

JO-ANN RAI, TOWN CLERK
TOWN OF HUNTINGTON
100 MAIN STREET
HUNTINGTON, NY 11743
(631) 351-3206

**INSTRUCTIONS FOR FILING AN APPLICATION FOR ZONE CHANGES,
COVENANT MODIFICATIONS, AND COVENANT CLARIFICATIONS**

The application must be filed in the office of the Town Clerk. Applications will not be considered complete until all materials identified on this form have been properly submitted.

REQUIRED FOR SUBMITTAL:

1. 1 original and 9 copies of Application form
2. Fee as indicated below
3. 1 original and 3 copies of Disclosure Affidavit as provided by the Town
4. 1 original and 2 copies of Long Environmental Assessment Form (EAF), Part I
(*must use the current form adopted by the NYSDEC – old forms are not acceptable*)
5. 4 copies of current deed for the property
6. 4 copies of the contract of sale or lease if not the owner of the property (*financial terms may be blacked out*)
7. 18 copies of a Site Plan (see Pg 2)
8. 6 copies of a Land Use and Zoning Map (see Pg 2)
9. 4 copies of a Metes and Bounds description of the area to be rezoned (see Pg 3)
10. 4 copies of any existing Covenants and Restrictions on the property, if applicable
11. 4 copies of any existing easements on the property, if applicable

FEES:

The standard zone change application fee shall be \$500 for up to an acre of land, plus an additional \$200 fee for each additional acre, rounded up to the next whole acre. The fee shall be paid by a check made payable to “Jo-Ann Raia – Town Clerk”.

If an amendment to the original application is filed requesting a more intensive zoning classification or land use, or proposes additional building or land square footage or a greater number of residential units, then a supplemental fee equal to twenty-five percent (25%) of the original application fee shall be paid.

A request to modify the Declaration of Covenants and Restrictions filed as a condition of a previous zone change approval shall pay the standard zone change application fee.

A request for the Town Board to interpret a condition of approval or filed Declaration of Covenants and Restrictions shall pay a flat fee of \$500.

SITE PLAN REQUIREMENTS:

1. Map sheet should be 24" x 36", or reasonable scale
2. Boundary lines of property, with metes and bounds description unless provided on another plan
3. Metes and bounds description of the area to be rezoned, unless provided elsewhere
4. Ownership names, use, and tax map numbers of adjacent property
5. Tie distance to nearest intersection
6. North arrow
7. Scale
8. Road names, R-O-W lines, and road ownership (private, Town, County, etc.)
9. Zoning boundary lines that run through the property
10. If property has slopes that exceed 10%, 2-foot topographic lines should be shown
11. Existing and proposed site conditions: all buildings (labeled for use, # of stories, and sq. ft.) with dimensions, paved areas, parking lot striping, curbs, sidewalks, walls, fencing, dumpsters, etc.
12. Site data, including tax map number, street address (if any), zoning, lot size, building size, parking calculations, loading calculations, etc.
13. If part of the property is forested, the boundaries of the forested area should be shown
14. Plan to be signed and sealed by New York State licensed surveyor, engineer, architect, or landscape architect.

LAND USE AND ZONING MAP REQUIREMENTS:

1. Map sheet should be 24" x 36", or reasonable scale
2. 500' radius line around the subject property
3. Tax map parcel boundaries
4. North arrow
5. Scale
6. Road names
7. Zoning; different zones to be shaded and a key provided on the side
8. Basic description of use for every parcel within 500' (retail, office, restaurant, residence)
9. Plan to be signed and sealed by New York State licensed surveyor, engineer, architect, or landscape architect.

ARCHITECTURAL PLANS / GRADING PLANS / OTHER PLANS:

While the Town only requires a basic site plan, we encourage the applicant to submit copies of other plans that may be useful for the application review. Architectural elevations and floor plans are beneficial for large buildings. Grading plans are useful for properties where steep slopes will be disturbed by development. The Town may require the submission of these types of plans as part of their SEQRA review. At least six (6) copies of any additional plans should be submitted with the application.

METES AND BOUNDS DESCRIPTION:

The metes and bounds of the area to be rezoned (which may or not be the entire property) must be either shown on the site plan, shown on a separate survey, or be written out on paper. The metes and bounds must be signed and sealed by New York State licensed surveyor. Old deed descriptions are not acceptable.

DISCLOSURE AFFIDAVIT:

Each entity with an interest in the application must sign a Disclosure Affidavit. This includes the property owner, contract vendee, lessee, and/or applicant. All co-owners; partners in a partnership; officers and directors of a corporation; and all stockholders owning 20% or more of the company stock must be listed on the affidavit, or on a separate sheet attached to the affidavit for larger organizations.

ENVIRONMENTAL ASSESSMENT FORM:

The Long Environmental Assessment Form (EAF), Part I, is a document published by the New York State Department of Environmental Conservation (NYSDEC). Parts II & III of the form will be completed by the Town as part of their review. The Town does not accept Short versions of the form for zone change applications unless authorized before submission. A Draft Environmental Impact Statement (DEIS) may be accepted by the Town in place of the EAF.

PUBLIC HEARING PROCESS:

A public hearing is required for any zone change application and modification of covenants and restrictions under consideration by the Town Board. In each case, the applicant is responsible for mailing the notice of public hearing (a Town Board resolution) to all property owners within 500 feet of the property being considered for the zoning change no less than thirty (30) days prior to the public hearing. The applicant shall obtain certificates of mailing from the post office and shall file an affidavit of mailing with the Town Clerk at least fourteen (14) days prior to the hearing date in accordance with Section 198-131(B)(1) of the Town Code. On zone change applications only, the applicant is also responsible for posting a sign (purchased from the Planning Department) on each street frontage of the property between five (5) and ten (10) days prior to the hearing. The applicant must file an affidavit of sign posting with the Town Clerk at least four (4) days prior to the hearing, and the affidavit shall be accompanied by photographs of the posted sign(s) in accordance with Section 198-131(C) of the Town Code.

