

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

August 3, 2026

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

Absent: Scott Styles, Lisa McCoy, Juliano Febo

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 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 5 voting members of the Board here tonight, so that 4 of the 5 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 5 votes need to be in favor of the application tonight.

Old Business:

An application from Gilbert VanGuilder Land Surveyor, PLLC requests an area variance from Chapter 208-11 of the Clifton Park Town Code. The minimum land area per dwelling unit for a parcel in the R-3 district without central water or sewer is 100,000 square feet. The proposed lot area is 90,221 square feet. The variance requested is a reduction of 9,779 square feet from the 100,000-square-foot minimum lot size. The second requested area variance is from Town Code Chapter 208-11 Note c. The minimum width of all lots at the front building line along those streets listed in § 208-98 shall be 200 feet in all residential districts. Vischer Ferry Road is listed in §208- 98. The proposed width of Lot 2 is 155-feet. The variance request for Lot 2 is 45-feet relief from the 200-feet required width. The property is located at 203 Vischer Ferry Road, Clifton Park, NY.

Mr. Reese stated that when the site was first looked at it was just for the lot size, but Vischer Ferry Road is a special road so the application needed a second variance for a minimum lot width. He stated they are asking for 45' relief from the 200' lot width minimum. Mr. Reese stated the public and the neighbors were notified a second time.

Applicant:

Mr. Jarosz stated that they would like to move forward with the application and area variance. He stated since the last meeting they have extended the lot to the rear to increase the lot size to 90,221 sf so there is less of an asked from the Board. He stated that the front width variance is for 45' of relief

Public:

Steven Gagnon stated he is here tonight because he wants to build a home on the proposed lot that his parents are dividing off for him.

Mr. Dudick moved, second by Mr. Klimes to close the public hearing at 7:17 p.m.

Board:

Mr. Dudick asked how many sf were added to the lot. Mr. Jarosz stated 25,000 sf has been added. Mr. Dudick stated he understands the applicant would like to keep the existing structures on his land so he can control them as they are historic. He asked Mr. Jarosz to point tout the tree line, and Mr. Jarosz did so and stated the power lines run along the lot lie as well and they did not want to create another easement.

Mr. Lemire asked if the second variance was on the original application. Mr. Jarosz stated it was but it was not mentioned in the prior meeting as the discussion was mainly about the other variance that is being requested. Mr. Lemire thanked the applicant for considering the Boards' concerns.

Mr. Dudick stated this may not be symmetrically perfect but it satisfies the Boards' concerns and thanked the applicant for the changes and concessions.

Mr. Klimes moved, second by Mr. Schuth, to approve the variance as requested. The property is located at 203 Vischer Ferry Road, 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: 5 Dudick, Brockbank, Klimes, Lemire, Schuth

Noes: 0

Old Business:

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

- A. Town Code Chapter 171 - Signs, Attachment 2, Chart I - Commercial. Based on the formula $A = 0.005 \times \text{GFA}$, a 2,650-sq-ft building is permitted 13-sq-ft of wall-sign area. However, the ordinance any wall sign to a minimum of 32-sq-ft Per area variance #80400 a 6-sq-ft area variance for a wall sign was approved bringing the required sign size to 38-sq-ft. The proposal includes five wall signs, totaling of 108-sq-ft. The applicant therefore seeks an area variance of 70-sq-ft. to allow the proposed signage.*
- B. Town Code Chapter 171 - Signs, Attachment 2, Chart I-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.*
- C. Town Code Chapter 171- Signs, Attachment 2, Chart I - Commercial (fast-food). The maximum height of a wall sign is 16 feet. The proposal shows the wall signs at 22-feet. Per area variance #80400 an area variance was granted to allow the wall sign to be 20-feet in height. The applicant seeks an additional area variance of a 2-feet relief of the 20-feet maximum height for a wall sign.*
- D. Town Code Chapter 171 – Signs, Attachment 2, Chart I – Commercial. Based on the formula $A = 0.01 \times \text{GFA}$, a 2,650-sq-ft building is permitted a 26-sq-ft area of a freestanding sign. However, the ordinance any freestanding sign to a minimum of 32-sq-ft. The proposal shows the freestanding sign at 80-sq-ft. The applicant seeks an area variance of 48-sq-ft for the freestanding sign area.*
- E. Town Code Chapter 171 G. (3) On-premises directional signs shall not exceed 2-sq-ft. The proposal shows four directional signs at 4-sq-ft each. The applicant seeks an area variance of 2-sq-ft for four of the directional sign areas*
- F. Town Code Chapter 171 G. (3) On-premises directional signs shall not have business names unless required for safety reasons and then not to exceed 25% of the total square footage of the sign. The proposal shows the company logo covering 42% of the sign area.*

