 parking spots. He stated that the highest attended mass that they have had has had 63 cars parked on the road. Pastor Lily stated that this parking expansion is self-directed as they care about the neighborhood they are in and wants it to be safe. He stated that the Planning Board has asked them to offer more services, which they did.

Mr. Dudick asked if the applicant would be willing to hold off on a decision tonight and go to DOT with an alternate exit. Pastor Lily stated that they only have one way in and out now.

Mr. Febo asked if they could make the exits a left turn only onto Jarose Place. Pastor Lily stated they could look at this but he would like to see tis project move forward quickly, but he is willing for them to make a condition to ask DOT for an approval.

Mr. Weiner stated they can table the vote for 2 weeks and then the applicant may be able to come back to the Board after speaking to DOT.

Pastor Lily stated that he would table the application and speak to DOT and County.

New Business:

*An application from **Nolan Engineering, PLLC** requests an area variance from Town Code Chapter 208-7 Definitions and word usage – In-Law Apartment – The size of the in-law apartment is not to exceed 30% of the gross floor area (GFA) of the principal unit. The existing GFA is 2,600 sf with a maximum size in-law apartment of 780 sf. The proposed in-law apartment is 1,200 sf or 46% of the GFA of the principal unit. An additional 16% to the permitted 30% for an in-law apartment of the GFA is being requested. The project is located at 7 Collins Court, Clifton Park.*

Applicant:

Rich Nolan stated he is here tonight for an in-law suite for the applicant's mother. He stated that they are asking for 16% over the allotted size since the mother currently lives in Troy in her own home and is used to being on her own and is resistant to moving in with family. He stated that

the applicant has 3 year old and 5 year old twins in the main home and this is to make her more comfortable and allow for her visitors to stay with her.

Public:

No public comment.

Mr. Dudick moved, second by Ms. McCoy to close the public hearing at 8:13 p.m.

Board:

Mr. Dudick asked how many bedrooms the in-law apartment would have. Mr. Nolan stated there would be 2. Mr. Nick DiMarco, owner stated that they have 4 bedrooms in the home and 3 kids in 3 rooms.

Mr. Febo asked if there was septic or sewer servicing the home. Mr. Nolan stated there is sewer.

Mr. Reese stated that this is a Type II action pursuant to SEQRA and the Saratoga County Planning Board did not review the application. He stated that the public was notified on 4/26/25 and mailings were sent out 4/25/25 and he did receive some calls on the application but no comments. Mr. Reese stated that the application will go before the Planning Board for a Special Use Permit but they have not seen it yet.

Ms. McCoy asked what the difference is for a rental vs. and in-law. Mr. Reese stated that an in-law apartment needs to be in relation to the family and needs to have access through the living space of the home.

Mr. Dudick stated that he does not see the need for an in-law apartment with 2 bedrooms and he used to move children around when people came to visit. He stated that this is not needed, but just an extra ask and feels substantial.

Ms. McCoy asked if the applicant would consider a 1 bedroom. Mr. DiMarco stated that his brother comes to visit often and can stay for longer periods so it is a concern of his. He stated he would have to speak to his wife and mother in-law before agreeing to changes.

Mr. Febo stated he had a family member with a similar situation so he understands the concerns of the owner.

Mr. Dudick stated he had full houses before as well and people have stayed with his family or at hotels for their visit.

Mr. Brockbank moved, second by Mr. Febo, to approve the variance as requested. The property is located at 7 Collins Court, 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: 4

Noes: 1 - Mr. Dudick

New Business:

An application from Cellco Partnership dba Verizon Wireless proposing a new communication pole requests and area variance from Town Code Chapter 208-95 E(3)(b) new communication towers are prohibited within 500 feet of the property line of a residential PDD. The proposed tower is 145 feet from a residential PDD, a 355 feet relief is being sought. The project is located at 100/200 Technology Park, Clifton Park.

Applicant:

Dave Brennan stated he is here tonight for a cell tower. He stated he has been before the Planning Board 2 times and they have issued a Negative Declaration pursuant to SEQRA. Mr. Brennan stated that the application is for a 120' monopole to the north of Shen's main campus. He stated that the school was not interested in leasing space on the campus. Mr. Brennan stated they are proposing to put the tower in the woods and that they meet all other setbacks and they have a 50% fall zone. Mr. Brennan stated they need this because they are near an apartment complex which is a PDD. He stated they have looked at other properties and they are significantly closer to residential.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Febo to close the public hearing at 8:36 p.m.

Board:

Mr. Febo read from Town Code in regards to cell towers. He stated that the code was written in 2002 so it may be outdated. Mr. Dudick stated that he was on the Board then and the Town purposely did this to start a Town Conversation and have providers come to them.

Mr. Febo asked if there were balloon photos. Mr. Brennan stated there are and the visibility is mostly east to west of the 146 and primarily visible from the Shen campus. He stated the pole will service the 146 and the school.

Mr. Reese stated that this is a Type I action pursuant to SEQRA and that the Planning Board has Lead Agency. He stated that the Saratoga County Planning Board has found no intercommunity impact and the public was notified on 4/26/25. Mr. Reese stated mailings went out on 4/15/25 and they have received no comments from the public.

Mr. Dudick moved, second by Mr. Brockbank, to approve the variance as requested. The property is located at 100/200 Technology Park, Clifton Park.

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

The Secretary called the Vote:

Ayes: 5

Noes: 0

New Business:

An application from AJ Signs requests two area variances, the first is proposing two promotional signs with a total of 160 square feet. Per Town Code Chapter 171 Chart I – Special promotion, temporary signs – The area of the sign permitted is 32 square feet. The number of the signs is one. The area variance being sought is for one additional special promotion sign and a relief of 127 square feet of the 32 square feet permitted for a temporary special promotion sign. The second area variance is the proposal of two wall signs. The area of Sign 1 is 288 square feet, the area of Sign 2 is 90 square feet, the two signs total 378 square feet. Per Variance #80627 the maximum wall sign size of 90 square feet is permitted at the Clifton Park Center Mall. The area variance for the wall signs is 288 square feet of the 90 square feet permitted. The project is located at 22 Clifton Park Center Road, Clifton Park.

Mr. Febo recused himself from the application due to mutual interest.

Mr. Dudick state that there are now 4 voting members tonight, and the applicant would need to have 4 of the 4 votes in favor of the application. He stated that the applicant can move forward tonight or table the application for the next meeting in hopes for better Board attendance.

Mr. Tom Wheeler stated that this is for typical banners for a new 5 Below store behind JC Penny and they are only temporary but he will postpone the hearing until the next meeting.

The chairman made a motion, second by Ms. McCoy to approve the minutes from the April 1, 2025 meeting. All who were present at the April, 2025 meeting voted in favor and the meeting minutes were approved.

Mr. Dudick, Chairman, made a motion to adjourn the meeting, Ms. McCoy second, all voted in favor and approval was unanimous. The meeting was adjourned at 8:45 p.m.

The next scheduled ZBA meeting will be held on May 20, 2025.

Respectfully submitted,

Paula Cooper

Paula Cooper

Secretary, Zoning Board of Appeals