

## Town of Clifton Park Zoning Board of Appeals

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## Zoning Board of Appeals

May 20<sup>th</sup>, 2025

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

**Absent:** Lisa McCoy

**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 that in the absence of Ms. McCoy, Ms. Hugg will 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:**

*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 208-79G. (3) any amendment or modification will be limited to a twenty-five percent (25%) expansion of the improved area subject to the special use. An area variance 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 Engineers, stated that since the last meeting he had spoken to the County about a right out onto Grooms Road and they have denied it due to the proximity to Jarose Place. He stated that the County acknowledged the problem and supported the new parking.

Mr. Reese read into the record the response letter from Saratoga County.

**Public:**

Sandy Lupine stated that she lives next to the applicant and she watches every Sunday and feels that the service times are too close together so new parking will not help. She stated that the applicant should try having 1.5 hours between services and it would be better to get people in and out. She stated she feels this is chaos every Sunday now. She stated she would also like to see a Saturday service added to help keep down the patrons on Sundays. Ms. Lupine stated that she has drainage problems on her property now but feels sorer for the residents on Jarose Place. She stated that after the spring rain the pond had overflowed. Ms. Lupine stated that her son had spoken to the Town before and they were directed back to the church. Ms. Lupine stated that the previous owner of the parcel had given the land to a community church and now it has been sold and grown into a super church. She stated this addition will impact the scenic views on Grooms Road. Ms. Lupine stated she has put up a fence for privacy in her own back yard.

Resident from 25 Jarose Place asked if this is the meeting where the application gets approved for parking. She stated that she knows that the whole street would like to be here and they are sending letters to the Town. She asked for the Board members to come see for themselves on a Sunday and no matter how many parking spots they add there will always be parking on the street. She stated that she feels that the church needs a change to their administrative workings and change services. She stated that cars are now parking on both sides of the road and feels that the church is asking for wants not needs. Mr. Lemire asked how far down the road the resident lives. She stated that she lives on the cul-de-sac. Mr. Lemire stated that the residents can go to the Town Board and ask for no parking on the road. He stated then if approved the patrons would get ticketed. Mr. Lemire stated that this also could negatively affect the community if it were approved then residents or their guests could not park there either.

Pat Rohstedt stated that she is a resident of the area and has left copies of documents she found with the Planning Board which included a letter from the original pastor of the church and

drawings of that the church would look like with a building plan and parking. She stated that the drawings showed the parking to the rear of the property and the last page had the capacity of 286 not including the classrooms.

Mr. Dudick moved, second by Mr. Brockbank to close the public hearing at 7:52 p.m.

**Board:**

Mr. Lemire asked where the water concerns are on Ms. Lupine's property. Mr. Reese showed photos in front of the proposed parking area before and after the recent rain.

Mr. Febo asked where the stormwater basin is for the front of the property. Mr. Reese showed it on the plan and where the porous pavement is being proposed. Mr. Febo stated he thought there were grading plans for the front of the parcel. Mr. Hitchcock stated they put in a berm at the west end and it is about 1.5 feet high. He stated that the stormwater management area was done with phase 1 of the expansion. Mr. Febo asked if infiltration rates were put on the plan. Mr. Hitchcock stated that they are on the plan and that the shed on the neighboring property drains onto this property. Mr. Wayne Lupine, public, stated that the shed that is talked about sits on a hill so the runoff cannot go uphill.

Ms. Hugg asked if someone has been out to count cars. The resident stated there are about 20-25 but she has not counted them. Mr. Febo stated that at the prior meeting the church had stated they counted. Pastor Roscoe Lily stated they have on their busiest days.

Mr. Lemire asked how many homes are on the road. Mr. Reese stated there are 16. Pastor Lily stated they can get 60 extra cars off the road and that the Planning Board was approached before about the full expansion but they told the Church they would rather do only half and then reevaluate if the other 60 are needed, this is why they are here after the first expansion. He stated that they have 4 services now and 3 weeks ago they counted 63 cars parked on the road with a full lot. Pastor Lily stated that the max occupancy for the church is 490 and the left side of the building is for adult services and the right is for children to high school age. He stated the home is planned to be torn down and they are not allowed to rent or sell the home so there would be no residential loss to the community.