The applicant seeks an area variance of 17% of additional business name coverage on the directional sign.

The property is located at 811 NY Route 146, Clifton Park, NY.

Mr. Reese stated the application has been modified from its original filing and the applicant was using a different chart. He stated the minimum sf requirements are different and stated that this is a commercial site and already had an area variance. Mr. Reese stated the applicant is adding a freestanding sign that is larger than permitted. Mr. Reese stated the applicant is putting on 2 more variances and the sign chart refers to the office space area. He stated the applicant is still allowed 2 wall signs.

Applicant:

Tim Freytag stated that there has been revisions to the application like Mr. Reese had stated. He stated the building is esthetically pleasing and improved with the construction elements. He stated they want additional signage to help offset the new buildings. Mr. Freytag stated the building has 3 frontages. Mr. Freytag stated they are asking for 5 variances, and listed them. Mr. Freytag stated the drive thru side of the building facing 7Brew will help direct traffic approaching from the east on Old Route 146. He stated they hope this will help them navigate to the slip lane on Route 146 and avoid the light. He stated they feel this is within character of the neighborhood because McDonalds has 5 wall signs and he feels the business location needs to be clearly identified since the architecture has changed. Mr. Freytag stated there are no environmental impacts, and as this may be self-created, it needs to gather customers passing by.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Klimes to close the public hearing at 8:20 p.m.

Board:

Mr. Lemire clarified 2a is for all of the signs and would be 108 divided by 5. Mr. Freytag stated 4 of the signs are the same size and a fifth one is slightly smaller.

Mr. Klimes asked if 7Brew has a sign package as right now only McDonald's has that many signs in the area. MR. Reese stated the Town has not y received a sign package for 7Brew and McDonald's had a variance approved in 2007 for 2 name signs and 3 logos. Mr. Klimes sated the applicant is looking for more sf and asked how much sf does McDonald's have. Mr. Reese stated that McDonald's has 4,328 sf and this application is asking for 2,650 sf.

Mr. Brockbank suggested the freestanding sign is large and asked if the applicant could decrease the wall signs or if they could keep the wall signs and decrease the freestanding sign.

Mr. Lemire clarified that the total sf of signage is 108 sf. Mr. Freytag showed on then map the locations of all of the proposed wall signs. Mr. Lemire asked if all of the wall signs were the same. Mr. Freytag stated they were.

Mr. Dudick stated that 2 wall signs and a freestanding sign is what is allowed. He stated he has been on the Board for 20 years and he is now being told the business need more. He stated that

he knows the building is at a different height than the road and this is reasonable but he fails to see the need for more signage than what the Code allows. He stated he feels that doubling the signage is reasonable. Mr. Freytag stated they are trying to build the same branding as other new Taco Bells. Mr. Dudick stated that the Board grants variances with special situations and they are then more inclined to give the relief. He stated they are more likely to do this when code changes so they may give some relief. Mr. Freytag showed the new construction of the Taco Bell in Malta.

Mr. Lemire stated the owners have chosen to change the branding. Mr. Freytag stated that the Form Based Code would not allow for certain architecture. Mr. Reese stated if the building is torn down then the new building must meet the current Form Based Code upon rebuild.

Mr. Schuth stated that with the height at the corner the road and the freestanding sign would be almost the same height. Mr. Freytag stated the sign would be higher than the building but lower than the road without the variance.

