



Town of North Hempstead

Department of Planning and Environmental Protection



210 Plandome Road, Manhasset, NY 11030-2326

www.northhempsteadny.gov

Change of Zone Application - Submittal Requirements

Requirements and procedures to change the zoning designation of a land parcel are described in §70-238: Method of Amendment of the Town Code. Please review the relevant code sections prior to filing any applications as this would provide the most up-to-date information.

Applications for a change of zone require a public hearing before the Town Board and must be filed by the landowner or an authorized representative. Applications are filed directly with the Planning Department and do not require a companion or concurrent building permit application.

Application process:

Contact the Planning Department at planning@northhempsteadny.gov with your intent to file and a link to the application form will be provided. **Applications will not be scheduled for a hearing until all required documents have been submitted and all fees are paid in full.**

Documents marked with a white checkbox on the next page are *required* for all applications. Documents with a gray checkbox might not be needed for certain applications.

<input checked="" type="checkbox"/>	<p>Change of Zone Petition: The Petition must contain the following:</p> <ol style="list-style-type: none"> 1) All affiants' names and residences and the following information as applicable: <ol style="list-style-type: none"> a) <i>If the affiant is an individual</i>, the affidavit must contain their name and residence. b) <i>If the affiant is a partnership, joint venture, or other business entity, except a corporation</i>, the affidavit must contain all the following: <ol style="list-style-type: none"> i) name and address of the business entity or partnership, ii) Date established or created, iii) where created or established, iv) names and residences of all parties in interest showing the nature and extent of the interest. c) <i>If the affiant in a corporation</i>, the affidavit must contain all the following: <ol style="list-style-type: none"> i) name and business address of the corporation, ii) method of incorporation, iii) name and residence of each officer, director, and shareholder as of the date of filing of the petition, iv) name and address of all persons to whom corporate stock has been pledged and with whom any agreement has been made to pledge the said stock. 2) All affiants must include the name and address of all persons, individuals, partnerships, and/or corporations, who are holders of any instrument creating an encumbrance upon the property which is the subject of the petition and shall also state the nature of such encumbrance. 3) All affiants must state, to the best of their knowledge, that no person mentioned in this affidavit is a town officer or employee or is related to a town officer or employee or if such is not the case, the affiant must state the exceptions in full detail. <p style="text-align: right;"><i>Continues next page</i></p>
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	<p style="text-align: center;"><i>Change of Zone Petition Continued from previous page</i></p> <p><i>If there is any change in any matter set forth on any affidavit submitted prior to the time a certificate of occupancy is granted to the subject premises, the affiant affected by such change shall file a supplemental affidavit within forty-eight hours after such change has occurred. The new party introduced by such change shall within forty-eight hours after such change has occurred also file an affidavit in compliance with the requirements set forth in this paragraph.</i></p> <p>Lending institutions licensed or franchised by the State of New York and public corporations are excluded from the provisions of this paragraph.</p>
<input checked="" type="checkbox"/>	<p>Schematic Site Plan: The drawing sheets may be uploaded individually or as a single document and should show the following:</p> <ul style="list-style-type: none"> • cover page including the details described in §70-238(A)(1) of the Town Code; • proposed zoning district(s); • location of all existing buildings and current uses; • location of all proposed buildings and future uses; • location of proposed parking and loading facilities, access points, and circulation aisles; • preliminary landscaping plan; • any proposed right-of way improvement or road widening; • building elevations and perspective drawings; <ul style="list-style-type: none"> • <i>All plans and drawings must have the seal and signature of the appropriate professional(s) licensed in the State of New York.</i> • <i>All plans and drawings must include an original drawing date, as well as all revision numbers and dates.</i> • <i>All plans and drawings must include an approval box, located in the exact place on all plans and drawings.</i>
<input checked="" type="checkbox"/>	<p>Boundary Description of the property to be rezoned: with bearings and distances and the locations of all monuments, stakes or other permanent boundary markers clearly shown.</p>
<input checked="" type="checkbox"/>	<p>Zoning/Site Data Analysis: clearly identifying any items in which the development plan will not conform to the standards of proposed zoning district(s).</p>
<input checked="" type="checkbox"/>	<p>300-foot Radius Map/List of Surrounding Landowners: Ownership information, as indicted on the latest Nassau County Assessment Roll, can be obtained by searching each Section, Block, and Lot on the public computers in the office of the Receiver of Taxes. Alternatively, radius maps and lists of owners can be obtained from Nassau County's Department of Assessment for a fee.</p>
<input checked="" type="checkbox"/>	<p>Survey of Existing Conditions: prepared by a New York State licensed land surveyor at a scale of 1"=40' or larger, showing at a minimum: 1) locations of all existing buildings, driveways, patios, fences and accessory structures, 2) locations of underground and overhead utilities, 3) locations of all access points and easements.</p>



