

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

September 16, 2025

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

Absent: Scott Styles, 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 **Patrick Brannigan** 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 18 feet for the proposed shed. The variance request is relief from the 80 feet front property line setback. The property is located at 30 evergreen Avenue, Clifton Park.*

Applicant:

Patrick Brannigan stated he is here for a shed and wants convenience of having it near his driveway and to maximize the space that he has. He stated the back side of his home is very active and visible and this is the only spot to put it next to the side yard fence so the yard does not get wasted. Mr. Brannigan stated the shed is proposed on the north side of the property and things tend not to grow there so not foliage would be removed or impacted, some previously damaged trees have already been removed. Mr. Brannigan stated the proposed shed is 10'x14' and in the flat area of the yard.

Mr. Reese stated that the shed is under 144' so no permit for the shed is needed.

Public:

No public comment.

Board:

Mr. Dudick asked if the applicant could show on the map where the proposed shed would go. Mr. Brannigan indicated on the photo of his property where the shed is proposed to be constructed.

Mr. Lemire stated the proposal says it is 16' from the Road. Mr. Reese stated that the measurements are from the right of way. Mr. Brannigan stated they measured from the property line. Mr. Lemire stated that the application was not advertised correctly and asked if the applicant could move it 18' off the property line to follow what was advertised or if the applicant would like to relist the application with the correct measurements. Mr. Brannigan stated he did not know it was supposed to be measured from the right of way.

Mr. Brockbank asked if there is anything preventing the applicant from moving the shed further back. Mr. Brannigan stated it is for convenience and esthetics and with access he thinks it looks good where he is proposing it. Sherri Brannigan, homeowner, stated they have future plans of

putting in a possible car port so taking that into consideration this would be the best location. She stated that he does not want to look out her bay window and see a shed and if they moved it; it would be in the view.

Mr. Febo asked how far the rear of the home is to the property line. Mr. Reese stated it is about 30'. Mr. Reese stated that they are in the R-1 zone and there is a side yard that they can do it in.

Mr. Dudick asked how many feet the applicant must move the shed before variance is no longer needed. Mr. Reese showed the position on the screen with the property showing. Mr. Dudick stated it seemed far to him. Mr. Reese stated 50' is required from the property line.

Mr. Lemire asked what type of fencing they have in their yard. Mr. Brannigan stated they have a chain link fence.

Mr. Brockbank stated that a variance for convenience is hard to prove

Mr. Dudick asked why the shed cannot be placed next to the garage since they want it for snow removal equipment. Ms. Brannigan stated they would like to put in a car port as they only have a one car garage. Mr. Dudick suggested moving it closer to the driveway and further from the road and not behind the home.

Mr. Klimes stated if the applicant were to move it further to the north they would be within 50', but would they need a variance for a car port? Mr. Reese stated they would need a variance for a car port. Mr. Klimes stated the applicant has a line to a utility pole in their yard as well that needs to be taken onto consideration.

Mr. Dudick stated there is no room for a carport without a variance and they give relief where it is needed so esthetics cannot be the only need.

Mr. Febo stated that applicant can take 10' off this variance so they only have 12' to the rear of the property. Mr. Reese stated if they shorten this they would be adding 10'. Mr. Febo stated 12' is realistic for a path to the rear yard.

Mr. Lemire asked if they would look into a privacy fence. Mr. Brannigan stated they have thought of adding a 6' stockade fence. Mr. Lemire stated if there is a privacy fence then it may not be as easily seen and he would feel better about the variance.

Mr. Klimes asked if this would be done within a year or 2 or condition as a fence and plantings would create more privacy. Ms. Brannigan stated the neighbor has a large shed with no fencing and was granted a variance. Mr. Reese stated that the shed on the neighbor's yard is about 58' from the road. Mr. Klimes stated corner lots have their own uniqueness.

Mr. Febo asked if the application was advertised properly. Mr. Reese stated that right now if the shed is proposed closer due to measuring off the property line then it would have to be re-advertised. He stated that when the shed is placed it would have to be measured but no building permit is needed since it is under 144 sf. Ms. Brannigan stated they are trying to do this the right way for the neighbors and the Town.

Mr. Febo asked why the applicant would need a variance for something that does not need a building permit. Mr. Reese read the Code definition and said that any shed is an accessory

structure and if the Board approves this tonight they need to be 18' off the property line and the side fence is 33' from the edge of the roadway. Ms. Brannigan stated the bush shown on the map has been removed already. Mr. Reese stated they can re-advertise for 5' off the property line with new fencing installed.

Mr. Lemire explained what options there are for the application and if the buffer were to be replaced with privacy fencing or trees then the Board may be more amenable and they can condition this upon re-advertising.

Mr. Febo stated the Board may drive by the property and that stakes can help with establishing where the shed would be placed. Ms. Brannigan stated they can drive by any time and the rocks are already there for the shed.

Mr. Dudick stated a corner lot is unique in itself but the applicant needs to decide if they want to move the shed or re-advertise. Mr. Brannigan stated he would like to re-advertise.

Ms. Hugg asked if it would be a wooden shed. Mr. Brannigan stated it would be.

Mr. Dudick stated there is a 62 day rule where a decision needs to be made so the applicant cannot keep postponing the hearing for the application. Mr. Brannigan stated he understands.

The chairman made a motion to approve the minutes from the July 1, 2025 meeting. All who were present at the July 1, 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 7:47 p.m.

The next scheduled ZBA meeting will be held on October 7, 2025.

Respectfully submitted,

Paula Cooper

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Secretary, Zoning Board of Appeals