Mr. Dudick asked how much Code allows for a freestanding sign. Mr. Reese stated Code allows for 32 sf and this is more than what is allowed. Mr. Freytag showed the Chick-fil-a sign and the large unmarked building. He showed that the freestanding sign was hidden by the land layout.

Mr. Lemire asked if section e(2) has allowable square footage. Mr. Reese stated that directional signs are allowed at 2 feet per sign and there is no limit for directional signs. Mr. Freytag stated that the directional signs with the logo are important since they have a shared driveway with 7Brew and this is needed for safety.

Mr. Dudick asked if the applicant has the authority to have directional signs off the property. Mr. Freytag stated that the parcels are owned by the same party.

Mr. Klimes stated that the variances run with the property, so how can a sign variance incorporate an adjacent property. Mr. Reese stated they looked at them as directional signs.

Mr. Dudick stated the Board needs vital information to be able to vote on the application, he stated the argument for the freestanding sign is the same as Chick-fil-a so he would like to see what was approved for them. Mr. Reese stated Chick-fil-a has a variance for 26 sf on the logo and 45 sf for the message sign.

Mr. Dudick asked how large the original Taco Bell freestanding sign was.

Mike McCracken, applicant, stated that they could consider decreasing the freestanding sign size to 50 sf and take a wall sign off the application and asked if they do so if the Board would consider this.

Mr. Dudick stated he has never approved more than 2 wall signs and he was on the Board but not present at the meeting that approved the McDonald's. Mr. McCracken stated that he can go down to 3 wall signs.

Mr. Klimes stated that 2 directional signs are authorized and the 2 off property they are not able to approve. Mr. Freytag stated they can move the 2 off property signs onto the site. Mr. Klimes asked if painting the drive thru signs on the pavement are considered signage. Mr. Reese stated it

is not considered a sign that he is aware of. Mr. Klimes stated he would be ok with them painting the pavement to help replace signage.

Mr. Reese asked if the applicant was agreeing to decrease the wall sign variance to 3 signs and have 32.5 sf of relief and have them at the max allowed height.

Mr. Lemire stated he would like the Board to choose where the 3 wall signs go. He stated he would like to see them at the front and rear towers and one over the door. Mr. Freytag stated the applicant would like to reserve the right to place the wall signs where they see fit. Mr. McCracken stated that the likelihood of them going where Mr. Lemire wants is good but he is not 100% sure and he would prefer a vote tonight.

Mr. Dudick explained what happens if the vote denies the application and stated it is up to Mr. Reese to determine if new application is different enough from this one to come back before the Zoning Board of Appeals.

Mr. Reese stated the applicant is now asking to revise the application to 3 wall signs, 2 directional signs with logos as well as a size variance and the freestanding sign be a total of 50 sf. The applicant agreed.

Mr. Brockbank moved, second by Mr. Schuth, to approve the variance as revised. The property is located at 811 NY Route 146, 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: 3 Mr. Brockbank, Mr. Klimes, Mr. Schuth

Noes: 2 Mr. Dudick, Mr. Lemire

New Business:

*An application from **Environmental Design Partnership LLP** requests an area variance from Town Code Chapter 208-11 Note c. The minimum width of all lots at the front building line along those streets listed in § 208-98 shall be 200 feet in all residential districts. Elnora-Jonesville Road (Main Street) is listed in § 208-98. The proposed width of Lots 1, 3, & 4 is 101-feet. The variance request for Lots 1, 3, & 4 is 99-feet relief from the 200-feet required width. The proposed width of Lot 2 is 111-feet. The variance request for Lot 2 is 89-feet relief from the 200-feet required width. The property is located at 924 Main Street Clifton Park, NY*

Applicant:

Joe Dannible stated he is here tonight for a 4 lot subdivision that is on a special street where frontage is required to be 200 feet. He stated this is not consistent with the road and many of the lots are narrower than 200 feet and closer to 60-70 feet. He stated they have looked at the criteria

and this is not an undesirable change to the neighborhood and he does not think there is any other way to do this. Mr. Dannible stated he is asking for less than 50% relief from the code and they will be maintaining drainage from the County. Mr. Dannible read from the minutes from the Planning Board meeting that reflects that the Planning Board is in favor of the application.