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<input checked="" type="checkbox"/>	Short or Full Environmental Assessment Form: Environmental assessments are standardized through the Environmental Assessment Form (EAF) created by the New York State Department of Environmental Conservation. Unlisted Actions require a Short Environmental Form. Type I Actions require the Full form.
<input checked="" type="checkbox"/>	Phase 1 Environmental Site Assessment: required for rezoning commercial or industrial properties to residential use. Documents must be prepared in accordance with the American Society of Testing and Materials standard practice for environmental site assessments for commercial real estate (ASTM E 1527, 2000).
<input checked="" type="checkbox"/>	Traffic Impact Study/Analysis: Include tables of project-generated trips at all relevant peak hours. Include capacity and level-of-service analysis at the nearest signalized intersections for, at a minimum, AM weekday peak, PM weekday peak and Weekend mid-day peak periods.
<input checked="" type="checkbox"/>	Water and Sewer Availability Letters: Letters must be obtained from the applicable water and sewer providers confirming they have the necessary system capacity. A letter approving the service connection is not needed at this time.
<input checked="" type="checkbox"/>	Restrictive Covenants: Copies of any <i>covenants & restrictions</i> recorded against the property deed must be submitted.
<input checked="" type="checkbox"/>	Affidavit of Authorized Representation: An Affidavit of Authorized Representation is required if anyone other than the property owner (lessee, tenant, contract vendee, etc.) will be filing the application on behalf of the owner.

Filing Fees - Applications must be paid in full before a hearing will be scheduled.

Less than 1 Acre.....**\$2,500.00**
 Greater than or equal to 1 Acre.....**\$5,000.00**

Legal Notice of Hearing

Notices must be mailed to surrounding property owners. Reference [§70-238\(B\)\(2\)](#) for the most up-to-date information on mailing requirements. The Planning Department *does not* provide a notice letter, only the Town Board resolution setting the hearing date that includes the form of notice. The notice letter must be on the applicant’s letterhead and include the applicant’s signature. You may transfer information directly from the Board resolution or you may provide a copy as an attachment. This letter must be sent by registered or certified mail no less than 10 nor more than 20 days prior to the hearing date to all landowners within a radius of 300 feet of the subject property. If a hearing is adjourned to a later date, you must send new notices, but these need only be sent by first class mail.



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You must post a Sign on the property. Reference [§70-238\(B\)\(3\)](#) for the most up-to-date information on posting requirements. All required signs must be posted at least 10 days prior to the hearing date and must contain the time, date, and place of the hearing. A sign must be posted on each street frontage or waterway and must be legible by all passing vehicles. If the sign is destroyed or removed, you are required to replace it as soon as possible. The Town *does not* provide the signs.

Documents required prior to Hearing

The following documents must be submitted to the Planning Department **NO LATER THAN 5 DAYS BEFORE YOUR HEARING** to verify that you have noticed your application in accordance with the Town Code. The Affidavit of Mailing and Affidavit of Sign Posting are attached to the end of this document.

<input checked="" type="checkbox"/>	Fully executed and notarized Affidavit of Mailing
<input checked="" type="checkbox"/>	All Date Stamped Certified Mail Receipts
<input checked="" type="checkbox"/>	A copy of the notice that was mailed
<input checked="" type="checkbox"/>	Fully executed Affidavit of Sign Posting
<input checked="" type="checkbox"/>	Photograph of Posted Sign from each right-of-way



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Hearing

Town Board Meetings are typically held on Thursday evenings at 7:00PM at Town Hall: 220 Plandome Road, Manhasset. Meetings are live streamed on the Town's website. The meeting agenda and all draft resolutions will be posted on the Town's website prior to the hearing. All final resolutions will be numbered and usually posted the following day. Contact the Planning Department for more information on Town Board Resolutions or Hearing Procedures.

Expiration Date

In accordance with [§70-219.1\(A\)](#), following a change of zone, the applicant has up to three years to reach the next significant milestone in the review process, which may be a building permit, site plan approval, conditional/special use permit or variances. For sufficient cause, the Town Board may grant a single 1-year extension. Applicants must thoroughly document why they are unable to conform to the prescribed time limits and must file for the extension prior to their expiration date (we recommend at least sixty days in advance)