

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

March 2, 2026

Present: Chairman Michael Dudick, Scott Styles, Christopher Lemire, John Klimes, Mark Brockbank, Gerald Schuth (alternate)

Absent: Lisa McCoy, Juliano Febo

Also Present: Scott Reese, Zoning Administrator
Paula Cooper, Secretary
Kevin Luibrand, 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, in the absence of Mr. Febo, 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 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.

Old Business:

None.

New Business:

An application from Gilbert VanGuilder Land Surveyors requests the following area variances:

- a. Pursuant to Town Code 208-43.3(A), one family detached dwellings are limited to 25 percent of a parcel's total potential residential density. Based on a density of one unit per acre, the 2.54 acre parcel permits a maximum of 0.635 units. The existing single-family dwelling on proposed Lot 1 (approximately) 0.67 acres) exceeds this limit; therefore, an area variance of 0.365 units is requested to allow one existing dwelling.*
- b. Pursuant to Town Code 208-43.3(B), retail and commercial uses are limited to 2,000 square feet per acre and may not exceed 25 percent of a parcel's total potential commercial density. Based on the 2.54 acre parent parcel, the maximum permitted commercial density is 1,270 square feet. The existing 12,335 square foot commercial building exceeds this limit; therefore, an area variance of 11,065 square feet is requested to permit the existing nonconforming commercial density on the proposed lot 2.*

The property is located at 1143 Ballston Lake Road, Clifton Park, NY.

Applicant:

Pat Jarose stated he is here tonight to request area variances for a 2 lot subdivision. He stated an existing home is on Lot 1 and there is also a garage on that lot that the applicant plans to remove and replace to be conforming. Mr. Jarose stated Lot 2 has an existing building and an ingress and egress. Mr. Jarose stated the applicant is looking to subdivide for estate purposes and there would be no change in the use.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Brockbank to close the public hearing at 7:14 p.m.

Board:

Mr. Lemire said he wanted to state for the record that his daughter had car repairs done there today. Mr. Luibrand stated there is no conflict with Mr. Lemire sitting in on the application.

Mr. Brockbank asked what estate purposes the applicant is planning for, and suggested selling. Mr. Jarose stated that in the future the properties may be sold.

Mr. Dudick asked how long the applicant has owned the property. Mr. Jarose stated he didn't know but guessed 25-30 years.

Mr. Lemire asked if there is an existing easement to Lot 1. Mr. Jarose stated they have 2 access points and Lot 2 access will be for emergency use only and not use regularly. He stated they plan to use the existing access.

Mr. Dudick asked how many acres would be for commercial use. Mr. Jarose stated Lot 2 would be 1.87 acres and Lot 1 would be 0.67 acres. Mr. Dudick asked if the applicant would be further subdividing. Mr. Jarose stated there is no intent by the applicant to further subdivide.

Mr. Lemire asked if the driveway would be gravel and paved. Mr. Jarose stated it would be.

Mr. Reese stated that this is an Unlisted action pursuant to SEQRA, the Saratoga County Planning Board found no impacts to the community, Public notices were distributed on 2/24/26 and mailings went out on 1/14/26. Mr. Reese stated he had received calls but no comments on the application.

Mr. Lemire asked if the Town had any issues with the easement. Mr. Reese stated that this is in the Hamlet Mixed Use zone so it is slightly different and they try to mix residential with commercial. Mr. Jarose stated the homeowner is aware of the easement and it will be reflected on the deed. Mr. Lemire asked if there are any concerns with fire access. Mr. Jarose stated there is no concern as the layout is just a different way to access the property. He stated this will also be looked at by the Planning Board for the subdivision. Mr. Lemire asked if Lot 2 could be subdivided again. Mr. Reese stated the only way to do it would be to break up the building on Lot 2 and rebuild with the same square footage at the density max and to size.

Mr. Brockbank moved, second by Mr. Schuth, to approve the variance as requested. The property is located at 1143 Ballston Lake Road, Clifton Park, NY.

