

## Town of Clifton Park Zoning Board of Appeals

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### Zoning Board of Appeals

December 2, 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 Mr. Lemire 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 Lansing Engineering, PC** requesting and area variance from Town Code Chapter 208-65E(2) Side yards/rear yards. A twenty-five-foot minimum side and rear yard setback, which shall be considered a buffer area, and which shall contain natural or planted vegetation for the purpose of screening uses from the adjacent properties. No parking shall be permitted in the buffer area. The proposed parking setback is being requested from the 25-foot buffer area. The property is located at 19 Synergy Park Drive Rear, Clifton Park, NY.*

**Applicant:**

Mr. Paul Lubera stated this in the last phase, Phase 4 and the project is on 16.63 acres in the B-5 and LI-2 zones. Mr. Lubera stated there would be 5 buildings, 4 of them 100,000 sf and the other 15,000 sf with 578 parking spots with some banked and the road would be extended. He stated that stormwater would be managed on site and they are asking for waiver for the LI-2 zone so they can be consistent with the rest of the development. He stated there would be shared parking and an access easement.

**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 the site is led by the B-5 and LI district and the B-5 buffer is different as it is being overlooked by the Planning Board so they are looking for a waiver for the LI zone as the Planning Board cannot provide relief. He stated this is a unique situation where the project extends through 2 zones.

Mr. Febo asked if the applicant was looking to put parking closer to the highway. Mr. Reese stated they are but in the LI-2 zone and only in the hash tagged area that is showing on the map.

Mr. Brockbank asked if the other area has been approved by the Planning Board. Mr. Reese stated it is being reviewed but not yet approved or denied.

Mr. Dudick asked if there would be a buffer still for the highway. Mr. Lubera stated there would be a planting plan. Mr. Dudick asked if the applicant has considered rotating the buildings to

keep them in one zone. Mr. Lubera stated there are steep slopes in the area as well as the Dwaas Kill.

Mr. Febo stated that they looked at the parking lot for a Jeep dealership along the Northway as well; he stated that this is not in the same zone but it was approved. Mr. Reese stated that the project that Mr. Febo is speaking about is in the B-3 and B-4 zone. Mr. Febo asked if this is approved before Planning Board approval, what would this mean for the variance. Mr. Reese stated that anyone there would have the zoning approval for parking.

Mr. Reese stated that this is an Unlisted action pursuant to SEQRA and the Planning Board has lead agency. He stated that Saratoga County Planning Board stated there was no impact and notices were sent out on November 21, 2025 with no public comment.

Mr. Brockbank moved, second by Ms. Hugg, to approve the variance as requested. The property is located at 19 Synergy Park Drive Rear.

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**

### **New Business:**

An application from **Upper Derby Sign Company dba Pro Signs** requests the following Area Variances:

- a. *Per Town Code Chapter 171 Chart II Formula A-2, the allowable freestanding signs area for a 5,400 square foot structure is 41 square feet. The proposed freestanding sign is 48 square feet. And area variance of 7 additional square feet is being requested from the 41 square foot area that is permitted for this site.*
- b. *Per Town Code Chapter 171 Chart II Formula C-2, the allowable wall sign area for a 5,400 square foot structure is 27 square feet. The proposed wall signs on the gas canopy total 88 square feet. And area variance of 62 additional square feet is being requested from the 27 square foot area that is permitted for this site.*
- c. *Per Town Code Chapter 171 Chart II Number of Signs, the maximum number is one wall sign. The total number of proposed wall signs is four. An area variance of 3 additional wall signs is being requested from the one wall sign permitted for this site.*
- d. *Per Town Code Chapter 171-4 G (11) (a) integral graphics on gasoline pumps limited to one square foot per pump. The proposed signage on each pump is approximately 12*

*square feet per pump. And area variance of 11 additional square feet is being requested from the one square foot areas that are permitted per Town Code.*

- e. Per Town Code Chapter 171-4 G (11) (b) two identification signs which do not exceed two square feet at each fuel pump island. The proposed signage for each fuel pump island is approximately 21 square feet per fuel pump island. An area variance of 19 additional square feet is being requested from the two square feet area that is permitted per Town Code.*

**Applicant:**

Karen Greenlley stated she is here tonight for on a new site. She stated that she is only here tonight for signage and she is unable to speak on behalf of the site and it was already approved. Ms. Greenlley stated the proposal is for multiple signs and she showed the proposed signage they are asking variances for. She showed the main sign and stated it would be an 8' blank panel beneath the Sunoco as there is no wall sign now but there may be one in the future. Ms. Greenlley stated there is a proposed sign by the walkway and a canopy proposal is the other bulk ask for the property. She stated there would be 2 pricers facing the driveway on the other side of the property and seen by Riverview Road. Ms. Greenlley stated that Sunoco is going through a rebranding so they would like the new logo and price sign on the canopy as well. She stated they are asking for pump signs, valances, and doors as well and this does not include the regulatory signage needed.

