

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

May 4, 2026

Present: Chairman Michael Dudick, Scott Styles, Christopher Lemire, Juliano Febo,
Mark Brockbank

Absent: Lisa McCoy, Gerald Schuth (alternate)

Also Present: Scott Reese, Building and Zoning
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 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:

An application from Slade Jones requests the following area variances:

- a. The applicant requests an area variance from Town Code Chapter 171- Signs, Attachment 2, Chart I – Commercial. Based on the formula $A=0.005 \times GFA$, a 3,600-sq-ft building is permitted 18 sq. ft. of wall-sign area; however, the ordinance any wall sign to a minimum of 32 sq. ft. The proposal includes five wall signs, each 225 sq. ft., for a total of 1,125 sq. ft. The applicant therefore seeks an area variance of 1,093 sq. ft. to allow the proposed signage.*
- b. The applicant requests an area variance from Town Code Chapter 171 – Signs, Attachment 2, Chart I (Permitted Signs – Commercial), which limits each tenant to two wall signs. The proposal includes five wall signs for this applicant. The applicant seeks an area variance to permit three additional wall signs.*

The property is located on Wood Road – Tax Parcel # 250.-2-1.1

Mr. Reese stated that when the application was last seen, a member of the Board had asked about signage at other locations such as baseball fields at the Commons. He stated this is a Town owned and operated area and when permitting, the Town is exempt from permitting signs so the signage on the baseballs fields are allowed and no permits are required there.

Mr. Styles stated that his concern was not with Town signage but with the Little League promoting the business. Mr. Reese stated that this is the same and the Town has agreements and relationships with them and they have a 99 year lease. He stated this is necessary for the clubs to be able to operate.

Mr. Lemire stated this is to support fundraising for non for profits and not a business.

Mr. Styles stated he feels this is free advertising for those who have signs. Mr. Dudick stated that without a donation they would not have a sign.

Mr. Reese stated this is different because this is a private business on private land.

Applicant:

Slade Jones showed photos of the actual banner she had hung and stated the photos were taken today to show the Board what they would look like. He stated the Shen sign was a memorial to his brother.

Mr. Reese showed a photo that was taken at night with lights on the banners.

Public:

Mr. Sweet, who lives across from the property stated he took the photo in the nighttime and that it is hard to assess how bright they are from the photo but there are better visuals if you drive by at night. Mr. Reese showed the video of the lighting and Mr. Sweet stated it is too bright. Mr.

Lemire read through the criteria for consideration of the ZBA and stated the Board needs to think of the neighborhood.

Mr. Dudick moved, second by Mr. Brockbank to close the public hearing at 7:46 p.m.

Board:

Mr. Lemire asked what the hours of operation are for the business. Mr. Jones stated they are 9 a.m. to dark but the lights are on in the dark hours to prevent vandalism. He stated he also has cameras and motion lights as well for security and they do not turn on in the winter months. Mr. Jones stated the lights on the banners are down facing and are only light from dark to dawn and the security lights only face the field. Mr. Lemire asked why the lights are on the banners all night if there is no play at night. Mr. Jones stated the security lights are on year round but the banners come down November to May.

Mr. Febo asked if the site plan was approved by the Planning Board. Mr. Reese stated it was. Mr. Febo stated he has concerns of the light spillage and it is on the Site Plan that 3 security lights are approved and read from the Town Illumination Code and stated that all of the lighting should be met in Part A. He stated this does not meet what the Planning Board approved as there are more than 3 lights and stated that the applicant is asking for relief when the Site Plan is not even completed yet to what has been approved by the Planning Board. He stated this is a concern because he cannot accurately determine if this is a detriment when landscaping and fencing have not been completed. Mr. Reese stated that he had talked to the Planning Director and there are still things on the Site Plan that need to be met and he stated he had told the Planning Director that the variance request had come to the ZBA. Mr. Febo stated this is a hard asks by the applicant since the Site Plan is not yet met. Mr. Febo asked when the site plan was approved. Mr. Reese stated it was approved by the Planning Board 9/23/25.

Mr. Lemire asked if the rest rooms have been built yet. Mr. Jones sated the bathrooms are on a trailer and brought in for the months they are open. Mr. Lemire stated the Code addresses lighting in regulations 208-98 a last year they only had one light. Mr. Reese stated lighting on signage and signage are what the applicant is here for tonight.

Mr. Styles stated it is not within the scope for the ZBA to look at lighting and stated the Board should stick with the application request.

Mr. Febo stated that there are residents living across the street and they expected to see something that is not there and now the applicant is asking for more without meeting those initial requirements.

Mr. Brockbank stated that he is not comfortable with 5 signs as being requested but would be more comfortable with one or 2.

Mr. Febo asked if the variance requested is approved, what ability Zoning has to have the Planning Board address the Site Plan. Mr. Luibrand stated it is up to the Zoning Officer to work with the Planning Department. Mr. Febo asked if the applicant could put the banners on the fence facing the fields and if they could be smaller and lower to the ground. Mr. Jones stated he does not like the suggested layout.

Mr. Styles state that the size of the barn comes into play as well. He asked why the lights have to stay on all night and asked why they cannot run off of sensors as well. Mr. Jones stated the lighting is so people don't walk up to the building while no one is there. Mr. Styles sated he feels the video shows that it may be frustrating in a rural setting and a timer may be better.

Mr. Brockbank asked if the Board can use conditions to limit lighting. Mr. Reese stated that the Site Plan calls for 3 motion activated lights. He stated that the lighting for the signage is not included so the lights would be associated with the lighting and the ZBA can condition them.