Ms. Hugg asked if the church has asked parishioners to ride together to keep down on the car count. Pastor Lily stated he has asked them to ride together or attend other services where they are less congested.

Mr. Lemire asked why parking cannot be added to the rear lawn area. Pastor Lily stated this would only add about 10 spots which would not be enough. He stated that they are trying to independently fix the problem and if expansion is denied the parking on the street would remain. He stated that they have added a Thursday service and there is no parking on the street for this. He stated that the Sunday services are 8:30 am, 10 am, and 11:30 am. Pastor Lily stated that before 2022 there was only a 9 am and 11 am mass on Sunday.

Mr. Dudick asked how long the church has been there. Pastor Lily stated about 3 years and for the prior 20 it was also a church. He stated before Starpoint Church was at this location they were at the 21<sup>st</sup> Century building on Route 146 for 5 years and has 3 services there. He stated that when they first purchased the property the neighbors had complained of the daycare that was

run out of the church. Mr., Dudick asked if weddings are preformed there. Pastor Lily stated there are but not a lot.

Mr. Lemire asked if the home was a part of the original purchase. Pastor Lily stated it was. Mr. Lemire stated they could move 20 spaces behind in the rear. Mr. Reese stated it is very wet to the rear of the property as well.

Ms. Hugg asked who resides there now. Pastor Lily stated it is housing another Pastor until he purchases his own home as he has relocated from out of state here.

Mr. Dudick asked why there is no parking proposed on the west side behind the building. Mr. Hitchcock stated there are slopes there and they would need to do grading and retaining walls and this would also add only about 10 parking spots. Mr. Dudick stated that parking around the building is not possible. Mr. Hitchcock stated it is no possible. Mr. Febo stated that this makes sense as wetlands change over the years.

Mr. Reese stated that this is an Unlisted action pursuant to SEQRA, the Saratoga County Planning Board stated there is no community impact but agrees that the current use is in need of additional parking. Mr. Reese stated the public notices were posted 4/26/25 and mailings went out 4/2/25. He stated that he has received 5 comments against the application and 150 for it.

Mr. Lemire asked what 25% vs. the 35% being asked for. Hitchcock stated there would be 18 less spaces. Mr. Lemire stated 25% is allowable without a variance and they could have possibly 42.

Mr. Dudick stated this is a residential area and churches are allowed in these areas. He thanked the applicant for trying to control the growth and they have to balance with the residential area. He stated that he feels #2 of the variance criteria that the Board needs to consider is not being met and expanding parking will invite new patrons.

Mr. Brockbank stated that he feels this is a suitable relief rather than seeing a church pack up and leave the community.

Mr. Styles stated that the church owns property on 146A and will the church eventually move to that location. Pastor Lily stated most likely not as there is no public water or sewer so it would be difficult to expand there. Pastor Lily stated that occupancy vs. parking need to balance.

Mr. Lemire asked if the church could space out services like suggested. Mr. Hitchcock stated every parking spot is taken even if the services are spaces.

Mr. Febo asked if there were any gatherings after mass that would keep patrons there longer. Pastor Lily stated there are none.

Mr. Klimes asked what seating vs. parking rations are. Mr. Reese stated that it is based on either square footage or seating. Mr. Hitchcock stated it was based on seating.

Mr. Dudick stated that he feels this would only solve the problem temporarily and more parking issues would arise in the future. He stated that he does not think the variance is warranted.

Mr. Febo stated that the church cannot go above occupancy so if the parking is brought up to occupancy then it would alleviate the problem they are having now. He stated that 18 spots make 18 safer cars.

Mr. Brockbank moved, second by Mr. Febo, to approve the variance as requested. The property is located at 14 Jarose Place, Clifton Park.

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

Conditions:

1. The application will be approved based on the Planning Board's site plan and have the correct infiltration rate attached.

The Secretary called the Vote:

**Ayes: 4**

**Noes: 3      Mr. Klimes, Mr. Lemire, Mr. Dudick**

**Old 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 hearing of this application and left the meeting.

Mr. Dudick stated that the applicant would need 4 of the 6 votes tonight for application approval.

