



Town of New Lebanon
 PO Box 328
 New Lebanon, New York 12125
 Phone: 518.794.8884 | Fax: 518.794.9694
 Email: BuildingDept@townofnewlebanon.com

ZONING BOARD OF APPEALS APPLICATION

Application No. (office use only): _____

SITE INFORMATION

Site Location (911 Address): 830 US Route 20, New Lebanon, NY 12125 Nearest Crossroad: Churchill Rd
 Tax Map No.: 19.1-1-27 Zoning District: Commercial-Residential (C-R)

PROPERTY OWNER & APPLICANT INFORMATION

Property Owner Name: Umar Khan Phone: [REDACTED]
 Mailing Address: 830 US Route 20, New Lebanon, NY 12125
 Email: [REDACTED]
 Applicant Name (if different from Property Owner): _____ Phone: _____
 Mailing Address: _____
 Email: _____

SURVEYOR INFORMATION (if applicable)

Surveyor Name: _____ License No.: _____
 Mailing Address: _____
 Email: _____ Phone: _____

ENGINEER / ARCHITECT INFORMATION (if applicable)

Name: _____ License No.: _____
 Company Name & Address: _____
 Email: _____ Phone: _____

PURPOSE OF APPLICATION (check ONE; a separate application is required for each request)

- Appeal Zoning Enforcement Officer (ZEO) Permit Denial (complete Section A - Appeal / Interpretation)
- Appeal: Interpretation of Zoning Ordinance or Zoning Classification Boundary (complete Section A - Appeal / Interpretation)
- Area Variance (complete Section B - Area Variance and attach SEQR forms)
- Use Variance (complete Section C - Use Variance and attach SEQR forms)
- Special Permit for _____ (identify use) (attach SEQR forms and drawings and provide a detailed narrative showing compliance with relevant requirements of Zoning Ordinance 205-13 B and E; also see General Instructions.)

For an appeal or variance request, only complete and submit the section (A, B or C) pertaining to the relief you are requesting.

GENERAL PROJECT INFORMATION

Project Use/Description: Installation of fence along western and southern property lines

The project occurring within 500 feet of (Check all that may apply):

- A municipal Boundary
- County or State Park or recreation either existing or proposed
- State or County road or right-of-way, either existing or proposed
- State or County owned building or institution
- Stream or drainage channel owned by the County or for which channel lines have been established
- Active farm operation within a County Defined Agricultural District

SECTION A - APPEAL / INTERPRETATION

Applicant Name: _____

Date: _____

Determination from which you are appealing:

- Appeal: Zoning Permit Denial (attach copy of the Permit Application and ZEO's written determination)
- Appeal: Interpretation of Zoning Code or Zoning Classification Boundary

In the space below:

1. Identify the section of the Zoning Ordinance for which you are seeking an interpretation or appeal.
2. Describe your interpretation of the section of the Zoning Ordinance and any errors you believe may exist in the determination appealed from.

Attach additional pages as required

SECTION B - APPLICATION FOR AREA VARIANCE

Applicant Name: Umar Khan

Date: 4/20/2026

Identify and describe by section number of the Zoning Ordinance requirement(s) from which you seek relief: § 205-7B(4)(c)[1]; Sched. 1: Area and Bulk Regulations. These ordinances allow fences at a max. height of 6', and require fences be setback 75' from the road centerline

Provide the names and addresses of owners of all property within 100 feet of your property and within 100 feet of any road frontage that is directly opposite your property's road frontage. The list shall also contain the Town of New Lebanon current tax map numbers for each parcel. (The Building Department Clerk can assist you with this.) Attach additional pages as required.

19.1-1-26: Malvia Burrell, 836 Route 20, New Lebanon, NY 12125

19.1-1-47: Dorothy Dooren
823 Route 20, New Lebanon, NY 12125

19.1-1-29.2: Richard Beckwith, 12948 State Route 22, Canaan, NY 12029

19.1-1-49: Julie Gardner
70 Winslow Rd, East Nassau, NY 12125

19.1-1-44: John Roger Boutard, 31 Churchill Rd, New Lebanon, NY 12125

19.1-1-18:
Fabyan Morocho, 1327 8th Ave, Watervliet, NY 12189

19.1-1-46: Randolph Lucas, 819 Route 20, New Lebanon, NY 12125

Attach a drawing showing all features that are relevant to the variance you are seeking, such as the location of the structure or use in question, and the adjoining properties, roads, etc..

To grant an Area Variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the five Area Variance Standards listed below. Please provide responses to each of the five Area Variance Standards. Attach additional pages as required.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

The proposed fence project will not create an undesirable change in the character of the neighborhood, nor will it be a detriment to the nearby properties. The proposed fence along the front property line will be a decorative black aluminum fence with spear top pickets. This represents a classic Colonial look and is meant to mimic traditional black wrought-iron fences. The fence will be separated from the road at a distance that will not impede visibility or safety in any way. It is set back from the road 40', the distance most commonly used for fence setbacks from major highways.

