

Town of North Hempstead

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COMMISSIONER'S MEMORANDUM #2007-3

Issued: July 27, 2007

This Commissioner's Memorandum is intended to provide clarification to certain Town of North Hempstead ("TONH") Building Department procedures and to ensure uniformity in the application of those procedures.

Applications for Building permits are classified into several different categories. Two such classifications are "New Construction" and "Renovation/Addition." How an application is classified has a great impact on how the application is processed, as different zoning rules apply to each. Also, to ensure integrity in our permanent record-keeping function, applications should accurately reflect the nature of the proposed work. A house should not be issued a Certificate of Completion for a two-story addition when the existing structure is actually demolished and a whole new one is constructed. In the described scenario, it would only be appropriate to issue a new Certificate of Occupancy for the new building.

The New York State Residential Code at Section AJ 501.3 states that "when the total area of all of the work areas included in an alteration exceeds 50 percent of the dwelling unit, the work shall be considered as a reconstruction and shall comply with the requirements of these provisions for reconstruction work." While the term actually used in the Residential Code is "reconstruction", it appears to have the same meaning as "new construction" as it is used by the Town.

Therefore, using the New York State Residential Code as our guide, from the date of this memo forward, all Building permit applications submitted to the TONH Building Department that involve more than 50% structural change shall be considered as "New Construction," and applications that meet that criteria shall not be accepted as "Renovation/Addition."

Since there was some inconsistency in the prior interpretations of the terms "New Construction" and "Renovation/Addition", we will not impose this new procedure on building permit applications with a filing date that pre-dates this Commissioner's Memorandum. For applications with a building permit application filing date that pre-dates this Commissioner's Memorandum, there will be no new fee analysis and no new zoning analysis. However, the TONH reserves the right, at

the time of Certification, to determine whether those applications receive a Certificate of Completion or a Certificate of Occupancy.

James P. O'Connor
Commissioner of Buildings

Michael A. Levine
Commissioner of Planning