

Town of Clifton Park Zoning Board of Appeals

**One Town Hall Plaza
Clifton Park, New York 12065
(518) 371-6054
FAX (518) 371-1136**



Zoning Board of Appeals

June 1, 2026

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

Absent: Lisa McCoy, Christopher Lemire

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 stated in the absence of Ms. McCoy, 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.

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 Environmental Design Partnership, LLP requests an area variance from Chapter 208-11 of the Clifton Park Town Code. No dwelling unit shall be placed closer to a front property line than 50 feet. The proposed front property line setback is 35 feet for the proposed residence. The variance request is for a 15-foot relief from the 50-foot front property line setback. The property is located at 35 Wheeler Drive, Clifton Park, NY (Tax Map 271.6-3-48).

Applicant:

Joe Dannible stated he is here tonight representing the property owner whom is also here tonight. He stated they are looking for 15' of relief for an approved lot on Wheeler Drive. Mr. Dannible stated the lot has sewer and drainage easements along with steep slopes and ravine that sharply drops off to the rear of the lot. Mr. Dannible stated the applicant would like to pull the proposed home away from the slopes and to push it closer to the road while giving a 30' setback from the crest of the hill. Mr. Dannible stated the setback from the road would be about 50' but closer than the required front yard setback and there are no other options for the applicant. He stated they have made the home smaller, about 46' deep, where the average home is 50'-60' and that there are other homes in the area that are closer to the road as well. Mr. Dannible stated that from an environmental standpoint the stormwater has been addressed with the original subdivision.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Klimes to close the public hearing at 7:27 p.m.

Board:

Mr. Dudick asked what the square footage of the home would be and what the property is to the right of this one. Mr. Dannible stated it would be about 1,817 sf ranch and the adjacent property is a driveway to get to a larger parcel set back further. Mr. Dudick asked if the home would have to have a retaining or stabilization wall. Mr. Dannible stated it should not that is why they are asking for it to be further away from the slopes.

Mr. Brockbank asked if the applicant would have a reasonable sized yard. Mr. Dannible stated they would but would have to contend with the slopes.

Mr. Klimes stated that 2 Wheeler Drive is in the same neighborhood and seems closer to the road than required on the map. Mr. Reese stated he agrees it seems closer and he had looked a few of the homes in the neighborhood as well.

Mr. Dudick asked when the property was originally purchased. Mr. Dannible stated it was purchased in 1998, so about 30 years ago. Mr. Dudick confirmed that the rear yard was 30' long and then there was the drop-off. Mr. Dannible confirmed this stated that keeping a slop height away is general rule.

Mr. Brockbank asked why the home could not be smaller to decrease the variance. Mr. Dannible stated this is already a smaller home and they have already shrunk the square footage but they cannot go wider due to the easements on the property.

Mr. Reese stated that this is a Type II action pursuant to SEQRA and nothing further is needed for this, the Saratoga County Planning Board did not require review of the application, Public notice was given on 5/25/26 and mailings went out on 5/19/26 with no inquiries.

Mr. Klimes stated that the applicant was avoiding future problems and stated they did have a buffer and is pushed back as far as they can go. He stated he understands their situation.

Mr. Dudick asked why the applicant waited 30 years before developing the property. Pamela Young, owner stated she lives in the adjacent home and she purchased the property in 1998 to keep her privacy. She stated that now she would like to build a home for her daughter.

Mr. Klimes moved, second by Mr. Febo, to approve the variance as requested. The property is located at 35 Wheeler Drive, Clifton Park, NY.

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

The Secretary called the Vote:

Ayes: 6 Dudick, Styles, Klimes, Febo, Brockbank, Schuth

Noes: 0

New Business:

An application from AJ Signs requests an area variance from Town Code Chapter 171, Attachment 2, Chart I, Table of Permitted Signs – Commercial, the allowable wall sign area is calculated as 0.005 multiplied by the gross floor area (8,100 ± sq. ft.), resulting in 40.5 square feet. The Goldfish Swim School tenant currently has a wall sign measuring 39.5 square feet. The proposed second wall sign measures 14 square feet. The applicant seeks a 13-square-foot area variance to permit the installation of the second 14-square-foot wall sign. The property is located at 1208 NY Route 146, Clifton Park, NY.

Applicant:

Carly Clark stated she is here tonight from AJ Signs to request a wall sign for Goldfish Swim School. She stated this would be a directional sign to show visitors where the entrance is. She stated the business has had complaints that it is too hard to find the main entrance as it is on the side of the building.

Public:

No public comments.

Mr. Dudick moved, second by Mr. Klimes to close the public hearing at 7:36 p.m.

Board:

Mr. Brockbank asked why the sign cannot be smaller. Ms. Clark stated that the business wanted to keep it in line with corporate guidelines.

Mr. Dudick asked if directional signs were permitted. Mr. Reese stated they are permitted but only at 2' each and this is 700% larger and has the company logo on it so it is considered a wall sign. He stated that the business is allowed to have 2 wall signs but the square footage is larger than allowed for this as well. Mr. Dudick asked how large the business is. Mr. Reese stated they are 8,100 sf.

Mr. Klimes stated he supports the sign due to the location of the building and stated it seems modest compared to the 2 other business in the shared building. He asked if the arrow comes off the sign would it decrease the variance. Mr. Reese stated it would but then there would be no direction for people to follow.

Mr. Dudick stated the setback from the road is large and the pavement leading to the building drops from the road height. He stated that there have been discussions about the sign on the roadside at this location as well and feels this request is not unreasonable.

Mr. Febo stated the facades on the building are changing and it makes sense to have larger signs. He stated this is for the safety of the patrons, children, and all who come to the facility due to the size of the parking lot.

Mr. Klimes moved, second by Mr. Styles, to approve the variance as requested. The property is located at 1208 NY Route 146, Clifton Park, NY.

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

The Secretary called the Vote:

Ayes: 6 Dudick, Styles, Klimes, Febo, Brockbank, Schuth

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.

Discussion:

Mr. Brockbank brought up Town Law and stated that the Board minutes should have the roll call for all applications on them. Mr. Brockbank shared with the Board the Town Law. Mr. Klimes stated that he has concerns with this Law as he does not want his name readily out there for decisions as he is looking out not only for the Town as a member but for his family as well. Mr. Reese stated this is a volunteer Board. Mr. Luibrand stated that he will look into this for the next meeting. Mr. Schuth asked if the Board members could be sued individually, Mr. Luibrand stated that the Board members represent the Town. Mr. Schuth asked when a Board member should recuse themselves from a hearing. Mr. Luibrand gave examples of what, may be deemed appropriate for a Board Member to stay but explain one's self or recues and assured the Board they could also ask the attorney. Mr. Reese stated that the files for projects could be foiled at any time and the Notice of Decision does have the members vote on them. Mr. Luibrand stated he would look into this and it would be addressed that the next meeting on how the Board and minutes would be moving forward.

The chairman made a motion to approve the minutes from the May 4, 2026 meeting. All who were present at the May 4, 2026 meeting voted, the meeting minutes were approved 5:1.

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 7:58 p.m.

The next scheduled ZBA meeting will be held on June 15, 2026.

Respectfully submitted,

Paula Cooper

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Secretary, Zoning Board of Appeals