

Town of North Hempstead

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COMMISSIONERS MEMORANDUM #2007-2

Issued: March 16, 2007

This Commissioner's Memorandum is intended to provide clarification of certain provisions of the Town Code of the Town of North Hempstead and to ensure uniformity in the application of the Town Code.

Within some of the Residential Zoning Sections of the North Hempstead Town Code, specifically in sections which seek to place restrictions on "Floor Area," there is an exception to the restriction. Where there is "an over-sized lot" for that particular zone, the Town Code permits the building of a home larger than the usual zoning restriction on Floor Area. See Town Code Sections 70-29 (C), 70-39 (C), and 70-49 (C).

Prior Town of North Hempstead Building Commissioners and/or his agents have interpreted those Sections of the Town Code to allow builders in those zones to "bump-up" to the next highest zoning classification for purposes of Floor Area only. The builder, in these circumstances, was permitted to build a home that complied with the Floor Area restrictions of the higher zoning classification, but did not have to comply with all of the other zoning restrictions of the "new zoning classification" or the next highest zone.

The signatories of this Commissioner's Memorandum disagree with those prior interpretations. Instead, applicants that wish to build on "an oversized lot" in one of the three residential zoning classes, and wish to build a larger house than otherwise permitted with respect to "Floor Area" must meet all of the zoning restrictions of the zone that they are "bumping" to.

Therefore, for all Town of North Hempstead building permits applied for on or after March 19, 2007, the new zoning interpretation of the Town Code Sections 70-29 (C), 70-39 (C) and 70-49 (C) will apply.


James P. O'Connor
Building Commissioner


Michael A. Levine
Planning Commissioner