

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

February 2, 2026

Present: Chairman Michael Dudick, Scott Styles, Christopher Lemire, Lisa McCoy, Juliano Febo, Mark Brockbank, Gerald Schuth (alternate)

Absent: John Klimes

Also Present: Scott Reese, Building and Zoning
Paula Cooper, Secretary
Kevin Luibrand, Attorney

The meeting was called to order at 7:18 p.m.

All stood for the Pledge of Allegiance. Roll call was taken.

Mr. Dudick stated in the absence of Mr. Klimes, Mr. Schuth would be a voting member tonight.

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.

Old Business:

An application from Gilbert VanGuilder Land Surveyor, PLLC requesting an area variance from Town Code Chapter 208-16 E.(5)(d), a minimum lot size of 40,000 square feet is required for parcels served by on-site septic and well systems. The proposed lot-line adjustment would increase the subject parcel's area from 30,050 square feet to 33,353 square feet. The parcel remains 6,647 square feet below the required minimum lot size. The proposed lot-line adjustment requires an area variance for 6,647 square feet of relief from the minimum lot-size requirement. The property is located at 4 Lynn Court, Clifton Park NY.

Applicant:

Pat Jarose stated the request tonight is for an area variance. He stated the applicant has reviewed the Board's concerns and understands that if any other changes or development are made they need to come back before the Board.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Brockbank to close the public hearing at 7:21 p.m.

Board:

MR. Reese stated this is a Type II action pursuant to SEQRA and no further action is necessary. He stated the Saratoga County Planning Board waived the review of the application. Mr. Reese stated the mailings were sent out on 12/26/25 and the public was notified on 1/28/26 and there was only one call about the project and no issues.

Mr. Lemire thanked Mr. Jarose for going back to the applicant with the concerns and conditions.

Mr. Brockbank moved, second by Mr. Lemire, to approve the variance as requested. The property is located at 4 Lynn Court, Clifton Park, NY.

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

Conditions:

1. If the parcel requires in the future any more development or changes to the site, the applicant must come back before the Board for approval of the changes.

The Secretary called the Vote:

Ayes: 7

Noes: 0

Old Business:

An application from Edin Klapija is requesting an area variance. Pursuant to Filed Map N-41 on record with Saratoga County, the required side yard building setback is 10 feet. The applicant proposes to construct a sunroom addition located 3 feet 6 inches from the side property line and is therefore requesting an area variance of 6 feet 6 inches from the required 10-foot side yard setback. The property is located at 84 Tallow Wood Drive, Clifton Park NY.

TABLED

Old Business:

An application from Buddy Beames is requesting an area variance from Town Code Chapter 208- 98, Special Setback Lines. The proposal includes a concrete bump-out to accommodate stairs leading to the basement. The bump-out would be located 95 feet from the centerline of Long Kill Road, requiring a 5-foot area variance from the required 100-foot special setback. The property is located at 1 Placid Pines Court, Clifton Park NY.

Applicant:

Buddy Beames stated he is the owner of the property and is requesting a variance for a bump out on the west side of his home for a basement walkout. He stated he would like to bump out 6' and he cannot put the egress anywhere else.

Public:

No public comment.

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

Board:

Mr. Styles stated he appreciates a form of egress that is being installed.

Mr. Dudick asked if they would be billfold doors. Mr. Beames stated they would be

Mr. Lemire stated he drives by this almost every day and he did not notice the change so it looks nice. Mr. Lemire asked if the home is said to have 2 fronts. Mr. Reese stated it does, Longkill Road and Placid Pines Court and the home is built on the setback line.

Mr. Reese stated this is a Type II action pursuant to SEQRA and no further action is required. Mr. Reese stated the Saratoga County Planning Board waived the review of the application and

public notice was given on 12/26/25 and 1/28/26 with mailings going out on 12/19/25. He stated there were no inquiries.

Mr. Styles moved, second by Mr. Febo, to approve the variance as requested. The property is located at 1 Placid Pines Court, Clifton Park, NY.

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

The Secretary called the Vote:

Ayes: 7

Noes: 0

Old Business:

*An application from **Bohler Engineering** requests the following area variances:*

- a. An area variance from Town Code Chapter 208-7, which limits convenience stores to no more than 4 pump islands or 12 nozzles. The proposed plans include 6 pump islands with a total of 16 nozzles. Accordingly, the applicant is requesting a variance to allow 2 additional pump islands (for a total of 6) and 4 additional nozzles (for a total of 16).*
- b. An area variance from Town Code Chapter 208-7, which defines a convenience store as a facility with a gross floor area of 5,000 square feet or less. The proposed convenience store is 5,852 square feet. Accordingly, the applicant is requesting 852 square feet of relief from the 5,000-square-foot limit.*

The property is located at 1532 Crescent Road, Clifton Park, NY.

