

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

July 1, 2025

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

Absent: Christopher Lemire, 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 would be a voting member.

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 6 voting members of the Board here tonight, so that 4 of the 6 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 6 votes need to be in favor of the application tonight.

Old Business:

None

New Business:

An application from Kody Kowalowski 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 55 feet for the proposed pole barn. The variance request is relief for 25 feet from the 80 feet front property line setback. The property is located at 680 Bruno Road, Clifton Park.

Applicant:

Kody Kowalowski, applicant, showed the image of the existing home on the screen for everyone in attendance. He stated the home is closer to the road than 80' and he had taken down an old barn in the location of the proposed structure and he would like to rebuild it there. He stated that due to septic location and sloping on the land he is asking for a variance. He stated he would also like to use the existing foundation. Mr. Kowalowski stated the garage would be further from the road than the home and the height is about 20'.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Brockbank to close the public hearing at 7:13 p.m.

Board:

Mr. Reese stated that applicant needs 80' of relief and they have enough land on the rear and side yards and height does not matter. Mr. Reese stated that the applicant has rebuilt the home and is now looking to do the garage that was not able to be saved.

Mr. Brockbank asked what is keeping the applicant from moving the garage further back. Mr. Kowalowski stated that there are slopes further back and they would like to use the existing slab of the old barn for the new garage.

Mr. Dudick asked what the difference is between a pole barn and a garage. Mr. Kowalowski stated it is the same thing only the construction is different.

Mr. Styles asked if the old garage was 55' back. Mr. Reese stated it was and it predated zoning codes.

Mr. Dudick asked how long the applicant has lived in the home. Mr. Kowalowski stated they have owned the property since 2016 and have lived there since 2018.

Mr. Klimes stated he appreciates the applicant using the same footprint. He stated that the garage could be pushed back but it would also be cost prohibitive.

Mr. Reese stated that this application is a Type II action and no further SEQRA is required. He stated public notice was given on 6/21/25 and mailings were sent on 6/23/25; he stated he had one call but no comments.

Mr. Klimes moved, second by Mr. Febo, to approve the variance as requested. The property is located at *680 Bruno Road, Clifton Park*.

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

The Secretary called the Vote:

Ayes: 6

Noes: 0

New Business:

*An application from **Daniel Farrow** requesting an area variance from Chapter 208-12 of the Clifton Park Town Code. No accessory structure shall be placed closer to a side property line than 10 feet. The proposed side property line setback is 6 feet for the proposed garage. The variance request is relief for 4 feet relief from the 10 feet side property line setback. The property is located at 11 East Side Road, Clifton Park.*

Applicant:

Daniel Farrow, applicant, stated he is here tonight to put a garage on his property and the lot is tight. He stated he has spoken to the neighbors and they have a good relationship. He stated this will have privacy in the corner of the lot and they have a slab already in the corner with a tent currently. Mr. Farrow stated they hope to make the garage 15'x25' and there is currently drainage in the area. He stated there is not enough room in the driveway to put a garage so this would be the best place for it. Mr. Farrow stated he would put down stone from the driveway to the garage and would like the trailers he owns not to be visible. He stated the garage would match the home.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Febo to close the public hearing at 7:28 p.m.

Board:

Mr. Brockbank asked the dimensions of the garage being proposed. Mr. Farrow stated the slab is 15'x25' and the garage would be 15'x24' with a height of 13.5'.

Mr. Dudick asked what business the applicant has. Mr. Farrow stated Abbot Energy, and stated they run electrical for EV chargers and the garage would help store equipment.

Mr. Febo asked what the Code is for commercial equipment in a residential driveway. Mr. Reese stated the code states there can be a home occupation but all equipment needs to be unseen and no employees can come to the home. Mr. Febo asked if the applicant would be more in conformance if the garage was built. Mr. Reese stated they would be and it's about disturbance and if there is than people can call code enforcement. Mr. Farrow stated they he is making the effort now to make the home look residential and they now have storage tents and he would like to take them down to have something permanent. Mr. Febo asked if the applicant would agree to a condition that if the application is approved the tents need to be removed.

Ms. Hugg stated the front of the home appears to be enclosed and there is an open trailer shown in the photographs. Mr. Farrow stated the trailer belongs to the neighbor but he is trying to purchase. He stated he has been at this location since 2011 and he has redone the inside of the home.

Mr. Reese stated this is a Type II action and no further SEQRA is required, the Saratoga County Planning Board waived the application hearing, and public notice was given on 6/21/25. Mr. Reese stated mailings were sent on 6/23/25. Mr. Reese asked why the applicant put fill in near the road. Mr. Farrow stated that when septic went in it was left uneven and with the permission of the land owner he filled it.

Mr. Brockbank moved, second by Mr. Febo, to approve the variance as requested. The property is located at 17 Shadowbrook Drive, Clifton Park.

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

Conditions:

1. All existing storage tents are to be removed 60 days after completed construction and not replaced.

The Secretary called the Vote:

Ayes: 6

Noes: 0

New Business:

An application from Jeremy Van Wormer requests two area variances from Chapter 208-12. The first area variance is no accessory building shall be placed closer to a front property line than 80 feet. The proposed front property line setback is 51 feet for the proposed shed. The variance requested is 29 feet from the 80feet front property line setback. The second area variance is no accessory building shall be placed closer to a side property line than 5 feet. The proposed side property line setback is 3 feet. The variance requested is 2 feet from the 5 feet side property line setback. The project is located at 17 Shadowbrook Drive, Clifton Park.

Applicant:

The applicant was not in attendance.

Board:

Mr. Weiner stated that they cannot hear the application without the applicant or the applicant's representative present.

Mr. Reese stated that the applicant was on the June schedule and had it postponed. He stated the applicant was in code violation and was told to come here for a variance or have the shed removed or relocated to comply with Code. Mr. Reese stated they offered the applicant to move the shed in line with the home and then come here for a 2' variance. He stated he can issue a red tag and court appearance if needed. Mr. Reese stated notices were sent out 6/17/25.

Mr. Dudick stated they should table the application and give the applicant one last agenda hearing or let them know why they are not here.

Mr. Weiner stated he can look into invoking a 62 day rule.

New Business:

Application from Silvee June will not be heard tonight. The applicant has not submitted proof of neighbor notification as of 6/25/25

Application from Kenny Bowman will not be heard tonight. The Saratoga County Planning Department wanted a Site Plan to complete their review.

The chairman made a motion to approve the minutes from the June 17, 2025 meeting. All who were present at the June 17, 2025 meeting voted in favor and the meeting minutes were approved.

Mr. Dudick, Chairman, made a motion to adjourn the meeting, Mr. Brockbank second, all voted in favor and approval was unanimous. The meeting was adjourned at 7:45 p.m.

The next scheduled ZBA meeting will be held on August 5, 2025.

Respectfully submitted,

Paula Cooper

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Secretary, Zoning Board of Appeals