

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

February 1st, 2022

Present: Chairman Michael Dudick, Jerry Cifor, Christopher Lemire, Randy Gifford , John Klimes, Lisa McCoy, Scott Styles (alternate)

Absent: Mario Fantini

Also Present: Steve Myers, Director, Building and Zoning
Paula Cooper, Secretary
Neil Weiner Esq., 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 that in the absence of Mr. Fantini, Mr. Styles would be a voting member.

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 members need to vote in favor tonight to grant the variances.

Old Business:

None

New Business:

An application from John O'Brian requests variance from Section 208-12A which requires 80' front setback for an accessory structure from the front property line, (corner lot) 35' available, 45' variance required. Property is located at 14 Sugarbush Road, Clifton Park, NY 12065 (Permit #81313)

Applicant:

Mr. John O'Brian – Applicant – Mr. O'Brian stated that he is here tonight because he would like to build a non-heated additional detached garage on his property. He stated that he has 3 vehicles that he would like to store and the garage would be about 24' by 36'.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Gifford to close the public hearing at 7:10 p.m.

Board:

Mr. Dudick asked the applicant if he was a car collector. Mr. O'Brian stated he was a collector of Corvettes and Broncos.

Mr. Gifford asked if the cars that are in the applicant's driveway now would be moved to this garage if approved. Mr. O'Brian stated 2 of them would be moved into the garage if approved.

Ms. McCoy asked how tall the building would be. Mr. O'Brian stated it would be about 10' tall and Mr. Myers stated that rooftop height would be 14'-16'.

Mr. Myers stated that this application is a Type II action and no further SEQR is required. He stated that this is a pie shaped lot so the applicant can only go back so far on his property. Mr. Myers stated that for fire separation from the home 5' is required and that a 10' setback from the road is as well, and he is ok with the placement of the proposal.

Mr. Lemire asked Mr. Myers if he was ok with the applicant having a 5 car garage. Mr. Myers stated he is ok with this. Mr. Lemire asked if the area the applicant would like to put the garage is wooded. Mr. O'Brian stated that it is not, the land is already clear and that Town property is next to the proposal location. Mr. Lemire asked if the new garage would match the home. Mr. Myers stated it would.

Mr. Dudick asked if the building could be rotated 90 degrees or if would be too close to the side boundary of the property. Mr. Myers stated that this would make the garage too close to the existing one and the applicant would not be able to make the turn into the proposed garage.

Mr. Cifor moved, second by Ms. McCoy, to approve the variance as requested. The property is located at 14 Sugarbush Road, Clifton Park, NY 12065.

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

The Secretary called the Vote:

Ayes: 7

Noes: 0

New Business:

An application from Kassis Superior Signs requests variance from the sign law chapter 171 Table 1 for a third wall sign of 25 sf. Currently has variance for two existing wall signs of 193 sf each or 386 sf total. Current variance is for 326 sf (60 sf max wall sign allowed). Needs variances for on additional wall sign (2 max allowed) and 25sf additional. Property is lactated at 54 Crossing Boulevard, Clifton Park, NY 12065 (Permit #81316).

Applicant:

Christina Kassis – Kassis Signs – Ms. Kassis stated that she is here tonight representing Sephora. Ms. Kassis stated that they are here tonight for a variance for a 20’ wall sign or Sephora on the Kohl’s so that patrons know it is a special entrance. She stated that Sephora will have their own store within Kohl’s.

Public:

No public comment.

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

Board:

Mr. Cifor asked if this has been done at other store in Clifton Park or if this would be setting precedence. Mr. Myers stated this would be advertising separate brands at the storefront. He stated that it was done at Tractor Supply but it was for them and not for another brand so this is different.

Mr. Lemire stated that he believed that Cumberland Farms had asked for one before to advertise a Dunkin Donuts inside that was to have separate cashiers. Mr. Lemire asked if Sephora would be inside and where. Ms. Kassis stated that it would be an open concept but the worker for Sephora would be in the area and that Kohl’s would not be selling other cosmetics. Mr. Lemire

asked what if Amazon wants a sign as well as they have a space in the store as well. Mr. Myers stated that this can be an issue. Mr. Lemire asked what is needed for the square footage. Mr. Myers stated that 386 is being asked for, 60 is allowed and they have preexisting variances from 2003. Mr. Lemire stated that the total over the allotted 60 would be 351 square feet with this application. Mr. Myers confirmed.

Mr. Dudick stated that he feels that 25 sf is not that big of an issue with the size of the store and the previous variances that were granted. He stated that he feels that his concern is with the 3rd wall sign. He stated that if this is approved and the trend now as to having box stores with other stores within them would lead to each counter wanting their own sign. Mr. Dudick asked the applicant how big the area in the store Sephora would be. Ms. Kassis stated that it would be about 30 sf.

Mr. Myers stated that this is a Type II action and that no further SEQR is required. Mr. Myers stated that he felt that the square footage they are asking for is not a lot, but the additional sign is a bigger issue. Mr. Myers stated that Target for example, has 4 wall signs on their building, 3 for them and one for the pharmacy.

Ms. McCoy stated that she believes that Ellis has multiple wall signs as well. Mr. Cifor stated that these wall signs are all for the same business.

Mr. Cifor asked why Sephora has not requested for one at JC Penney. Ms. Kassis stated that Kohl's and Sephora are trying to do this together and that Sephora is trying to steer away from JC Penney.

Mr. Lemire asked about page 7 of the application and which entrance the proposal is talking about. Ms. Kassis stated that it would be the entrance to the right that would have the Sephora sign. Mr. Lemire asked if the colors would be different than the Kohl's. Ms. Kassis stated it would be, and that the sign would match the Sephora logo. Mr. Lemire asked if the Sephora counter would be at the entrance that is being proposed. Ms. Kassis stated it would be right inside that entrance. Mr. Lemire asked if then could be its own store. Ms. Kassis stated it could be but it is not.

Mr. Klimes asked if Kohl's would decrease their signs so that the square footage would be decreased and then gain it back with this sign. Mr. Myers stated that the applicant would still need a variance for the extra sign.

Mr. Lemire asked if the store front would be for 2 stores because Sephora would not be a part of Kohl's and asked if they are leasing the space. Mr. Lemire stated that to him it would be like Market 32 asking for an extra sign for a product company to advertise. Mr. Lemire stated that it may be beneficial if the applicant were leasing space if it would then allow for another sign and if the applicant would look into this.

Mr. Dudick asked if there would be a panel for the monument sign. Mr. Myers stated no, they would share the same monument space. Mr. Myers stated that he can look into Sephora having their own application for a tenant subleasing a space. Mr. Dudick stated that different Towns decide what is best for their Town and just because another Town or City approves something does not automatically mean they this Town will.

Mr. Dudick stated to the applicant that if she so chooses she is able to table the application to explore other possible options. Ms. Kassis stated she would like to adjourn the hearing to discuss other possible options with her client as well as Mr. Myers and possibly reconfigure the application.

Discussion:

Mr. Myers stated that the Lee Hockford application has been suspended.

The chairman made a motion to approve the minutes from the January 4th, 2022 meeting. All who were present at the January 4th, 2022 meeting voted in favor and the meeting minutes were approved.

Mr. Dudick, Chairman, made a motion to adjourn the meeting, Mr. Cifor second, all voted in favor and approval was unanimous. The meeting was adjourned at 7:45 p.m.

The next scheduled ZBA meeting will be held on March 1st, 2022.

Respectfully submitted,

Paula Cooper

Paula Cooper

Secretary, Zoning Board of Appeals