Applicant:

Tim Freytag stated he is here tonight with Andy Brick for the application review from last month. He stated that last month they received significant feedback from the Board as well as the public and stated they took these comments to see what they could do with the project. Mr. Freytag stated they have revised the application and are now asking for 6 pumps and 16 nozzles as he thinks this is keeping with the existing gas stations along the corridor. Mr. Freytag stated the Stewart's across from the application has 6 pumps and 14 nozzles. Mr. Freytag stated that with the decrease in the size of the proposed building they were also able to decrease parking and the number of variances that they are asking for down to 2. He stated they went to the Planning Board and they shared some of the same concerns and so the applicant will look at the rear buffer, sidewalks, and landscaping. He stated they are asking for area variances and not use variances so they have different requests.

Mr. Brick read from State Law as defined the area variance and quoted NYS 267. He read from the Court of Appeals and stated this has physical barriers not use restrictions. Mr. Brick read from the definition of the NYS Zoning Law and Practice as well.

Mr. Freytag stated the biggest change is with the fuel dispensers and more green space along John McKenna Way. Mr. Freytag discussed the curvature along the southeast corner of the parking lot and stated with the removal of the parking they still meet code. He stated that they received similar comments from the Planning Board as they did from this Board and they are working with the Planning Board on the Site Plan Review. Mr. Freytag stated that based on public feedback, the dead end walkway will connect down John McKenna Way and to Crescent Road.

Public:

Helen Ferrel stated she moved here 2 years ago and resides on Wellington Court. She stated that she deeply fell in love with the area and its character. She stated she saw an aerial of the area and did not realize how many homes there were as she would have liked to visit them all to notify the residents of this proposal. Ms. Ferrel stated there are health risks that are associated with gas stations and there are also traffic concerns. She stated she sees the perspective of the owner but questioned if the area needs another convenience store and gas station. Ms. Farrel handed in the petition as well as aerial views of the community. She stated that a 24 hour establishment would be overwhelming to the area and she would hope the Town Board would look at this if needed. She stated there is a daycare in the area and emissions would impact the children.

Kathleen Kennet, 15 Hiawatha Drive, stated she also has a petition and went over detriments she feels this would bring to the area such as traffic, and emissions and that she understands the applicant can build without permission if they stay within the boundaries of the Code and without variances. She stated the Stewart's across the road have 4 islands and these applicants' requests are substantial; there are groundwater concerns. Ms. Kennet stated she has read about the business model if the applicant and stated their goal is not for fuel profit but for profit from the conveniences store. She stated she feels this could put others out of business and then they would be vacant like this property. Ms. Kennet stated the difficulty is self-created because they could use the land differently and keep within Code and just because others were granted variances does not mean they get them too.

Ralph Reel, 13 Hiawatha Drive, stated he is opposed to the variances. He stated this is an undesirable change to the neighborhood n he has been there for 30 years and this part of Clifton Park was mainly residential. He stated he does not feel this is managed growth and the applicant can develop within the Code. Mr. Reel stated this proposal is a 24 hour operation so it will increase the noise and be an eye sore. He stated that 130 signatures on the petition should send a message.

Tom Burke, owner, stated there have been some emotional statements tonight and stated that he plans to have this in compliance with the Law. He stated he does not think the Board should be swayed by opinions about by the facts and he does not feel the standard should apply to him when it didn't for others. He stated he is willing to out into his deed or condition an approval for a service station not to be created and asked the Board to use their digression.

Mr. Dudick stated they will not be voting on this tonight until the applicant and council come to a discussion and come to an agreement in the legal understandings of the Law.

Mr. Dudick moved, second by Mr. Brockbank to close the public hearing at 8:49 p.m.

Board:

Mr. Lemire asked if the Board had raised concerns about this being a use variance and not an area variance. Mr. Brick stated the Board had not, but the public had and stated they thought a Special Use Permit was needed.

Mr. Schuth asked how many EV charging stations they are proposing. Mr. Freytag stated they are not at this time however; most national company's looks at global roll outs and can easily handle the accommodations at that time.

Mr. Lemire asked if there would be a variance needed for the second structure. Mr. Reese stated they are allowed 2.

