

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

October 21, 2025

Present: Chairman Michael Dudick, John Klimes, Scott Styles, Christopher Lemire, Lisa McCoy, Juliano Febo, Mark Brockbank

Absent: Caryl Hugg (alternate)

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 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 Victor Silvestri requesting an area variance from Chapter 208-12 of the Clifton Park Town Code. The code requires that no accessory structure be located closer than 80 feet to a front property line or closer to a side-street line than half the lot's width at the front building line, up to a maximum of 75 feet. The proposal includes placing a shed 43 feet from the front property line. The applicant is seeking a 32-foot relief from the 75-foot side-street setback requirement. The property is located at 13 Denkers Drive, Clifton Park.

Applicant:

Victor Silvestri stated he is the homeowner and thanked the Board for being here tonight. Mr. Silvestri showed an aerial view of his home and stated that it used to have a garage but was converted to living space. He stated he is retired from the army and worked for the postal service as well. He stated he is currently parking his truck in the driveway as there is no garage and that he has outgrown the modular tent that is on the property. Mr. Silvestri stated he would like to store his mower and other outdoor equipment and the tent is now inconvenient. He stated he found a garage he would like to install with an Alaskan concrete foundation. Mr. Silvestri stated he feels it would be a quality to his home as well as the neighborhood. He stated the proposed garage would be a 2 story, 2 bay garages and he needs a variance to put it off to the side of the deck near where the pop-up tent is currently located. Mr. Silvestri stated he plans to store his equipment in one bay and have his truck in the other. He stated he would like to retire in peace and work in his garage to help time. Mr. Silvestri stated he is willing to work with inspectors to make sure the garage is built right and make it beautiful.

Public:

No public comments.

Mr. Dudick moved, second by Mr. Febo to close the public hearing at 7:19 p.m.

Board:

Mr. Brockbank asked if there were pictures for the Board to see and if the fence was staying. Mr. Silvestri stated the fence would be removed for the foundation but he could move it back if there is room as he would like privacy. Mr. Silvestri passed around photos for the Board to review.

Ms. McCoy asked if the applicant had plans for the second floor of the garage. Mr. Silvestri stated it would be used for storage and not living space. Ms. McCoy asked if the garage front would be facing the front of the home. Mr. Silvestri stated it would and the front would be where the fence is.

Mr. Febo asked if there would be electric run to the garage. Mr. Silvestri stated he is unsure as he does not know what he needs for a certificate of occupancy. Mr. Reese stated there is no CO, just a building permit if there is no living sake. Mr. Dudick stated the applicant can have electric without living space and makes sense if he would like to do work in there. Mr. Silvestri stated he is going to look into this.

Mr. Dudick stated that if this was not a corner lot than it would not need a variance. Mr. Reese stated this is true, if it was not a corner lot than he would not need the 75'. Mr. Dudick asked if the garage were attached then would the applicant need a variance. Mr. Reese stated he is unsure at this time.

Mr. Lemire asked if there was a side variance needed. Mr. Reese stated there is no side variance needed and only needs a variance if the height of the building is over 15' so there is no concern.

Mr. Febo asked if the structure was shorter than the home. Mr. Silvestri stated it is 24'x24' but he has never measured the home. Mr. Febo asked if the height of the home was less than the garage. Mr. Silvestri stated it is smaller than the home. Mr. Febo stated if the garage pitch is to the home and the deck he recommends the applicant gets a gutter system to avoid erosion around the home foundation and the deck. Mr. Silvestri stated the foundation is 23'x24' so it will give room but he can talk to the builder to see if this can be added and the cost.

Mr. Reese stated this is a Type II action pursuant to SEQRA and nothing further is needed, the Saratoga County Planning Board is not required to review the application and public notices and mailings were sent out on 10/10/25 and 10/11/25. Mr. Reese stated there were no inquiries.

Mr. Brockbank stated this seems like a logical place to put a garage on the property.

Mr. Dudick stated this is a unique corner lot that has 2 fronts.

Mr. Lemire asked if this variance would encompass all accessory structures on the property. Mr. Reese stated it would. Mr. Dudick asked how far the shed is from Settlers. Mr. Reese stated it is about 40' but he does not know the exact measurement. Mr. Dudick asked if the applicant was planning to move the current shed closer to the road. Mr. Silvestri stated he has no plans to move it.

Mr. Dudick moved, second by Mr. Brockbank, to approve the variance as requested. The property is located at 13 Denkers Drive, 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

The chairman made a motion to approve the minutes from the October 7, 2025 meeting. All who were present at the October 7, 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 7:28 p.m.

The next scheduled ZBA meeting will be held on November 18, 2025.

Respectfully submitted,

Paula Cooper

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Secretary, Zoning Board of Appeals