Public:

Charles Hall stated he lives next to the application. He stated that the property was flooded 8' down when it rained a lot so this is a concern if Lot 1 gets built up then his property will flood. Mr. Hall stated that his property has about 320' of frontage.

Daniel Methais, 7 Birch Hill Lane stated that he objects to this application and that the applicant cannot prove a benefit that outweighs the other properties in the neighborhood. Mr. Methias stated the Board needs to protect the neighborhood. He spoke about the neighborhood impact and the alternatives the applicant has such as expanding or combining lots. Mr. Methias gave the Board copies of photos and an environmental mapper as well as the statement he read from.

James Ruhl, Wood Dale Drive, stated this is vernal wetland or a swamp. He stated they have ambient areas around this one so this is a difficult area to develop. He stated the residents who buy this will have difficulty. He asked the Board to deny this application. Mr. Dannible stated vernal wetlands can only be documented by DEC. Mr. Reese stated there was interest in this becoming a wetland and it was not found to be one.

Mr. Dudick moved, second by Mr. Klimes to close the public hearing at 9:15 p.m.

Mr. Dudick moved, second by Mr. Brockbank to re-open the public hearing at 9:26 p.m.

Board:

Mr. Reese confirmed the application is on a special road and does require a 200 foot lot width and have a 100 foot setback. Mr. Reese stated the public was not notified that a setback variance was needed. Mr. Dannible stated they are not asking for the setback at this time.

Mr. Brockbank asked what stops the lots from being expanded. Mr. Dannible stated they want to keep room from the driveway of the golf course to the homes and they are also trying to be consistent with the neighborhood. Mr. Brockbank asked how the applicant would keep water off of the Hall property. Mr. Dannible stated that the Hall property is elevated but they will work with the County on drainage. Mr. Brockbank suggested they eliminate lot 3 and expand lots 2 and 4.

Mr. Reese stated this is part of the PDD with the golf course. Mr. Dannible stated that there was also a 5th parcel but the applicant eliminated it.

Mr. Lemire asked how far it was from the line at Lot 4 to the driveway. Mr. Dannible stated it is about 350' but it is more esthetically appealing this way. Mr. Lemire stated lot 1 is what it is and can be deed restricted to expand and flooding will then be the homeowner's issue.

Mr. Schuth stated it will be a challenge with the runoff and asked why they are not expanding to the left.

Mr. Lemire stated across the street the frontage is about 120'. Mr. Reese stated he measures about 110'.

Mr. Dudick asked why the applicant is asking for a variance when they have more room to expand. Mr. Dannible stated he was told by the Planning Board the ZBA has granted these variances before. Mr. Dudick stated the application does not need relief as they have more land to expand on and they can build to code. Mr. Dannible stated the PDD goes 550' and is owned by the same person but it is on a different lot and they would need to expand the PDD and asked the application be considered.

Mr. Reese stated this application is an unlisted action pursuant to SEQRA, the Saratoga County Planning Board reviewed the application on 6/22/26 and found no intercommunity impact, public notices were sent out on 7/21/26 and mailings were sent out on 7/16/26. Mr. Reese stated comments were received and distributed. He stated the mapping from DEC shows where wetlands could be but specialist Kevin Weed walked thru the property and found none.

Mr. Lemire stated if the applicant moved within 100' of the driveway it would give the lot 175' of frontage. Mr. Dudick stated the applicant could take 3 lots and make them 150' each and asked if the applicant would accept 3 lots instead of 4. Mr. Dannible stated he is unable to make that determination but he can bring it back to the owner for consideration.

Mr. Dannible stated he would like to table the application to look at expanding the frontages of the lots and he will come back before the Board at a later date.

New Business:

An application from Capital District YMCA requests a use variance from Town Code Chapter 171-4 H. (1) and 171-6 C. (5), as off-premises signs are prohibited on the subject parcel, which is not located within the Off-premises Sign Overlay Zone. The property is located at 1 Wall Street, Clifton Park, NY.