Mr. Luibrand stated that by definition in the B-3 zoning this goes above the use and why does it not change the use. Mr. Brick stated the convenience/food store definition in Town Code is not clear but the variance would allow for them to look at the numeric and characteristics of the project. Mr. Luibrand stated that if the number of pumps increases then it is then considered an auto service station. He stated he has spoken to Ms. Bitter on this as well. Mr. Brick stated they can get what is needed to prove this is eligible for the record.

Mr. Dudick asked if the number of pumps on a developed lot is a defining characteristic. Mr. Brick stated they do not want to be an auto service station and they are requesting a numerical variance. Mr. Luibrand stated the definition of auto service station is in question but the pump threshold does meet the definition. Mr. Dudick stated that the auto repair definition does not talk about auto repair. Mr. Brick stated that he can only commit to a convenience store.

Mr. Brockbank asked what the current zoning is for the property. Mr. Reese stated it is zoned B-3 and a convenience store is an allowed use, but not service or repair. Mr. Brick stated he believes this is a physical restriction and that the applicant can be a convenience store with gas and not a service station. Mr. Reese stated there are several gas stations in Town that exceed allowed pumps and have variances.

Mr. Dudick clarified that this would go to a service station, not a repair station. Mr. Reese stated this is correct.

Mr. Brockbank asked if this would be a use variance, what the implications would be for others. Mr. Dudick stated the ones that are already established would remain and moving forward the definition can be reevaluated.

Mr. Brick stated that the applicant has had no interest in his property for yeas and there is a need for redevelopment. He stated they now have a national brand interested in the redevelopment of the property.

Mr. Febo stated that if they came for a use variance then they would have to use the property in a different way.

Mr. Lemire asked how the Board is to interpret #3 for looking at convenience stores. Mr. Reese stated he initially looked at his for pumps and nozzles and there are a few others with similar variances. Mr. Lemire agrees that this should not be a service station but it needs to be

consistent. He asked if the Stewart's across the road could be a service station with the pump counts. Mr. Brick stated the Stewart's is not a service station but a convenience store with a variance.

Mr. Reese stated he has looked at the stores similar to this in the B-3 and they all operate as a convenience store with additional nozzles. Mr. Brick stated that NYS laws call out vagueness and the municipality needs to interpret with the use of the property with the owner within reason.

Mr. Dudick stated the Code defines pumps and nozzles for convenience stores but not for service stations. He stated that this property has been sitting for a while so maybe this can be made a use variance and is not out of the question. Mr. Luibrand stated the code is clear.

Mr. Febo stated they have conditioned uses before and asked if they could look at an area variance and condition it to not be a service station. Mr. Luibrand stated the code is clear and the Board needs to make a decision.

Mr. Styles asked how Sunoco or Stewart's in this area got their variances. Mr. Luibrand stated the public must not have sued but he is unsure. Mr. Brick stated the Town staff has reviewed this and decided it was an area variance. Mr. Reese stated Mr. Brick's comment was correct.

Mr. Tom Burke, property owner, stated he is acquainted with the area and grew up on Fennimore Drive. He stated his family has been here for years and that this piece of land is difficult and has been vacant for a period of time and has been unsuccessfully redeveloped. He stated the new proposed buildings are half the size of the existing ones and there would be an increase in the pedestrian access. He stated he knows what works and what doesn't and this is a convenience store. Mr. Burke stated he feels he is being held at a different standard than others have been and he is no different.

Mr. Dudick asked if this property is associated with the park and ride. Mr. Burke stated it was his lot but it was taken over by eminent domain and asked the Board for he requested relief with the modifications made. Mr. Dudick asked if the property owner was leasing the land or if he was selling it. Mr. Burke stated he would lease the land, he has owned it for about 20 years.

Mr. Dudick stated he would like to see this tabled until Town and council can give the Board guidance with use vs. area variance. Mr. Reese stated the Zoning Board can challenge the decision of use vs. area.

Mr. Febo asked why they cannot vote on the area variance and it would be void if the it id found to be a use variance that was required. He stated he feels the public hearing should remain open until the Board is ready to make a decision.

Mr. Dudick called for a 5 minute recess.

The meeting was called back to order at 9:07 p.m.

Mr. Dudick stated the application will be tabled and the applicant can come back with either a vote or a change in a variance request. Mr. Brick asked if they can be out on the March 2 meeting. Mr. Reese stated they can be put on the agenda.

Mr. Dudick moved, second by Mr. Brockbank, to table the application until the March 2, 2026 meeting.

