



Town of New Lebanon, NY  
Building Department  
Building & Zoning Permit Application Instructions

Residential and Commercial property owners should become familiar with the Town Code Chapter 205-Zoning, <https://ecode360.com/5150607> and the zoning map, <https://secureservercdn.net/198.71.233.235/482.ab5.myftpupload.com/wp-content/uploads/2020/08/2020-TNLZoningMap-Adopted07-14-2020-1.pdf> and table of uses which define the allowable uses for property in the zoning district the property is located in.

**Commercial Tenants:** Please note that some commercial tenants who are planning to occupy a space where there is (a) no proposed construction and (b) the use is the same as the previous approved use may be able to skip steps one and two and complete only a Tenant Occupancy Verification application. If you think that you may qualify, please refer to the application. Please note, that if you submit the fee and the application for a tenant occupancy verification and the town deems that there is a change of use or that construction is involved, you may still need to go back and start over at step one with all applicable fees. The fee for the tenant occupancy verification application is not refundable.

**Step 1: Zoning Compliance:** Determine whether or not the use and structures are compliant with the allowable uses and dimensions for the zoning district. This will be evidenced by a Zoning Permit authorized by the Zoning Enforcement Officer (ZEO), or a Planning/Zoning Board (sometimes referred to as land use board) determination,

**Step 2: Building Compliance:** Obtain a building permit authorizing the proposed work to be done for any new structures, changes to existing structures or uses, and accessory structures and issuance of a certificate of occupancy/compliance demonstrating that the work has been completed, inspected and is code compliant for the proposed use.

### **Step 1: ZONING COMPLIANCE**

As a first step, the applicant must complete and submit a **Zoning Review/Verification Application** which requires basic information about the property and a detailed narrative explaining the proposed use of the space. If the proposal changes the exterior footprint in any way, the applicant must include a Plot Plan (sketch) of the property including existing structures, approximate well and septic locations and any proposed structure(s). Dimensions must be provided from all structures and proposed change(s) in the building to the front, rear and side property lines. The front setback is measured from the center of the traveled portion of the road. This Application only reviews the zoning (or use) of the property as set forth in the zoning use table, area table and zoning definitions. Only the Zoning Review/Verification Application fee is due with this portion of the Application.

Following review of the application and narrative, the Zoning Officer may request additional information to clarify any portion of the submission or ask for revisions. The Zoning Officer will then make a determination that 1) the Zoning Officer is authorized to approve the proposal; 2) one of the land use boards has jurisdictional approval over the zoning/use of the property or (3) the use is not allowed.

### **Granting of the Zoning Approvals:**

**BY THE ZEO:** Upon review and approval of the Zoning Review/Verification Application and the determination that the property is compliant with zoning, the ZEO issues either (a) a Zoning Permit if the structure has a valid certificate of occupancy and the use is allowed or (b) an approval/authorization of the application and referral to the Code Enforcement Officer for the issuance a Building/Zoning Permit.

**BY THE APPROPRIATE BOARD:** If one of the land use boards has jurisdictional approval or the ZEO determines it is not compliant with zoning, the ZEO will deny the application and will indicate the appropriate board and required application. Once the application is denied, the owner must make a separate application to the appropriate board and go through that review process. Please refer to Planning Board and Zoning Board of

Appeals applications and procedures for more information. Upon conclusion of the Board meetings/hearings, a decision document will be issued. The decision may approve or deny the use. If approved, the applicant proceeds with the Building Permit/Compliance Application, when applicable.

*If the applicant believes that the Zoning Officer's determination has been made in error there are appeals processes that the property owner or applicant may take as set forth in the Town Code. Likewise, if the decision of a land use board is challenged, an appeal in a court of law may occur.*

## **Step 2: BUILDING COMPLIANCE**

**All applicants:** will begin at step #1 Zoning /Review Verification Application, unless the building permit application is for (1) roof permit, (2) demolition permit, (3) heating appliance installation and (4) new electric service installation. Upon review/approval the ZEO will refer the application to the Code Enforcement Officer (CEO) when a Building Permit is required. The information provided in the Zoning/Review Verification Application will provide the CEO a basic understanding of the project/proposal which will assist in making determinations as to which submittal documents the applicant will be required to include with their Building Permit/Compliance Application. The CEO may contact the applicant for additional documentation when needed.

**\*Note to new commercial tenants:** The applicant may either be the property owner or the Tenant (with the approval of the owner). A Building Permit to move into the space and a subsequent inspection for the issuance of the Certificate of Occupancy are required before opening to the public. The submittal requirements will vary based on the scope of work outlined below. The final inspection will also qualify as the first Fire Safety inspection. Therefore, no Fire Safety inspection fees will be due until the next scheduled Fire Safety Inspection. In advance of future Fire Safety Inspections, business owners will be notified by mail with a request to schedule Fire Safety Inspections at the appropriate times.

