

## 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

June 3, 2025

**Present:** Chairman Michael Dudick, John Klimes, Lisa McCoy, Scott Styles, Juliano Febo, Mark Brockbank (alternate)

**Absent:** Christopher Lemire

**Also Present:** John Scavo, Director of Planning  
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 in the absence of Mr. Lemire, 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 Environmental Design Partnership requests an area variance from Town Code Chapter 208-65 D. Height. Permitted height of buildings and structures shall be 50 feet. The applicant is proposing a 61 feet tall structure (drive thru cement bin). An area variance of an addition 11 feet to the permitted height of 50 feet is being sought for this application. The project is located at 1910 US Route 9, Clifton Park.*

**Applicant:**

Gavin Vuillaume, EDP stated he is here tonight with Jude Clemente, applicant. He stated that they are now asking for a 59' variance. He stated that parts of the building will go up to 59' but the building would mostly be 54'. He stated this is an Unlisted action pursuant to SEQRA and the Planning Board has already looked at this and seems to be well received. Mr. Vuillaume stated that this fits within the zoning code and Styles Excavating is across the street and to the south is Roberts Lane Industrial Park. Mr. Vuillaume stated that this is highly visible due to the filed on the land that is existing and the Dwaas Kill is to the rear of the property but they plan to be 100' from the water and wetlands. Mr. Vuillaume stated that the existing home and garage will remain to help hide the main concrete building and help with dust. Mr. Vuillaume reviewed the circulation of the site and stated that about 20 trucks per day would be in and out. Mr. Vuillaume stated that this would be an important addition to the community. He stated he will provide a traffic report to the Planning Board. He stated he has visual photos for review and showed them on the screen coming from the north as well as straight onto the property. Mr. Vuillaume stated there may be more plantings but he wanted to show the build out with the land as is.

Jude Clemente, applicant stated he is here for Bondi Concrete and the variance is mostly for the concrete filters on the top of the building. He stated there are concrete plants in Watervliet, Albany, and Wilton so this will save on long travel traffic. He stated that the photos were taken with minimal leaves on the trees for more impact and the building will be further back on the property. He stated that there would be an increase of traffic in the summer and decreased in the winter, the highway is nearby so it would not impact traveling into Town on Route 9 and there would be 5 trucks doing multiple runs throughout the day.

**Public:**

No public comment.

Mr. Dudick moved, second by Ms. McCoy to close the public hearing at 7:22 p.m.

**Board:**

Mr. Febo stated he believes that anything over 35' needs to be approved by the Planning Board with SEQRA. Mr. Scavo stated there will need to be a visual assessment, and it will be done but when it comes to this the Code is a little outdated and the Planning Board review is ongoing. Mr. Febo asked if this is not decided in favor of over 35' by the Planning Board, what they are going to vote on tonight. Mr. Scavo stated 50' is allowed by Code if the Planning Board finds it impacts the community then they can have it mediated with plantings or other requests. Mr. Vuillaume stated that the buildings are proposed to remain so the impact will be less as this would help with screening.

Mr. Brockbank stated he feels open air plants are undesirable due to the dust and this needs mitigation. He asked if the variance would help with the mitigation. Mr. Vuillaume stated it would as the 50' would help house the filtration unit but otherwise it would be hard to keep the dust down.

Mr. Styles asked if the Planning Board would do a traffic study. Mr. Vuillaume stated they would and they would look at traffic in and out of the site as well as return trips and truck site distances. He stated that Route 9 is a state corridor so it may not have a large impact.

Mr. Febo stated the parcel seems flat and the topography leads to the Kill. Mr. Vuillaume stated the runoff will be managed on site and will be sent to the front northern part of the site. Mr. Scavo stated the Planning Board is also concerned about the water and not so much the visual impact.

Mr. Scavo stated this is an Unlisted action pursuant to SEQRA and there is a potential for a negative declaration. Mr. Scavo stated according to 208-65 D a long form is required and sections 9 and 18 will be looked at. Mr. Scavo stated the Saratoga County Planning Board stated there is no community impact on April 18, 2025. Mr. Scavo highlighted some comments from the Planning Board's initial review including some from Mr. Ophardt.

Mr. Dudick stated that this seems reasonable to him. He stated that there is some distance from Route 9 and this is an allowable distance

Mr. Brockbank moved, second by Mr. Dudick, to approve the variance as requested. The property is located at 1910 US Route 9, Clifton Park.

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 May 20, 2025 meeting. All who were present at the May 20, 2025 meeting voted in favor and the meeting minutes were approved. Ms. McCoy abstained.

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 7:30 p.m.

The next scheduled ZBA meeting will be held on June 17 2024.

Respectfully submitted,

*Paula Cooper*

Paula Cooper

Secretary, Zoning Board of Appeals