

Town of Claverack  
Zoning Board of Appeals  
P.O. Box V  
Mellenville, NY 12544  
Minutes for March 23, 2011

Approved 5/25/11

Chairman Frank Clegg called the March 23, 2011 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:35 p.m.

Members in attendance were: Chairman Frank Clegg, Stephen Melnyk, Norma Barnard, David Graziano, Oliver Milot, Paul Gundrum, Engineer; George Schmidt, Attorney; Rob Fitzsimmons, and Secretary; Jodi Keyser  
Absent: Jock Winch

Members reviewed the Minutes of February 23, 2011 meeting.

Stephen Melnyk made a motion to approve the February 23, 2011 minutes with a second from Norma Barnard. All members were in favor. Motion carried.

**Continuing Board cases for 3/23/11:**

**Shumsky, Stephen & Ann:** Tax Map #(SBL) 141 . – 1 – 39 for an Area Variance for roadway frontage located at 2281 Rte 27 in the Town of Claverack.

Stephen and Jennifer Shumsky applicants, and Jeff Plass, surveyor were present for the application. Rob Fitzsimmons reminded the Board members that the Shumsky's have a situation where they have a non-conforming pre-existing home on property owned by Mr. Shumsky's parents. The applicant is seeking to subdivide the parcel where their home is situated on from his parent's property but before they can subdivide they need an Area Variance for roadway frontage. Rob Fitzsimmons read a report from the Columbia County Planning Board giving approval with conditions as follows: formal written agreement between landowners on existing right-of-way and need for a separate well on the new parcel. Rob Fitzsimmons continued that these conditions will be noted for the TOC Planning Board also. David Graziano asked about Note #7 on the survey map going back to a shared well. Mr. Plass stated that the note is a generic note, which will be changed if asked to by the Planning Board. David Graziano asked if the applicant had a secured note from a financial institution. Mr. Plass stated that the applicant does not have any written agreement with a bank only verbal agreement because they still have to go to the TOC Planning Board. David Graziano stated that he is hesitant to approve the Area Variance without bank approval on a non-conforming use because what if they don't approve financing and the Zoning Board has approved an Area Variance. Chairman Frank Clegg stated that the Zoning Board of Appeals can make separate well, roadway agreement, and financing conditions of approval. Rob Fitzsimmons stated that the Zoning Board of Appeals can grant the Area Variance with conditions of separate well and formal roadway agreement but not financing agreement because that is out of the realm of the Boards jurisdiction. Mr. Plass stated that the Planning Board does not usually ask for financial agreements. Chairman Frank Clegg opened the meeting to public hearing at 7:44 p.m. Bruce Miller stated that he has lived next door to the Shumsky family for over 35 years and has never had any problems. No additional comments. Public hearing closed at 7:45 p.m.

Rob Fitzsimmons reviewed the SEQRA and criteria for an Area Variance for the Board members.

Stephen Melnyk made motion for negative declaration with regard to the SEQRA with a second from Oliver Milot. All members were in favor. Motion carried.

Motion to grant Area Variance for roadway frontage with conditions set forth by the Columbia County Planning Department was made by Stephen Melnyk with a second from David Graziano. All members were in favor. Motion carried.

Motion to adjourn the meeting was made by Norma Barnard with a second from David Graziano. All members were in favor. Motion carried. Meeting adjourned at 7:49 p.m.

Respectfully submitted,  
Jodi Keyser  
Secretary