### **Building Permit/Compliance Application Submittal Documents**

*Required submittal documents will vary depending upon the use, change of use and scope of work involved. The following list is not an exhaustive and is only intended to be used as a guide.*

**Stamped plans will be required for commercial projects, including, but not limited to:** New buildings/additions/decks/ modifications/alterations of the structure/space, expansions of any electrical/plumbing/mechanical systems, completely new or changes in the layout. The plans will be prepared by a NYS Registered Architect or Licensed Engineer.

**Commercial Building Plans:** two hard (paper) copies and one digital pdf file each bearing the seal and signature of the N.Y.S. licensed professional engineer or registered architect. The set shall include, but not be limited, to the following drawings: (a) structural plans; (b) floor plans – all levels; (c) cross-sections; (d) details; (e) elevations; (f) schedules; (g) HVAC; (h) electrical; (i) plumbing; (j) codes specifications; (k) fire protection systems; (m) thermal envelope & applicable energy code requirements; (n) Occupancy classification & loads; (o) scope of work. Plan notes are required to clearly depict all relevant code sections and/or compliance paths relevant to any and all proposed work and elements depicted on the plans. The first page of the plans shall contain a statement substantiating that the proposed work complies with the (current year) NYS Uniform/Fire Code and the State Energy Conservation Construction Code.

**Plan Revisions:** If revisions are necessary to the original submission, each new submission shall contain the new revision date in the appropriate section on each page of the plans.

**Stamped plans will be required for non-commercial projects, including, but not limited to:** New buildings/additions/ modifications or alterations of the structure. The plans will be prepared by a NYS Registered Architect or Licensed Engineer.

**Building Plans:** two hard (paper) copies and one digital pdf file each bearing the seal and signature of the N.Y.S. licensed professional engineer or registered architect. The set shall include, but not be limited, to the following drawings: (a) structural plans; (b) floor plans – all levels; (c) cross-sections; (d) details; (e) elevations; (f) schedules; (g) HVAC; (h) electrical; (i) plumbing; (j) codes specifications; (k) fire protection systems; (m) thermal envelope & applicable energy code requirements; (n) scope of work. Plan notes are required to clearly depict all relevant code sections and/or compliance paths relevant to any and all proposed work and elements depicted on the plans. The first page of the plans shall contain a statement substantiating that the proposed work complies with the (current year) NYS Uniform/Fire Code and the State Energy Conservation Construction Code.

**Plan Revisions:** If revisions are necessary to the original submission, each new submission shall contain the new revision date in the appropriate section on each page of the plans.

**\*\*for decks and non-occupiable accessory structures, hand or digital sketches may suffice**

**Installation manuals/specification sheets:** To be provided for any mechanical/appliance installations.

**Driveways:** *A driveway cut MUST be approved by the appropriate department. For a town road, the Highway Superintendent must approve. For a County road, the County Highway Department must approve. For a State highway, NYS-DOT must approve. Approval must be obtained before a building permit is issued on vacant land with no pre-approved driveway cuts.*

**Electrical Work** An approved third-party electrical inspection is required for all electrical work and any other specialty trade inspections that the Code Official deems necessary. An approved electrical inspectors' list can be found on the building department Webpage.

Any other information, documentation or third-party inspections that the Code Enforcement Officer needs in order to complete a proper review of the application, plans and submittal documents.

### **Town Code Chapter 81**

Adopted by the Town Board of the Town of New Lebanon 2-12-2007 by L.L. No. 2-2007

### **BUILDING PERMIT EXEMPTIONS**

B. Exemptions. No building permit shall be required for work in any of the following categories:

- (1) Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.38 square meters);
- (2) Buildings and structures used solely for agricultural purposes and not for human habitation;
- (3) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (4) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (5) Installation of fences which are not part of an enclosure surrounding a swimming pool;
- (6) Construction of retaining walls, unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (7) Construction of temporary motion-picture, television and theater stage sets and scenery;
- (8) Installation of partitions or movable cases less than five feet nine inches in height;
- (9) Painting, wallpapering, tiling, carpeting, or other similar finish work;
- (10) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances which do not require exterior venting systems per the recommended manufacturer's specifications;
- (11) Replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (12) Repairs, provided that such repairs do not involve:

- (a) The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;
- (b) The removal or change of any required means of egress; or the rearrangement of parts of a structure in a manner which affects egress;
- (c) The enlargement, alteration, replacement or relocation of any building system; or
- (d) The removal from service of all or part of a fire protection system for any period of time.

**Fees:** Application fees are determined by the nature of the proposed work and can be found on the Town's Fee Schedule :

<https://secureservercdn.net/198.71.233.235/482.ab5.myftpupload.com/wp-content/uploads/2019/10/2019-Fee-Schedule-adopted-April-9-via-resolution-15-.pdf>

*All fees are required to be paid at the time of application by cash or checks made payable to the Town of New Lebanon. There is a \$20.00 surcharge for a check returned for insufficient funds. The replacement check should include the surcharge in addition to the original amount and the replacement check must be a certified bank check or money order.*