

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 17, 2025

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

Absent: Scott 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 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 out of 4 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:

Mr. Febo recused himself from the hearing of the application.

Mr. Dudick stated that there are 6 voting members for this application and asked if the applicant would still like to have the application heard. The applicants stated they would like to continue tonight knowing 4 of the 6 votes need to be in favor of the application tonight.

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~~ 124 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~~ 36 square feet is permitted at the Clifton Park Center Mall. The area variance for the wall signs is ~~288~~ 70 square feet of the 90 square feet permitted. The project is located at 22 Clifton Park Center Road, Clifton Park.

Applicant:

Mr. Tom Wheeler stated that after the last meeting the applicant has chosen to make concessions. He stated the front of the building has a smaller blue box and was decreased TO 99.4 SF. He stated that the rear sign has the blue box eliminated so it is now 35.8 sf with a total of 135.2 sf. Mr. Wheeler state that this is the minimum size the applicant feels it can still be seen from the parking lots. Mr. Wheeler stated that the front of the building is behind Crumbl so it will help keep it visible.

Mr. Reese stated that he also did the math and came up with a total of 124 sf. Mr. Wheeler stated that Mr. Reese is correct.

Public:

No public comment.

Mr. Dudick moved, second by Ms. McCoy to close the public hearing at 7:11 p.m.

Board:

Mr. Dudick asked how much the blue box would add to the variance for the rear sign. Mr. Reese stated it would be a 20% increase.

Mr. Lemire asked what the size of the rear sign is compared to others on that side of the mall. Mr. Reese showed a side by side of the proposed sign and the DMV signage and the old kickboxing sign. Mr. Lemire asked if this is what they would be looking to approve or not tonight. Mr. Reese stated this is as well as the two temporary signs they are asking for.

Ms. McCoy asked if the temporary signs would come down when the store opens. Mr. Wheeler stated they would.

Mr. Lemire asked if there was a time limit on the temporary signs. Mr. Reese stated they are allowed to be up for 30 days.

Mr. Dudick stated he has no problems with the temporary signs and appreciates the applicant decreasing the size of the permanent signage and feels they are comparable to the others in the mall. He thanked the applicant for the modifications.

Mr. Brockbank he is happy the variance was reduced by the applicant and seems reasonable.

Mr. Reese stated this is an unlisted action Pursuant to, the Saratoga County Planning Board has found no significant intercommunity impact, public notice was on 6/6/25 and mailings were sent out 4/13/25. Mr. Reese stated there was no public comment.

Mr. Brockbank moved, second by Ms. McCoy, to approve the modified variance as requested. The property is located at 22 Clifton Park Center Road, Clifton Park.

.

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

The Secretary called the Vote:

Ayes: 6

Noes: 0

Mr. Febo returned to the meeting after a decision on the application was made.

New Business:

*An application from **Dierdre Levesque** is requesting an area variance from Chapter 208-12 of the Clifton Park Town Code. No accessory structure shall be placed closer to a front property line than 80 feet. The proposed front property line setback is 32 feet for the proposed hot tub. The variance request is relief for 48 feet relief from the 80 feet front property line setback. The property is located at 8D La Costa Drive.*

Applicant:

Ms. Deirdre Levesque stated she is the property owner, and is here with Jason Odell. Mr. Odell stated they are looking for a variance of 75' for a small hot tub. He stated the area would be 5'x7' for the hot tub and it will fit on the existing cement pad they have. He showed pictures of the views of his front porch and showed 2 roads present. He stated that where the umbrella is represents where the hot tub is being proposed.

Public:

No public comment.

Mr. Brockbank moved, second by Mr. Dudick to close the public hearing at 7:26 p.m.

Board:

Mr. Lemire asked the applicant to explain the two road fronts. Mr. Odell stated that it is not 2 fronts but a shared quad driveway.

Mr. Brockbank asked why this is considered an accessory structure. Mr. Reese stated it is considered a pool which is an accessory structure.

Mr. Lemire asked if there is a shed on the property. Mr. Odell stated there is one. Mr. Reese stated if the shed is under 144 sf, per code. Mr. Reese stated 80' brings the applicant back to the rear of the four-plex which creates problems for the group in the front. Mr. Odell stated he will have a circuit breaker dedicated to the hot tub and have 5' from the hot tub to the home. Mr. Lemire asked if it would be visible from La Costa Drive. Mr. Odell stated that he has privacy screens and they are shown in the pictures submitted and he has receipts for them as well. He stated that when they are not in use they can be put in storage. Mr. Lemire asked about possible plantings. Mr. Odell stated he is putting plantings along the home.

Mr. Reese stated that this is a Type II action pursuant to SEQRA, the Saratoga County Planning Board did not review this application, mailings went out on 6/3/25 and he has received no comments.

Mr. Dudick asked how long the applicant has been living on the property. Ms. Levesque stated she has been there 2 years and moved from Mechanicville.

Mr. Lemire stated he would like to see more permanent screening such as a fence or evergreens between the hot tub and La Costa Drive. Ms. Levesque stated that they will agree to this.

Mr. Lemire moved, second by Mr. Brockbank, to approve the variance with conditions. The property is located at 8D La Costa Drive.

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

Conditions:

1. Fencing or evergreens will buffer the hot tub from La Costa Drive

The Secretary called the Vote:

Ayes: 7

Noes: 0

New Business:

*An application from **Dennis Baker** requests an area variance from Chapter 208-12. No accessory building shall be placed closer to a front property line than 80 feet. The proposed front property line setback is 49 feet for the proposed shed. The variance requested is 31 feet from the 80 feet front property line setback. The project is located at 455 Vischer Ferry Road, Clifton Park.*

Applicant:

Mr. Dennis Baker, owner stated he is looking for a 2 space carport in his driveway to shield some cars that get tree droppings on them. He stated that he has screening that include plantings and fencing. Mr. Baker stated that the home was built in the 1800's.

