

HBP L.L. No. 5-2025 Fences

A local law to amend Section 146-9(C)(6) of the Code of the Village of Hewlett Bay Park regarding fences.

Section 1. Section 146-9(C)(6) of the Code of the Village of Hewlett Bay Park is hereby amended, to read as follows:

“§146-9(C)(6). Fences, provided that they conform to the following conditions and limitations and a building permit is obtained:

- A. Permitted materials. The only permitted property line fence materials are aluminum, metal or wood, of an open style design. To be deemed an open style, the open spacing between each vertical element shall be no more than four (4) inches wide. Chain link fencing is prohibited for front, side and rear fencing but may be used for a dog run within the property.
- B. Rear Lot. A fence may be installed no closer than 6 inches from a rear lot line and shall not exceed 5 feet in height. Evergreen landscaping must be planted along the interior side of the fence, and such landscaping must be planted at (1/2) of the height of the fence and 4 feet or less on center and utilize plant species that grow at least to the same height as the fence, as determined by the Building Inspector.
- C. Side Lot. A fence may be installed no closer than 6 inches from a side lot line, which fencing shall not exceed 5 feet in height, on either side. Landscaping must be planted along the interior side of the fence; evergreen landscaping must be (1/2) of the height of the fence and 4 feet or less on center
- D. In a front yard, starting from the front wall of the building wall, fencing may be erected not exceeding 4 feet in height and must be screened from public view with evergreen landscaping planted at 4 feet in height, maintained at said height and planted 4 feet or less on center, and maintained in good condition at all times. A fence along the front property line shall be setback 10 feet and the required landscaping shall be planted along the exterior of the entire fence or wall, which such landscaping must maintain a 5-foot clear buffer from the roadway.
- E. No fence or landscaping shall be installed or maintained where it constitutes or creates a traffic hazard or unreasonably obstructs the view by any vehicle or pedestrian lawfully on a public right-of-way from or by any vehicle or pedestrian lawfully on the same or any other public right-of-way.

- F. On a corner lot, within the triangular area bounded by the lot lines connecting at the street corner of the lot and a point 30 feet from that intersection on each of said connecting lot lines, no fencing or plantings shall be installed and/or maintained
- G. A fence facing a public right-of-way or Macy Channel shall be an open-type fence. Gates in any such fences shall be limited to open-type gates and only for the purposes of blocking entry to or from a public right-of-way. Notwithstanding the foregoing, a chain link fence satisfactory to the Board of Trustees may be erected on that portion of any property which is contiguous to Macy Channel, provided that the fence shall be not more than four feet in height.
- H. A fence erected along the boundary of a property which coincides with a boundary line of the village, which shall not exceed eight feet in height. Each such fence shall be of either open design, wood stockade or PVC. No such fence may unreasonably obstruct the view of any vehicle or pedestrian lawfully on a public right-of-way from or by any other vehicle or pedestrian lawfully on the same or another public right-of-way. A finished side of such fence shall face the property on which the fence is located.
- I. No fence shall be constructed or erected without a building permit, and no such permit shall be issued unless a survey of the property, a photographic depiction of the fence, approved by, the Building Inspector and all required permit fees paid.
- J. Plantings, Landscaping, and Trees. No owner or occupant of any lot or land in the Village shall permit or maintain on any such lot or land, any portion of plantings, shrubbery and/or trees fronting a paved street, to be located less than 5 feet from the paved street so as to not obstruct the visibility for vehicular traffic and pedestrians.
- K. Educational and religious uses. A fence may be erected along the boundary of a property, which shall not exceed six (6) feet in height. Each such fence shall be of open design, wood stockade or PVC. Any other type of fence must obtain approval by the Board of Trustees.
- L. Fences existing as of July 1, 2025, with a valid permit having been issued by the Building Department, are permitted to remain. Any such fence may be repaired or replaced in its lawfully existing location and no higher than its then lawfully existing height and utilizing identical material. Where such fence is replaced and does not consist of an open style fence, the Building Inspector may require that screening be installed along the outside portion of the fencing.

Section 2. Any local law or provision of the Code of the Village of Hewlett Bay Park in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section 3. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.