Old Business:

An application from Glenn Coffman requesting two area variances. The first area variance is from Town Code Chapter 208-11 minimum land area without central water or sewer in a Conservation Residential (CR) Zone is 40,000 square feet. The pre-existing non-conforming lot size is 19,455 square feet. The variance requested is a 20,545 square feet relief. The second area variance is from Town Code Chapter 179-26 C. In no case shall a subdivided lot have less than 40 feet of frontage on a public street. The pre-existing non-conforming lot has 0 feet frontage. The variance requested is 40 feet relief. The property is located at 33 Turner Park Road, Clifton Park, NY.

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New Business:

An application from AJ Signs requesting three area variances:

- a. From Town Code Chapter 171- Signs, Attachment 3, Chart II – Office. Based on the formula $A=0.005 \times GFA$, a 30,000-sq-ft building is permitted 150 sq. ft. of wall-sign area; however, the ordinance limits any wall sign to a maximum of 60 sq. ft. The proposal includes two wall signs, each 117 sq. ft., for a total of 234 sq. ft. The applicant therefore seeks an area variance of 174 sq. ft. to allow the proposed signage.*
- b. From Town Code Chapter 171 – Signs, Attachment 3, Chart II (Permitted Signs – Office), which limits each tenant to one wall sign. The proposal includes two wall signs for this applicant. The applicant seeks an area variance to permit one additional wall sign.*
- c. From Town Code Chapter 171 – Signs, Attachment 3, Chart II (Permitted Signs – Office), which establishes a maximum wall-sign height of 16 feet. The proposed wall signs are designed at a height of 30 feet. Accordingly, the applicant seeks 14 feet of area-variance relief from the maximum 16 feet height requirement.*

The property is located at 3 Synergy Park Drive, Clifton Park, NY

Applicant:

Tom Wheeler stated he is here for the new Rivain dealership this will be next to U-Haul on Kinns Road. He stated that one sign will face the Northway and the other is proposed to face Kinns Road. Mr. Wheeler stated the signs would be aluminum with light coming from behind it. He stated this will give a soft glow look. Mr. Wheeler stated they are looking for a full service sign as well and the applicant would like the 2 dealership signs to be large enough to be seen from the highway and Kinns Road.

Public:

No public comments.

Mr. Dudick moved, second by Mr. Brockbank to close the public hearing at 9:20 p.m.

Board:

Mr. Lemire asked if there would be access off Kinns Road or Synergy. Mr. Wheeler stated he access would be from Synergy. Mr. Lemire asked what the other building shown on the map represents. Mr. Wheeler stated the building does not currently exist but is part of the proposal. Mr. Lemire asked if the service signs are part of the application. Mr. Reese stated they are not as they are directional signs. Mr. Lemire asked what the maximum signage is allowed. Mr. Reese stated 60 sf and one wall sign.

Mr. Febo asked if the signs being requested are within character of the size of the building. Mr. Reese stated the U-Haul was allowed 3 area variances with 8 signs requested and a total of 1,600 sf. Mr. Lemire asked what was approved for the U-Haul. Mr. Reese stated 8 signs were approved in 2020.

Mr. Schuth stated he feels the signs are the least of the worries and stated the light is more of a concern as they see how bright the other building is that spills out from the inside at U-Haul. Mr. Wheeler stated the sign would be similar to U-Haul's as it will be a sign with light behind it.

Mr. Lemire asked how the sign height is measured. Mr. Reese stated it is measured from the ground to the bottom of the sign plus the sign height.

Mr. Reese stated this is an unlisted action pursuant to SEQRA, the Saratoga County Planning Board reviewed the application and found no intercommunity impacts. He stated public notices were done on 1/28/26 and public mailings went out on 1/22/26 with no calls or inquiries.

Mr. Dudick moved, second by Mr. Febo, to approve the variance as requested. The property is located at 3 Synergy Park Drive, Clifton Park, NY.

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

Public Privilege:

Any member of the public may speak for up to three (3) minutes on matters currently before the Zoning Board of Appeals as open projects. Comments should be relevant to the Zoning Board of

Appeals' jurisdiction. This opportunity is intended to allow the public to provide input or raise concerns related to active applications under review

No public comments.

The chairman made a motion to approve the minutes from the January 6, 2026 meeting. All who were present at the January 6, 2026 meeting voted in favor and the meeting minutes were approved.

Mr. Dudick, Chairman, made a motion to adjourn the meeting, Ms. McCoy second, all voted in favor and approval was unanimous. The meeting was adjourned at 9:29 p.m.

The next scheduled ZBA meeting will be held on March 2, 2026.

Respectfully submitted,

Paula Cooper

Paula Cooper

Secretary, Zoning Board of Appeals