**Applicant:**

Tom Wheeler, AJ Signs, stated that the application is for a new 5 Below store going into the mall. He state that they are asking for 2 banners that are larger than allowed but the location is tucked behind Crumbl Cookie. He stated that the façade will be built to be one store but is showing 2 now. Mr. Wheeler stated the blue box on the wall sign is paint and he did not consider this to be part of the signage but just the letters. He stated that with the paint and the letters it is

226 sf but with just the letters the sign is 157 sf. Mr. Wheeler stated the rear of the store is requesting signage as well and without backing it would be 44.2 sf and with it would be 90 sf

**Public:**

No public comment.

**Board:**

Mr. Reese stated that the applicant is looking for 2 temporary banners and one is allowed.

Mr. Dudick asked if the wall was entirely blue, would it be considered a sign? Mr. Reese stated if the entire surface was painted it would not but it is with the blocked out part of the logo.

Ms. Hugg asked how this size compares to Marshall's. Mr. Reese stated that he is unsure.

Mr. Lemire asked if the mall has a variance for all the shops. Mr. Reese read from the variance granted in 2007 for all mall shops. Mr. Lemire asked if the banners were for before opening only. Mr. Wheeler stated they are.

Mr. Brockbank asked if the letter size is similar to Marshall's. Mr. Wheeler stated he can look at JC Penny and Marshall's. Mr. Reese stated the square footage is multiplied by 0.15 and it equals 210 sf and they are looking for 378 sf with a max of 90 sf.

Mr. Klimes stated he found a 5 Below sign in Philadelphia that has a full blue background wall so they have done it before. Mr. Wheeler stated he can go back to the applicant and see if they would be willing to do this.

Mr. Lemire asked if the store was asking for front and back signage. Mr. Wheeler stated they are as they will have 2 entrances.

Ms. Hugg stated that Marshall's has a front and back sign as well as one inside the mall.

Mr. Reese stated that this is an Unlisted action pursuant to SEQRA, the Saratoga County Planning Board found no community impact, public notices were sent out on 4/26/25 and mailings went out on 4/3/25. Mr. Reese stated that he has had no comments.

Mr. Dudick stated he feels that the applicant is looking for a lot of signage and asked if they could cut back some. Mr. Wheeler stated he would have to go back to the applicant and ask. Mr. Wheeler asked what the Board would be comfortable with. Mr. Dudick asked how small they are willing to go. Mr. Reese stated he can look into previous variances as well so when the applicant comes back he has some knowledge of what has been approved before.

Mr. Lemire asked if the front sign was bigger than the rear. Mr. Reese stated the rear sign is being asked to be 113 sf. Mr. Wheeler stated he feels that Bass Pro will make the rear of the mall the new front. Mr. Lemire stated he is fine with the temporary signs being asked for. Mr. Klimes and Mr. Dudick agreed.

Mr. Wheeler stated he will plan to comeback in 2 weeks.

**New Business:**

*An application from Mary Anne Mariotti requests an area variance from Town Code Chapter 208-86 B. All setbacks, whether front, side or back yards, shall be a minimum of 50 feet for the main building/structure. The proposed setback for the building addition is 42 feet. The variance requested is 8 feet from the lot line setback. The project is located at 4 Hilltop Court, Clifton Park.*

Mr. Febo returned to the meeting as a voting member.

**Applicant:**

Mary Anne Mariotti stated she is looking to construct a sunroom to her home. She stated that the addition is 8 feet over the setback but the existing tree line will remain and the addition will push out to the rear. She stated that she sent out mailings to the neighbors and there is no opposition to the application.

**Public:**

No public comment

Mr. Dudick moved, second by Mr. Lemire to close the public hearing at 8:50 p.m.

**Board:**

Mr. Lemire asked if she owns the dirt road. Mr. Reese stated that it is a private road and they are keyhole lots. He stated that if these were not keyhole lots then 10' would be allowed.

Mr. Reese stated that tis a Type II action pursuant to SEQRA and the Saratoga County Planning Board denied review of the application. He stated that public notices went out on 5/10/25 and mailings went out on 5/6/25.

