

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

March 1st, 2022

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

Absent: Jerry Cifor, Randy Gifford, 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 absence of Mr. Fantini tonight, 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 5 voting members of the Board here tonight, so that 4 out 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 out of 5 votes need to be in favor of the application tonight.

Old Business:

None

New Business:

An application from AJ Signs requests a variance from Chapter 171, Table 1 for sign setback in the B-3 zone. 15' required, 0' requested, 15' variance required. Property is located at 780 Route 146A, Clifton Park, NY 12065 (Permit #81317)

Applicant:

Tom Wheeler – AJ Signs – Mr. Wheeler stated he is here tonight on behalf of Blue Spruce. He stated that he is looking for a variance for a sign due to the land layout and DOT right of way. Mr. Wheeler stated that there is a curve in the road as well as a berm in front of the parking lot. He stated if the sign were to be put where the setback requires, it would be in the parking lot. Mr. Wheeler stated it would not be interrupting the driving visuals for the roadway.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Lemire to close the public hearing at 7:12 p.m.

Board:

Mr. Lemire asked what the lines on the map provided meant. Mr. Wheeler stated they were elevation lines that indicated where the berm was. Mr. Lemire asked why the sign could not be put between the berm and the parking lot. Mr. Wheeler stated that it drops in that space. Mr. Lemire asked if the berm was flat. Mr. Wheeler stated it was and this is where they would like to put the sign. Mr. Wheeler passed around a picture to the Board which indicated where the location of the sign is proposed.

Mr. Dudick asked why 0', and if the sign can be put even a little further back. Mr. Wheeler stated that the land lowers and the parking lot is located there so it would interfere with parking and not be visible as the land is lower there. Mr. Wheeler stated that the sign would be about 16'.

Mr. Myers stated that this is a Type II action and that no further SEQR is required. Mr. Myers stated that there are visibility issues if the sign was to be put past the berm and that the DOT right of way is there so it pushes the property line back. He stated he feels that is the most logical place to put the sign and that he does not see a problem with the location. Mr. Myers stated that the sign will be on Blue Spruce property line and not on the DOT right of way.

Mr. Lemire asked about visibility of the sign and if it would cause sight restriction on the road. Mr. Myers stated that there would be visibility of the sign from the road at this location and it would not restrict visibility of traveling vehicles.

Mr. Dudick stated that he does not see any issues with this variance. He stated that this is not a busy area and since it is on a curve in the road it would not cause visual restrictions.

Mr. Klimes moved, second by Mr. Lemire, to approve the variance as requested. The property is located at 780 Route 146A, Clifton Park, NY 12065.

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

The Secretary called the Vote:

Ayes: 5

Noes: 0

The chairman made a motion to approve the minutes from the February 1st, 2022 meeting. All who were present at the February 1st, 2022 meeting voted in favor and the meeting minutes were approved.

Mr. Dudick, Chairman, made a motion to adjourn the meeting, Klimes second, all voted in favor and approval was unanimous. The meeting was adjourned at 7: 16 p.m.

The next scheduled ZBA meeting will be held on March 15th, 2022.

Respectfully submitted,

Paula Cooper

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Secretary, Zoning Board of Appeals