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 **Sokolowski's Geenhouses LLC** requests the following area variances:*

- a. Per Town Code Chapter 208-10B.(1)(a)[2] Operation of a commercial greenhouse, with a lot minimum of five acres. Existing lot size 2.839 acres. Variance requested 2.16 acres.*
- b. Per Town Code Chapter -11. Minimum side yard setback for a building is 10 feet. The building is located 9.22 feet from the side property line a 1 foot relief is being requested.*

The property is located at 570 Grooms Road, Clifton Park, NY.

Applicant:

Nick Sokolowski stated he is here with his family tonight for a request for side setback variance. He stated the variance is for them to be able to add a pavilion to the property to support their

business. Mr. Sokolowski stated the business has operated for over 50 years and they would like to continue. He stated the use of the property will not change or intensify with the variance but it would help with customer safety and flow of the area. He stated he believes this is reasonable and consistent with the property and would not be affecting others.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Brockbank to close the public hearing at 7:35 p.m.

Board:

Mr. Brockbank asked if the property predates the law. Mr. Reese stated that part of the property does predate Code. He stated the site was looked at before for greenhouses and the Town noticed an expansion so with the permit for the pavilion, they found things in the Code and they are asking the applicant to bring things to date before looking at the pavilion. Mr. Sokolowski stated they want to make it right with the Town and to move forward within Code.

Mr. Reese stated this is R-1 commercial greenhouses need 5 acres so this is why they are here. He stated that a building over 144 sf also needs Building Department permits. He stated that they also found that the home was closer to the property line than Code requires so they need a variance for this as well. He stated the 24'x24' pavilion triggered this and the need for variances.

Mr. Lemire asked if the preexisting conditions warranted the variance and not the pavilion. Mr. Reese stated this is true.

Mr. Dudick stated that the property predates zoning so this is just bringing it up to date. Mr. Sokolowski stated that this was a business in the 40's. he stated they have been trying to get this done for the past year so they can try and get things running properly.

Mr. Reese stated that this is an Unlisted action pursuant to SEQRA, the Saratoga County Planning Board found no impacts to the community, the public notice was sent on 2/24/26, and mailing went out on 2/19/26. He stated that he did receive some calls on the application with concern about people parking on the side of the road to access the business. Mr. Reese stated that the applicant is going before the Planning Board for parking and the plan will allow for almost double the parking. Mr. Reese stated the Planning Board will also be looking at operations on the smaller lot and evaluate the lighting and privacy for neighbors. Mr. Greg Sokolowski, owner, stated that Mr. Reese had mentioned light and privacy and they are unsure of what he is referring to. Mr. Dudick stated that this will be addressed by the Planning Board and may or may not be brought up here as it is not a concern for the Zoning Board. Mr. Dudick stated he feels the application request is reasonable and the property predates the Code so sometimes properties need to come to date with Town Laws.

Mr. Dudick moved, second by Mr. Brockbank, to approve the variance as requested. The property is located at 570 Grooms Road, 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: 6

Noes: 0

Public Privilege

Any member of the public may speak for up to three (3) minutes on matters currently before the Planning Board as open projects. Comments should be relevant to the Planning Board's jurisdiction under Subdivision, Site Plan, and Special Use Permit regulations. This opportunity is intended to allow the public to provide input or raise concerns related to active applications under review.

Josh Anderson stated he is an Eagle Scout and is working on communications. He stated he is here tonight because he needs to attend a Town meeting and write down both sides of what is discussed. Mr. Anderson stated he is in the 9th grade.

The chairman made a motion to approve the minutes from the February 2, 2026 meeting. All who were present at the February 2, 2026 meeting voted in favor and the meeting minutes were approved. Mr. Klimes abstains.

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 March 16, 2026.

Respectfully submitted,

Paula Cooper

Paula Cooper

Secretary, Zoning Board of Appeals