Mr. Dudick stated that he does not see this as a big as and if this were not a keyhole lot the setback would be 10'.

Mr. Lemire moved, second by Mr. Febo, to approve the variance as amended. The property is located at 4 Hilltop Court, Clifton Park.

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

The Secretary called the Vote:

**Ayes: 7**

**Noes: 0**

**New Business:**

*An application from Chrysoula Highland requests an area variance from Chapter 208-12. No accessory building shall be placed closer to a rear and side yard property than 10 feet. The proposed side property line setback is 1 foot for the proposed shed. The variance requested is 9 feet from the 10 foot side property line setback. The project is located at 343 Riverview Road, Clifton Park.*

**Applicant:**

Chrysoula Highland stated she is the property owner of the old school house in Vischer Ferry. She stated she is doing a full historic renovation on the building but it does not have a garage. Ms. Highland stated that the schoolhouse was turned into a residence in the 1970's. She stated that the vinyl fence has been removed and she would like a garage on the right side of the building. She stated that the home is set back on the property and there is a historic shed in the rear as well. Ms. Highland stated that her well lines are run underground from the rear corner of the property and stated she would like the garage as far from the home as she could. Ms. Highland pulled up renderings of the garage and stated she plans to have it mirror the home. Ms. Highland stated that this has been approved by the Historical Preservation Society.

**Public:**

No public comment.

Mr. Dudick moved, second by Mr. Lemire to close the public hearing at 9:16 p.m.

**Board:**

Mr. Lemire asked if the applicant is proposing the garage between the home and the fence. Ms. Highland stated if setbacks were followed then the garage would be 5' off the home. She stated she is trying to have the home historically stand alone.

Mr. Brockbank stated the applicant would need some space to allow for access to the side of the garage without trespassing on the neighbor's property.

Mr. Lemire stated that garage could be moved over 5' and then the applicant would still have 11' separation from the home and have access around the garage. Ms. Highland stated she has a letter from the neighbor and she read it into record.

Mr. Dudick stated he feels the applicant could move the garage back a bit and would like it 5 feet off the line. Ms. Highland asked for 3 feet.

Mr. Febo the typical setback for a shed is 5'.

Mr. Dudick stated 5' would keep with the R-1 district and if they were in it they would not need a variance. Ms. Highland stated a lot of homes in the area have barns on their rear property line.

Mr. Styles asked if the slab would be larger than the structure so it would be over the lines and suggested it be moved over more. Ms. Highland stated that if it moves to the rear or too far over it would be over the well lines that run from the rear of the property to the home.

Ms. Hugg verified that this is a home and not a school. Ms. Highland stated she would like the home to look like the original school from the exterior.

Mr. Dudick stated he feels 5' is better as it is half of what is required. Ms. Highland stated she would have to go back to the Historical Preservation Society and see if they are ok with this. Mr. Weiner stated they do not have the authority to veto the Zoning Board's decision.

Mr. Reese read from the letter provided by the Historical Preservation society.

Mr. Dudick stated that the applicant should check with the State's Historical Registry as there may be restrictions on what she can do.

Mr. Reese stated that this is a Type II action pursuant to SEQRA, the Saratoga County Planning Board did not review the application, public notice went out on 5/10/25 and mailings were sent out on 5/9/25.

Mr. Lemire moved, second by Mr. Styles, to approve the variance as amended. The property is located at 343 Riverview Road, Clifton Park.

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

Amendment:

1. The application approved is for a 5' variance for the required 10' setback

The Secretary called the Vote:

**Ayes: 7**

**Noes: 0**

The chairman made a motion to approve the minutes from the May 6, 2025 meeting. All who were present at the May 6, 2025 meeting voted in favor and the meeting minutes were approved.

Mr. Dudick, Chairman, made a motion to adjourn the meeting, Mr. Lemire second, all voted in favor and approval was unanimous. The meeting was adjourned at 9:26 p.m.

The next scheduled ZBA meeting will be held on June 3, 2025.

Respectfully submitted,

*Paula Cooper*

Paula Cooper

Secretary, Zoning Board of Appeals