The proposed fence along the side boundary will be a classic white Hamilton privacy fence. The fence will be white in color and its design is common to fences separating homes for privacy throughout the town. The vinyl material will remain white and not deteriorate aesthetically over its lifetime. The 8' height will not be a detriment to the view or impede the use or enjoyment of the adjacent property, but will provide more privacy for both parties.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance? Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

The benefit sought by the applicant can not be feasibly attained through other means. The purpose of the fence is to create not only privacy, but also increased security of the property. The current front setback requirement of 75' would place the fence at nearly the foundation of the house and not be practical or possible. The applicant is seeking to prevent pedestrians and drivers from easily entering the property from the road. The applicant also seeks privacy from the adjacent property and roadway that a 6' tall fence would not afford. The design of the house is such that the first floor windows allow visibility from the west that can not be well concealed by a 6' tall fence, including passing cars with headlights at night. An 8' tall fence would serve to block that visibility to an extent that it would create adequate comfort to the applicant. No other screening options would provide both the security and visibility blocking that the applicant seeks.

3. Whether the requested area variance is substantial.

The requested area variance is not substantial in that it is a minimal deviation from the standards. Placement of the fence closer to the centerline of the roadway (40' instead of 75') does not change the character of the neighborhood in the same way that placement of a significant structure like a house or outbuilding would. The fence along the front line is meant to look classy and traditional but not be visually dominant. In no way would it impede visibility to traffic and create a safety hazard.

The requested area variance for fence height would also not signify a substantial departure from current standards. The look of a 6' tall privacy fence is very similar to an 8' tall privacy fence. To the untrained eye and from a distance, the two fences would look nearly the same and have the same visual aesthetic.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The proposed fences would have no adverse impact on the physical or environmental conditions in the neighborhood. The installation will not result in major ground disturbance, addition or large amounts of new impervious surfaces, or leaching of harmful materials into the ground.

5. Whether the alleged difficulty was self-created.

The difficulty was not self-created in that the regulations restricting the fence height and distance from the road were in place prior to the ownership of the land and home.

SECTION C - APPLICATION FOR USE VARIANCE

Applicant Name: _____

Date: _____

Identify and describe by section number of the Zoning Ordinance requirement(s) from which you seek relief: _____

List the names and addresses of owners of all property within 100 feet of your property and within 100 feet of any road frontage that is directly opposite your property's road frontage. The list shall also contain the Town of New Lebanon current tax map numbers for each parcel. (The Building Department Clerk will assist you with this.) Attach additional pages as required.

Describe other means you have considered to accomplish your objective that would not require a Use Variance and your reasons for rejecting them.

To grant a Use Variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the four Use Variance Standards listed below. Please provide responses to each of the four Use Variance Standards. Attach additional pages as required.

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence. "Dollars and Cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the below reasons. *Note, the following information is helpful to this analysis: date of purchase and purchase price, cost of improvements made to the property, annual maintenance expenses and/or income generated from the property, appraised value of the property, period of time the property has been listed for sale and the listing prices, included any changes, efforts made to market the property for the allowable uses within the zone, number of showings of the property and any offers made.*

2. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. Difficulties shared with numerous other properties in the neighborhood or zoning district would not satisfy this requirement.

3. The requested use variance, if granted, will not alter the essential character of the neighborhood. Changes that will change the character of a neighborhood or district are at odds with the purpose of the zoning ordinance. Describe how the requested variance will not alter the character of this neighborhood and zoning district.

4. The alleged hardship has not been self-created. An applicant cannot claim unnecessary hardship if the hardship was created by the applicant/owner or if the property was acquired with the knowledge of the conditions for which the applicant seeks relief. Applicants are deemed to have investigated or known the zoning at the time of purchase.

I certify that the statements herein contained are true to the best of my knowledge and belief and I have prepared and submitted all pages of this application. By signing this application, the undersigned does hereby grant permission to members of the Town of New Lebanon Zoning Board of Appeals and Building Department to enter upon my property for the purpose of examining same by reason of an application now pending before said Board.

Signature of Property Owner Umar M. Khan Date: 4/2/26

Signature of Applicant [Signature] Date: 4/2/26

Fees: Appeals to ZBA (incl. interpretations, use variance, and area variance applications) can be found under the zoning section of the Town's Fee Schedule located here:
<https://secureservercdn.net/198.71.233.235/482.ab5.myftpupload.com/wp-content/uploads/2021/03/Updated-fee-Schedule-12.8.20.pdf>

A DECISION DOCUMENT BY THE ZONING BOARD OF APPEALS AND A BUILDING PERMIT APPLICATION (IF APPLICABLE) MUST BE SUBMITTED AND OBTAINED BEFORE BEGINNING ANY CONSTRUCTION OR OCCUPANCY.