Public:

No public comments.

Mr. Dudick moved, second by Mr. Brockbank to close the public hearing at 7:39 p.m.

Board:

Mr. Brockbank asked why the applicant cannot push this further back on the property. Mr. Baker stated that this is where his driveway ends and then the land drops off. Mr. Brockbank stated the applicant could add more pavements.

Mr. Dudick asked how long the applicant has lived at the property. Mr. Baker stated they have been there for 13 years.

Mr. Lemire asked if the driveway is to the right of the home and if there is currently a garage. Mr. Baker stated the driveway is to the right and there is no garage on the property.

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 and mailings were sent on 6/6/25, and all comments received were positive.

Mr. Dudick stated his seems to be a well concealed space and the property dates back 200 years. He stated that there is no garage on the property so he does not see a problem with the application.

Ms. Hugg asked if there is a carport area as there seems to be a white structure in the file. Mr. Baker stated that this is no longer there and is a older photo and was temporary.

Mr. Dudick asked if this garage would be permanent. Mr. Baker stated it would be.

Mr. Dudick moved, second by Mr. Febo, to approve the variance as requested. The property is located at 455 Vischer Ferry Road, Clifton Park.

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

The Secretary called the Vote:

Ayes: 7

Noes: 0

New Business:

An application from Dennis Odell requests two area variances from Chapter 208-12. No detached garage shall be placed closer to a side or rear property line than five feet in a R-1 District and shall be increased by one foot for each foot the height of the building exceeds 15 feet. The proposed building height is 24 feet to the mean height level between the eaves and ridge of the gable. Therefore a 14 feet side and rear setbacks are required. The first area variance request is to locate the proposed detached garage 2 feet from the rear property line, needing 12 feet (86%) of relief from the Town Code. The second area variance request is to locate the proposed detached garage 6 feet from the side property line, needing 8 feet (57%) of relief from the Town Code. The property is located at 5 Brier Court, Clifton Park.

Applicant:

Mr. Dennis Odell, property owner stated he is here tonight with Jamie Zalewski. He stated that he has been a resident here for over 30 years. He stated that he would like a detached garage for a functional space for his F-150 and '65 Corvette. He stated that he needs a high ceiling so that he can have a lift to work on his car and he would also like to house his lawn equipment and motorcycle there as well. Mr. Odell stated that he currently has a temporary tent where the structure is proposed and he rents storage space as well. Mr. Odell stated he would like extra room for storage as well to consolidate everything onto his property. Mr. Odell stated that to the rear of his property is land belonging to the Town of Clifton Park, about 80 acres, and to the left are neighbors that he has spoken to about this and he stated they do not have concerns. He stated that the driveway is over 100' from the road so it is sufficient.

Mr. Zalewski stated that the land to the rear drops 4-6' and they will have a frost wall that would also act like a retaining wall as to not disturb the lands to the rear

Public:

No public comment.

Mr. Dudick moved, second by Mr. Brockbank to close the public hearing at 7:55 p.m.

Board:

Mr. Brockbank asked why the garage cannot be moved forward. Mr. Odell stated that there is a window on that side of the home and is his wife's office space. He does not want the window looking out to a wall of the garage.

Mr. Lemire asked the applicant how much garage space he has now. Mr. Odell stated he has a 2 car garage that has his wife's car in it as well as the Corvette. Mr. Lemire asked if the applicant would be putting in electrical or plumbing on the second floor of the proposed garage. Mr. Odell stated that he would like electricity only.

Mr. Dudick asked if the proposed garage would have heat. Mr. Odell stated there would not be heat now; he would be insulating the garage and maybe install electric heat down the road.

Mr. Lemire asked if the applicant does not build up, what is still needed for a garage. Mr. Zalewski stated they would still need 0' side setback and 5' to the rear. Mr. Lemire asked if there are concerns that this may become a living area. Mr. Reese stated that the Building Department look at this.

Mr. Klimes asked if this was attached to the home then there would not be a height restriction. Mr. Reese stated that is true.

Ms. Hugg asked if the home was a one or 2 story. Mr. Odell stated that the home is a 2 story structure and that he plans to have the garage match the exterior of the home.

Ms. McCoy asked about safety and emergency vehicles and if this was safely away from the home. Mr. Reese stated it is 12.9' from the home.

Mr. Brockbank stated he is happy there is no residential to the rear of this property.

Mr. Reese stated that this is a Type II action pursuant to SEQRA, the Saratoga County Planning Board did not review the application, mailings were sent on 6/6/25 and he received only one call about the project but they had no issues.

Mr. Febo asked if the applicant chooses to make this a living space in the future, what would be done. Mr. Reese stated they would have to come back for a use variance.

Mr. Febo stated he would like to see a gutter installed to keep the runoff from the neighbor. Mr. Zalewski stated they can add that to the building. Mr. Odell agreed to the gutters as well.

Mr. Brockbank moved, second by Mr. Febo, to approve the variance with modifications. The property is located at 5 Brier Court, Clifton Park.

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

Conditions:

1. Gutters to be added to the structure to keep runoff away from neighboring properties.

The Secretary called the Vote:

Ayes: 7

Noes: 0

Discussion:

Mr. Weiner discussed self-created hardships and how they are not self-created if the property precedes Code.

Ms. Hugg stated that there is still a trailer outside of the roofing company on Route 146. Mr. Reese stated he would send out code enforcement.

The chairman made a motion to approve the minutes from the June 3, 2025 meeting. All who were present at the June 3, 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 8:10 p.m.

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

Respectfully submitted,

Paula Cooper

Paula Cooper

Secretary, Zoning Board of Appeals