



**Hunt Corporate Services Commercial Real Estate Q&A:
Zoning research is essential - by David Hunt**

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Q: We are in the market to buy an industrial building. How concerned should we be with the specific zoning of each property we consider?

A: There are a number of concerns in the evaluation of zoning, but the primary one is whether you can lawfully operate your business. As a general rule, most light manufacturing and warehousing operations can safely operate in the designated industrial zones on Long Island. However, the list of prohibited uses can be extensive, so zoning must always be checked carefully. For example, our office has leased and sold industrial buildings that were technically located within a business zone that prohibited manufacturing.

Zoning is a complicated issue on Long Island because there are many different zoning jurisdictions. The first order of business is to determine which municipality codes govern the location in question. On Long Island, there are cities or villages whose zoning codes take priority over the code of the larger towns within which they are located. Freeport, Glen Cove, and Rockville Centre are all examples of this.

After you have determined the regulating jurisdiction, the next step is to prepare for a meeting with the building department. Prior to the meeting, compile a list of your concerns and be prepared to fully describe the operation of your business. Will you be converting warehouse space to office? Adding additional loading doors? Operating a business that involves public assembly? Many municipalities on Long Island handle these issues differently. As an example, converting 1,000 s/f of warehouse space into office space requires five additional parking spots to be available in many towns.

With your list in hand, make an appointment with a representative from the zoning or building department. Make sure to bring the section lot and block numbers for the property in question. It will help in identifying what zoning codes apply to the property in question. A survey and floor plan will also be useful. At the meeting don't hesitate to ask the questions at issue. This would also be a good time to be discussing other issues that might be reflected in the code, such as noise, odor or vibration.

The last thing you want is a misunderstanding regarding items that are critical to the operation of your business. Ask the local representative to show you the applicable statutes in the local zoning code. Take copious notes and make sure to obtain copies of the relevant zoning codes discussed in the meeting.

Wherever possible you want to avoid the acquisition of property that will require re-zoning or a special use permit. These are costly and expensive endeavors. The proper research and discussion with the town will help you avoid this difficulty and let you operate your business safely and lawfully.

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