FILING THE DECLARATION OF COVENANTS AND RESTRICTIONS:

As a condition of zone change approval and covenant modification approval the Town Board may require the property owner to file a Declaration of Covenants and Restrictions with the Suffolk County Clerk. The specific covenants will be listed in the Town Board resolution conditionally approving the zone change or modifying the covenants. Draft covenants must be submitted to the Town Attorney and Department of Planning and Environment for review and approval before filing with the County. The zone change is not considered complete and no applications made under the requested zoning classification will be approved by any Town agency, Board, or department until the Town Clerk files the Local Law with the New York State Department of State, which will not happen until the covenants are filed and proof of filing is returned to the Town.

RESCINDING OR MODIFYING EXISTING COVENANTS:

An application to rescind or modify existing covenants and restrictions that were filed as a condition of Town Board approval of a prior zone change or other action shall also include the following:

1. A full copy of the existing filed covenants, and the Town Board resolution or other document that required the covenants to be filed.
2. A letter indicating the specific covenants that are proposed to be changed and the reason(s) for the request.
3. A draft of the new covenants and restrictions proposed for adoption, if any.

CLARIFYING EXISTING COVENANTS:

An application to clarify the meaning or interpretation of existing covenants and restrictions that were filed as a condition of Town Board approval of a prior zone change or other action shall also include the following:

1. A full copy of the existing filed covenants.
2. A letter explaining the situation and offering a proposed interpretation or solution.
3. Any letters from Town departments regarding the interpretation or solution.
4. A draft of the new covenants and restrictions proposed for adoption, if any.

A public hearing to consider the application is not required. The Town may also waive requirements for maps or SEQRA documents at its own discretion. The applicant should contact the Department of Planning and Environment before submitting the application to determine if any application requirements can be waived.

ZONE CHANGE APPLICATION
COVENANT MODIFICATIONS & CLARIFICATIONS APPLICATION
TOWN OF HUNTINGTON

Application Name: _____

Suffolk County Tax Map Numbers: _____

Location of Site: _____

Current Zoning: _____

Proposed Zoning: _____
(if applicable)

Proposed Land Use: _____

Property Size: _____

	APPLICANT	PROPERTY OWNER
Name(s)	_____ _____	_____ _____
Address	_____ _____ _____	_____ _____ _____
Phone	_____	_____
E-Mail	_____	_____
Fax	_____	_____

The applicant's interest in this property is (circle all that apply):

owner contract vendee lessee other (describe below)

ATTORNEY

PLAN PREPARER

Name(s)	_____	_____
	_____	_____
Address	_____	_____
	_____	_____
	_____	_____
Phone	_____	_____
E-mail	_____	_____
Fax	_____	_____

The primary contact person for all communications from the Town shall be (circle one):

applicant
 attorney
 plan preparer
 other (describe below)

The property has existing deed restrictions, easements, or covenants and restrictions: YES NO
These documents must be submitted with the application.

PLEASE READ THE FOUR-PAGE APPLICATION INSTRUCTIONS. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED FOR FILING.

ZONE CHANGE APPLICATIONS, COVENANT MODIFICATION REQUESTS, AND COVENANT CLARIFICATION REQUESTS ARE GOVERNED BY THE HUNTINGTON TOWN CODE, CHAPTER 198 (ZONING), ARTICLE XIX (ZONING CHAPTER AND MAP AMENDMENTS). ADDITIONAL INFORMATION MAY BE FOUND THERE.

TOWN USE ONLY		
Date Received: _____	Receipt # _____	Fee \$ _____
Application #: _____ - ZM - _____	Received by: _____	

I have answered the foregoing questions and supplied the information requested to the best of my knowledge. I am authorized to sign this application as the property owner or on behalf of the property owner. I hereby request that the Huntington Town Board either (check all that apply):

- _____ amend the Zoning Ordinance and the Zoning Map of the Town of Huntington by placing the property that is the subject of this application into the requested zoning classification
- _____ modify the covenants and restrictions that they required to be placed on this property
- _____ clarify the covenants and restrictions that they required to be placed on this property

Signature of Applicant

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF NEW YORK }
COUNTY OF SUFFOLK } SS..

On the _____ day of _____, 20____,

before me personally came _____, to me known and known to me to be the individual described in and who executed the foregoing application, and acknowledged to me that he/she executed the same.

Notary Public

CORPORATE ACKNOWLEDGEMENT

STATE OF NEW YORK }
COUNTY OF SUFFOLK } SS..

On the _____ day of _____, 20____,

before me personally came _____, who is a/the _____ of the corporation filing this application, and who is authorized to execute the application on its behalf.

Notary Public

DISCLOSURE AFFIDAVIT

STATE OF NEW YORK }
COUNTY OF SUFFOLK } SS ..

_____, BEING BY ME DULY
SWORN, DEPOSES AND SAYS:

It is my understanding that the Huntington Town Board has determined, as a matter of public policy, that there shall be full, frank and complete disclosure of the identity of all persons having any interest, direct or indirect, in all such applications to insure that no question of conflict of interest or favoritism may arise.

1. I have an interest by right, title, or legal share in an application that is before the Huntington Town Board for a zone change entitled; _____

2. I reside at: _____

3. The nature of my interest in the aforesaid application is as follows: (owner, contract vendee, lessee, mortgage holder, etc.)

4. To the best of my knowledge, information and belief, there are no other persons, firms or corporations interested in this application, except as hereinafter set forth: (include all officers of corporations)

Signature

Sworn to before me this
_____, day of _____, 20____,

Notary Public