



TOWN OF NEW LEBANON
ZONING BOARD OF APPEALS APPLICATION

Application fee = \$35.00 plus any reimbursement of public notice publishing fees which are approx. \$25.00 dependent upon characters/words

1. Name of Applicant: Kendall House
2. Date: 7/26/16
3. This Application is for: (CHECK ONE)
 - Appeal From a Determination by the Zoning Enforcement Officer (attach completed Appeal Statement form)
 - Appeal: Interpretation of Zoning Classification Boundary
 - Area Variance (attach completed Area Variance Application and SEQRA forms)
 - Use Variance (attach completed Use Variance Application and SEQRA forms)
 - Special Permit for _____ (identify use)
(attach completed SEQRA form and drawings showing compliance with relevant requirements of Article EIGHT, Section 7 and Article TWELVE, Section 5(c) of the Zoning Ordinance)
4. Applicant's Mailing Address: 233 Poyneer Rd Nassau NY 12123
5. Location of Property Involved in this Application: 423 Rt 20
New Lebanon NY 12125
6. Tax Parcel Identification: 20.1-1-62
7. 911 Address if available: _____
8. Zoning District(s) in which Property is Located: _____

FOR CLERK'S USE:

Date Received: 7/26/16 Application Number: ZPA-2016-016

Fee Paid: _____

Was Application complete when received? Yes _____ No _____

If No: Date when completed: _____

Date of meeting when Application will be first reviewed by ZBA: 8/2/16

Referred to: Planning Board on _____ County Planning Board on _____



TOWN OF NEW LEBANON
ZONING BOARD OF APPEALS

APPEAL STATEMENT

1. Name of Applicant: Kendall Howe
2. Date: 7/26/16
3. Determination you are appealing from: Permit Denial _____
Finding of a Violation
4. What is your understanding of the reason for the ZEO's determination?
In correct interpretation of site plan.

5. Separately identify and describe each and every error that you believe was made by the ZEO. Attach additional pages as required.
We have not erected, moved, structurally altered, added or enlarged
no use of land or buildings have been established, NO excavation, etc
therefore we do not require a zoning permit.
We have adhered to site plan and have not

6. Attach copy of Permit Application if applicable.
7. Attach copy of the ZEO's written determination.

TOWN OF NEW LEBANON

Code Enforcement

PO Box 328

New Lebanon NY 12125

Ph: 518.794-8884

Fax: 518.794-9694

VIOLATION NOTICE

Citation Number: C16-013



July 19, 2016

Kendall House Properties LLC
233 Poyneer Rd
Nassau, NY 12123

RE: 423 Us 20 ; New Lebanon 12125 - SBL/TM# 20.1-1-62

Dear Kendall House Properties LLC,

This notice is to advise you that a complaint was received by this office on 5/10/2016.

According to records of the Town of New Lebanon Assessor, you are the owner of the above referenced property.

These violations must be corrected by the respective compliance dates listed on page two at which time a re-inspection of your property will be made. Please have all violations corrected by that time otherwise a violation appearance ticket requiring your appearance in court shall be issued. This is the final request for your compliance.

Thank you for your anticipated cooperation. Should you have any questions or comments, please contact the undersigned at your earliest convenience.

Respectfully,

Kent J. Pratt
Kent J. Pratt

Code/Zoning Enforcement Officer

*Sent 1st Class
+ Cert Mail
7-20-16*

TOWN OF NEW LEBANON

CODE/ZONING ENFORCEMENT

OUTSTANDING VIOLATIONS AND CORRECTIVE ACTIONS REQUIRED

Property Address: 423 Us 20

Complaint #C16-013

Violation Date: 7/19/2016

Comply By Date: 8/1/2016

Issued To: Kendall House Properties LLC

Code: TONL Zoning Ordinance\Chapter 205- Zoning\205-11 B (1) - Zoning Permit

Description: No building shall be erected, moved, structurally altered, added to or enlarged, no use of land or buildings shall be established or changed and no excavation for any building shall begin unless and until a zoning permit has been issued by the Zoning Enforcement Officer.

Area Involved: Exterior Property Areas

Nature of Complaint: Non-adherence to approved Site Plan for retail and expansion of use wherein the application on which approval was granted stated intent to "keep the grounds as non-commercialized as possible" and did not contain any exterior changes beyond parking and handicap accessibility

Corrective Action: 1) Schedule a Sketch Plan Conference with the Planning Board to request a modification to your approved site plan; or 2) Discontinue the utilization of exterior commercial merchandise displays; or 3) Apply to the Zoning Board of Appeals to appeal this code enforcement determination.

Violation Date: 7/19/2016

Comply By Date: 8/1/2016

Issued To: Kendall House Properties LLC

Code: TONL Zoning Ordinance\Chapter 205- Zoning\205- 14 Site Plan Review

Description: Non-adherence to approved Site Plan for retail wherein the application on which approval was granted stated intent to "keep the grounds as non-commercialized as possible" and did not contain any exterior changes beyond parking and handicap accessibility

Area Involved: Exterior Property Areas

Nature of Complaint: Non-adherence to approved Site Plan for retail and expansion of use wherein the application on which approval was granted stated intent to "keep the grounds as non-commercialized as possible" and did not contain any exterior changes beyond parking and handicap accessibility

Corrective Action: 1) Schedule a Sketch Plan Conference with the Planning Board to request a modification to your approved site plan; or 2) Discontinue the utilization of exterior commercial merchandise displays; or 3) Apply to the Zoning Board of Appeals to appeal this code enforcement determination.

NOTICE: Per town of New Lebanon Chapter 205-11, such notice shall require the removal of the violation within 10 days after service of the notice. In such cases where removal of the violation within the 10 days would be manifestly impossible, the Zoning Enforcement Officer shall apply to the Town Board for a determination as to a reasonable period of time within which such violation shall be removed.

A person or corporation, whether as owner, lessee, agent or employee, who violates any of the provisions of this chapter or who fails to comply with any order or regulation made thereunder, or who erects, alters, moves or uses any building or uses any land in violation of any statements or plans submitted by him and approved under the provisions of this chapter, shall be guilty of an offense and upon conviction shall be punished by a fine not exceeding \$350 or imprisonment not to exceed six months, or both, for a conviction of a first offense in accordance with the provisions of Article 16 of the Town Law, ? 268, and amendments thereto, and any other article relating thereto. The penalty for a conviction of a second offense, both of which were committed within a period of five years, is punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 or more than \$1,000 or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.