Office Review – office use only

Date Received: _____ Application No: _____

Zoning Classification: _____

Fee Paid: \$ _____ Date: _____ Check No.: _____

Receipt No.: _____

Was Application complete when received? Yes ___ No ___

If No: Date Application was complete _____

Date of meeting when Application will be first reviewed by ZBA _____

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

Clerk Signature: _____ Date: _____



Red handwritten signature

Town of New Lebanon
PO Box 328
New Lebanon, New York 12125
Phone: 518.794.8884

Email: BuildingDept@townofnewlebanon.com

ZONING REVIEW/VERIFICATION APPLICATION (Step 1 of 2)

Application (office use only) No: _____

SITE INFORMATION

Site Location (911 Address): 830 Route 20 Nearest Crossroad: Churchill Road

Tax Map No.: 19.1-1-27 Zoning District: C-R

APPLICANT INFORMATION

Applicant Name: Superior Fence and Rail Albany

Mailing Address: 1002 Wedgewood Heights, Unit 1 Rotterdam NY 12306

Email: [REDACTED] Phone: [REDACTED]

Applicant's Agent/Professional: Carrie LaFlamme

Agent Phone: [REDACTED] Agent Email: [REDACTED]

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

Owner Name: Umar Khan

Mailing Address: 830 Route 20, New Lebanon NY 12125

Email: [REDACTED] Phone: [REDACTED]

Owner's Agent/Professional: _____ Phone: _____

NATURE OF PROPOSED WORK (check all that apply)

New Structure Additions/Decks/Accessory Structures Interior/Exterior Remodel Change of Tenant Change of Use Other
Install 128LF of 6'H Vinyl Fence including Gate in Front of property and 206LF of 8'H White

Project Use/Description: Livingston Plus along the side of property
Example: Request to establish (fill in the blank – such as Office Space Use, Retail Use, Restaurant Use, Auto Repair Use) use at unit #123 (at Mail Name if applicable) or Request for Modification of Space for (fill in the blank)

- 1) Please attach a detailed narrative explaining the details of the proposed use, including proposed tenant, any anticipated changes to the space or floor plans, accommodations necessary for water, sewer, parking, etc.
- 2) If your proposal changes the exterior footprint in any way, please include a sketch of the property including existing structures, approximate well and septic locations and the proposed new structure/addition. Dimensions must be provided from the proposed change in the building to the front, rear and side property lines. The front setback should be measured from the center of the traveled portion of the road.

AREA & BULK REGULATIONS SCHEDULE 1

Height: 6 & 8 Width: _____ Length: 128 & 206 Lot Size: _____ # of Stories: _____

RA1, 2 & 5 Districts: For Principle Buildings, what is the building coverage (Footprint) in sq. ft. _____

Comm/C-rec/C-R Districts: For Principle Buildings, what is the percent of Lot Coverage : _____

I certify that the statements herein contained are true to the best of my knowledge and belief and I have prepared and submitted all pages of this application

Signature of Property Owner _____ Date: _____

Signature of Applicant _____ Date: _____

Fees: Zoning Permit Fee please refer to Town Fee Schedule:
<https://secureservercdn.net/198.71.233.235/482.ab5.myftpupload.com/wp-content/uploads/2021/03/Updated-fee-Schedule-12.8.20.pdf> .

Zoning Officer Review – Office Use Only

Date Received: 4/23/26 Application No: _____

Zoning Approval is authorized. Application referred to the CEO for issuance of a building and zoning permit

Zoning Permit Issued & does not need to be referred to the CEO

Application Denied Referred to ZBA Case # _____ Referred to PB Case # _____

Reason for denial:

205-7 (c)1 Requires 6' in Ht. for fences. The Requested 8' requires
an area variance

If denied, you may appeal the denial to the Zoning Board of Appeals by filing a written appeal on the form available from the Planning & Zoning Clerk within sixty days after the date of the denial, specifying the grounds thereof and the relief sought.

ZBA Approved PB Approved: Special Conditions: Case No # _____ Decision document Dated _____

Zoning Officer Signature: _____ Date: _____

Fees	
Date:	<u>4/23/26</u>
Zoning Review Fee:	<u>50.00</u>
Ck No:	<u>Cash</u>
Receipt No:	<u>B1776</u>



Town CEO <ceo@townofnewlebanonny.gov>

Fwd: Authorization to Town

1 message

Umar Khan <[REDACTED]>
To: buildingdept@townofnewlebanon.com
Cc: Matt Baker <[REDACTED]>

Mon, May 18, 2026 at 10:27 AM

Good Morning,

I am the owner of the house, [830 Route 20, New Lebanon, NY 12125](#). I approve of Superior Fence & Rail acquiring the permit and them having previously submitted all applications on my behalf. Thank you and please let me know if there is anything else needed from me.

Respectfully,

Umar Khan
[REDACTED]

----- Forwarded message -----

From: **Matt Baker** <[REDACTED]>
Date: Mon, May 18, 2026 at 10:21 AM
Subject: Authorization to Town
To: Umar Khan <[REDACTED]>

Good morning Umar. In discussions with the town this morning it turns out we just need one more thing - - an email confirming that all the work we've done is with your permission for us to represent you. Can you send an email to the email address below, saying you approve of Superior Fence & Rail acquiring the permit and us having previously submitted all applications on your behalf?

Thanks!
Matt

buildingdept@townofnewlebanon.com

Matt Baker | *Sr Sales Consultant*

Superior Fence & Rail of Albany

O: [REDACTED]

W: [REDACTED]