Mr. Febo asked then if lighting is out of compliance. Mr. Reese stated that the lights are spilling so yes however, the signage lights are separate from the Planning Board's site plan approval. Mr. Febo stated he still feels adding to an unfinished site plan should be permitted. He stated that he is ok with 2 banners and going back to the Planning Board for lighting.

Mr. Lemire asked if even one wall sign needs a variance. Mr. Reese stated it does as it is over the allowed square footage.

Mr. Dudick stated that Mr. Febo and Mr. Styles make good points. He stated that looking at the request he feels this is advertising and if it is not then there should be no problem facing the signs onto the field from the fence. Mr. Dudick stated that just one banner would require a 193 sf variance and the applicant wants to cover the wall of the building. He stated he may consider one wall sign but requesting over 1000 sf is a tremendous ask.

Mr. Brockbank asked the applicant if he was willing to go down to 2 signs. Mr. Jones stated 2 is better than 0 but he wants all five signs. He stated that he is phasing in the Site Plan and the Town has known this. He stated that as the business grows he will invest more to complete the site plan and this is what he is able to do.

Mr. Dudick stated to the applicant that he has options. He stated that the Board can vote on the application as submitted, the applicant can withdraw the request, the application can be amended, or it can be tabled for a later date but it needs to be voted on by the end of 62 days. Mr. Dudick stated that if the application is voted on and denied the applicant cannot come back to the Board unless there is a substantial change.

Mr. Febo asked if this Board approves 2 signs with no lighting could the applicant go back to the Planning Board for lighting and amend the site plan. Mr. Reese stated this is a grey area and can be considered lighting for the signage. Mr. Febo asked if there was ever a variance granted with a site plan out of compliance. Mr. Jones stated asked if he was denied 5 and he came back with 2 would it be a significant change. Mr. Reese stated a storage facility tried for an area variance for signs and then came back with an increase in then ask for signage. And this is the only case he is aware of.

Mr. Lemire stated he thinks that asking for 5 and then 2 is the same so he would not be able to. Mr. Jones asked if he comes back with full site plan compliance if he could then come back.

Mr. Dudick stated the applicant is looking for 3 more signs than allowed and 1000 sf over what is allowed as well. Mr. Reese stated lighting that spills off property is not allowed and read from the sign permit code. Mr. Klimes stated a monument sign has no lighting requirements for illumination and is determined by permitting of the sign.

Mr. Reese stated the Saratoga County Planning Board found no community impact, Public Notices went out on 4/14 and 4/28, mailings went out on 3/12 and he has a call back for lights and fencing. Mr. Reese stated there were 3 other inquiries made by residents; Ms. Brewer, Mr. Brewer, and Mr. Sweet

Mr. Dudick moved, second by Mr. Lemire, to deny the variance as requested. The property is located at Wood Road – Tax Parcel # 250.-2-1.1.

Mr. Dudick read the Area Variance Criteria, Mr. Dudick answered “opposed” to all 5 criteria.

The Secretary called the Vote:

Ayes: 5

Noes: 1

The denial is carried.

New Business:

An application from Dan Cargill requests 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 55 feet for the car port. The variance request is for a 25-foot relief from the 80-foot front property line setback. The property is located at 2 Frank Street, Clifton Park, NY.

Applicant:

Dan Cargill stated he has been parking his camper next to his home. He stated he got a new camper and it is equipped with solar power so he would like it stored in a carport to protect the panels. He stated he is not proposing sides to the structure and the home is closer to the road than allowed as well.

Public:

No public comments.

Mr. Dudick moved, second by Mr. Febo to close the public hearing at 8:34 p.m.

Board:

Mr. Dudick asked why the car port cannot go behind the home. Mr. Cargill stated there is septic behind the home and it is not square to the road so he would not be able to connect to the existing driveway. Mr. Dudick asked if it could be moved back 2'. Mr. Cargill stated that there is

septic in the area he was speaking about as well as a walkway and the entries to the existing buildings. Mr. Cargill stated there will be a concrete slab that will connect the car port to the ground with poles but the top is the only covering he is proposing. Mr. Dudick suggested moving it over 10' then back 2'.

Mr. Febo asked if the carport could be parallel to the driveway and not the home. Mr. Cargill stated the home is not parallel to the road.

Mr. Dudick asked why it cannot be moved over. Mr. Cargill stated he does not want to impact the drainage and take down trees.

Mr. Klimes asked if they could move the sidewalk. He stated it could take minimal concrete to do so and the applicant is having some already poured for the foundation of the car port. Mr. Cargill stated he would rather move the sidewalk than the driveway.

Mr. Dudick stated that in the 25 years he has served on this Board they have never allowed an accessory structure closer to the road than the home.

Mr. Reese stated that this is a Type II action pursuant to SEQRA, the Saratoga County Planning Board was not required to review the application, Public Notice was sent out on 4/28 and mailings were sent out on 4/4; there were no inquiries

Mr. Febo moved, second by Mr. Styles, to approve the variance as requested. The property is located at 2 Frank Street, Clifton Park, NY.

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

Conditions:

1. The front of the accessory structure shall not exceed front adjacent corner of the home.

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 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 April 20, 2026 meeting. All who were present at the April 20, 2026 meeting voted in favor and the meeting minutes were approved.

Mr. Dudick, Chairman, made a motion to adjourn the meeting, Mr. Febo second, all voted in favor and approval was unanimous. The meeting was adjourned at 8:46 p.m.

The next scheduled ZBA meeting will be held on May 18, 2026.

Respectfully submitted,

Paula Cooper

Paula Cooper

Secretary, Zoning Board of Appeals