Mr. Reese stated part "d" is what is being proposed to be on the pumps and part "e" is a flag and arrow.

**Public:**

No public comment.

Mr. Dudick moved, second by Mr. Brockbank to close the public hearing at 8:01 p.m.

**Board:**

Mr. Reese stated the construction to the site has already begun.

Mr. Brockbank asked what sign "a" cannot be under 41'. Ms. Greenlley stated that they have an extra part and it would be 40 sf without the panel on it but the owner may want to put a store name on it after they are established as a convenient store. Mr. Reese asked if there would be a wall sign on the building. Ms. Greenlley stated there would not be.

Mr. Dudick asked if "a" was approved would the applicant be willing to give up the wall sign. Ms. Greenlley stated she would be willing to give up "e".

Mr. Febo asked if branding vs. names are regulated by the state. Mr. Dudick stated they are not. Mr. Reese stated gas stations have additional code regulations to meet. Mr. Weiner stated the applicant could go with no panel and come back if they feel they do need it.

Mr. Limes asked if the applicant could show the locations of the signs. Ms. Greenlley pointed on the map and state the sign was 17.5 feet from the property line. Mr. Klimes asked the size of the

Stewart's sign adjacent to this as he feels this is not out of character and in line with the Stewart's across the road.

Mr. Febo stated he did not know the brand would be basic. Ms. Greenlley stated this would be similar to the location on Route 9 by the Halfmoon Diner.

Mr. Brockbank asked about the signage on the canopy and the necessity. Ms. Greenlley stated this helps travelers in the other direction so that they are there as they are on a corner and set back. She stated that the canopy is over 100' and it is national standard to have prices on the corner of the canopies. Mr. Brockbank asked why then 3 wall signs and not 1.

Mr. Febo asked if the applicant was willing to give up the 94 flags. Ms. Greenlley stated this is Sunoco's branding. Mr. Febo stated he would rather see the pricer than the branding flags. Mr. Klimes stated the applicant could sacrifice one sign to keep signage on the Riverview Road front. Mr. Febo stated that if they do not keep the Riverview Road sign people may miss the business when traveling to Route 146.

Ms. Greenlley stated she would be willing to give up the 94 signs (part "e"). Mr. Reese stated that if the applicant removes part "e" they can still have 94 on the pump itself. Mr. Dudick asked if the arrow itself is a sign. Mr. Reese stated it is considered a directional sign. Ms. Greenlley stated it is also a part of the branding but she can remove this as well. Mr. Dudick asked the applicant if she would be willing to get rid of "e" all together. Ms. Greenlley stated she would give up all of part "e".

Mr. Klimes asked if there were OSHA Standards for the bollards, as banners need to be indicated and colors mean specific things.

Mr. Febo stated this does not seem out of character FOR THE Town. Mr. Reese stated this is typical for a gas station and showed the image of the Sunoco at exit 8.

Mr. Reese stated that this is an Unlisted action Pursuant to SEQRA, the Saratoga County Planning Board stated there is no community impact and notices went out on November 21, 2025 and there has been no comment.

Mr. Febo thanked the applicant for working with the Board tonight.

Mr. Dudick moved, second by Mr. Febo, to approve the variance as modified. The property is located at 916 Riverview Road, Rexford, NY.

Modifications made were as follows:

1. Section (b) to be modified from 88 sf to 73 sf. The variance approved is 47 additional sf.
2. Section (c) to be modified from four proposed wall signs to 3. The variance is approved for 2 additional wall signs.
3. Section (e) will be removed from the variance request.

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

The Secretary called the Vote:

**Ayes: 6**

**Noes: 0**

The chairman made a motion to approve the minutes from the October 21, 2025 meeting. All who were present at the October 21, 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 8:09 p.m.

The next scheduled ZBA meeting will be held on January 6, 2026.

Respectfully submitted,

*Paula Cooper*

Paula Cooper

Secretary, Zoning Board of Appeals