Applicant:

Joseph Aupperle and stated he is with the YMCA. He stated that they are here tonight for a way-finding sign at the end of the road and not on their property. He stated they are looking to put directional on a sign for patrons.

Board:

Mr. Reese stated the applicant is working with the Town as the off property location is on Town property and in the Town's right of way. Mr. Reese stated that the Town has authorized usage and has an agreement with the applicant. Mr. Reese presented before the Boar the agreement with the Town Board and stated they did not have any problems with the placement of the sign.

Mr. Lemire asked about the signage on Clifton Country Road not being on the applicant's property. Mr. Dudick stated that they do won that property as well. Mr. Reese stated this is a

directional sign and on the Town's right of way property. He stated the Town had a resolution with an agreement to allow this.

Mr. Dudick stated he does not feel this is the prevue of the Zoning Board of Appeals if the Town Board has already made a decision on it. He stated this is similar to the banners at the Commons. Mr. Reese stated this is a fair statement but councils were asked and the application was brought here tonight.

Mr. Lemire asked how the applicant would show financial or would this be waived due to the Town Board signing off on it already.

Mr. Dudick stated he feels they cannot overrule the Town Board. Mr. Dudick stated that the Town Board is a legislative body and the ZBA is judicial and therefore hey cannot override the Town Board.

Mr. Reese showed the sign and the right of way where it maybe placed in fornt of the flagpoles.

Mr. Lemire read from the use variance criteria and asked who owns the other side of the road. Mr. Aupperle stated the Bentley owns that property.

Mr. Dudick stated this is not for the ZBA and if the Town Board gave this to you then you have it.

Mr. Reese agrees with the comment made by Mr. Dudick and stated the Resolution is not yet signed.

New Business:

*An application from **Ianniello Anderson PC**, requests an area variance from Town Code Chapter 208-86(B), which mandates a 50-foot building setback. A single-family residence was constructed within the required 50-foot building setback for a keyhole lot. The structure is currently located 46.9 feet from the property line, resulting in a required variance of 3.1 feet. The property is located at 1379 Rt 146, Clifton Park, NY.*

Applicant:

Mathew Sheilden stated he is here tonight because there was an error in placement of 3.1' on the home. He stated this is insignificant and was self-created but he needs Board approval for the variance before he can obtain a C.O. or he would have to tear down the building. He stated they have a buyer and they are waiting for the variance approval.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Klimes to close the public hearing at 9:57 p.m.

Board:

Mr. Dudick asked if the building has been inspected. Mr. Sheilden stated it was but it was before the garage was built and the previous builder made mistakes with the project and they had to rectify them as well. Mr. Sheilden stated maintenance agreements are in place as well as easements.

Mr. Klimes stated he has no questions for the applicant and understands they are trying to fix a mistake.

Mr. Reese stated the builder has gone through some trials with this but with the new takeover the building looks much better.

Mr. Dudick asked if they really mis-measured and didn't try to squeeze something in. The applicant denied squeezing. Mr. Reese stated they expanded the existing structure with a garage

Mr. Klimes moved, second by Mr. Dudick, to approve the variance as requested. The property is located at 1379 Rt 146, Clifton Park, NY.

Mr. Reese stated this is a Type II action pursuant to SEQRA, the Saratoga County Planning Board waived the review of the application, public notice was given on 7/21/26 and mailings went out on 7/20/26. He stated there were some inquiries about what the project was.

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

The Secretary called the Vote:

Ayes: 5 Mr. Dudick, Mr. Brockbank, Mr. Klimes, Mr. Lemire, Mr. 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.

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

Mr. Dudick, Chairman, made a motion to adjourn the meeting, Mr. Lemire second, all voted in favor and approval was unanimous. The meeting was adjourned at 10:01 p.m.

The next scheduled ZBA meeting will be held on September 9, 2026.

Respectfully submitted,

Paula Cooper

Paula Cooper

Secretary, Zoning Board of Appeals