

# MALVERNE BUILDING DEPARTMENT APPLICATION

99 Church Street Malverne, NY Phone 516-599-1200 Fax 516-823-0767

## FENCE PERMIT

Incomplete applications will not be accepted  
All fees are non-refundable

- See instruction sheet for further information.
- Fencing regulations are found in Village Zoning Code Article X 600-10.0 thru 10.7
- Fee: \$200.00

Date: \_\_\_\_\_ Permit App # \_\_\_\_\_

Owner Name: \_\_\_\_\_ Phone # \_\_\_\_\_ Email: \_\_\_\_\_

Address of Project: \_\_\_\_\_ Malverne, NY 11565

Check all that apply: Residential \_\_\_\_\_ Commercial \_\_\_\_\_ As Built \_\_\_\_\_ New \_\_\_\_\_

Height of Fence: Side(s) \_\_\_\_\_ Rear \_\_\_\_\_ Front \_\_\_\_\_ # of Gate(s) \_\_\_\_\_

Construction: Masonry \_\_\_\_\_ Open Wood Picket \_\_\_\_\_ Solid Wood Stockade \_\_\_\_\_ Solid PVC \_\_\_\_\_

Open picket PVC \_\_\_\_\_ Wire \_\_\_\_\_ Iron \_\_\_\_\_ Split Rail \_\_\_\_\_ Other (*Describe*) \_\_\_\_\_

Contractor Name: \_\_\_\_\_ Malverne License # \_\_\_\_\_

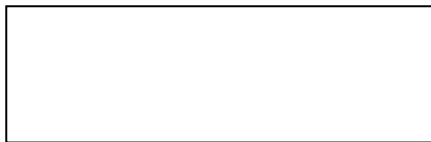
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### Signature of Property Owner (notarized)

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

NOTARY SIGNATURE \_\_\_\_\_

SEAL:



### Village Approval Signature and Stamp



No fence installer shall be named on a fence permit application or act as an agent for a person who is not a licensed contractor in the Village of Malverne. Fence installer acknowledges that their license in the Village of Malverne could be in jeopardy by violating the above section. Property owner certifies that all information given is correct and that all work shall conform to the current NYS Residential, Building, Fire, Existing Building, Property Maintenance and all Village Ordinances for which this permit is issued. No work is to be performed until a permit has been issued by the Incorporated Village of Malverne.

For Office Use Only

Final Sign off from Inspector

Date: \_\_\_\_\_ Inspector Name: \_\_\_\_\_

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## INSTRUCTIONS FOR FENCE PERMIT APPLICATION

Incomplete applications will not be reviewed

**Please be advised that all of the following items must be submitted prior to review for paper copy submittals.**

1. **One copy** of the fully completed fence permit application. signed with notary by property owner.
2. **One copy** of a recent survey of the property or a “to scale” plot plan of the entire property; Proposed fence location(s) **must be highlighted** or clearly marked with height and type of fence clearly indicated. Provide setbacks to property lines where applicable.
3. Fence Installer must be registered and currently licensed with the Village of Malverne and all insurance papers must be on file and up to date.
4. If a homeowner wishes to do the work, they must submit a signed CE-200 certificate available from the NYS Workers Compensation website for workers’ compensation and disability exemption. Further information and instructions are on the village website.
5. If there is a swimming pool or hot tub/spa on the property it must be indicated on the survey or plot plan, and the fence must be installed in compliance with both Malverne Village and New York State Codes. The fence can have a maximum of two one gates and **MUST** be out swinging, self-closing and self-latching entering the enclosed pool area.
6. Non-Refundable Permit Fee in the amount of **\$200.00**. Fee can be paid by a Money Order, credit card or check made payable to the Inc. Village of Malverne at the building department window. Credit card payment online on the village website. Surcharge applies for credit card payments. Maintaining as built fencing has a surcharge fee per the latest permit fee schedule.
7. “Call 811 Before You Dig” for mark out of any underground utilities prior to any excavations of ground.  
[www.digsafelynewyork.com](http://www.digsafelynewyork.com)

## § 600-10.2 Regulations for permitted fences and gates.

### A. Regulations in residential districts.

Fences may be erected to a height not to exceed 6 feet, measured from adjacent finished grade to the highest point of the fence, except that fence posts may be 6 1/2 feet measured from adjacent finished grade in the rear yard only from the rear of the main building line to the rear property line and along the rear property line.

Where the contour of the land contains abrupt changes of grade, the fence may be stepped with the 6 feet height measured over grade, as an average for an eight-foot linear section of fence. All other fencing from the rear of the main building line to the front of the main building line shall be no higher than 5 feet.

### B. Regulations in nonresidential districts.

(1) In nonresidential districts, or on any residential lot which is adjacent to any nonresidential district or lot, fences may be finished to a height of six feet, measured from adjacent finished grade to the highest point of the fence, except that fence posts may be 6 1/2 feet measured from adjacent finished grade. Where the contour of the land contains abrupt changes of grade, the fence may be stepped with the six-foot height measured over grade, as an average for an eight-foot linear section of fence.

(2) Where a nonresidential lot abuts a residential zone to the rear of the lot, an appropriately landscaped and screened buffer of no less than 10% of the nonresidential lot depth shall be created along such abutting line.

(3) Where a nonresidential lot abuts a residential zone, which zone is located to the side of the nonresidential lot, an appropriately landscaped and screened buffer of no less than five feet shall be created on the nonresidential plot along such abutting line.

### C. Supplemental regulations applicable to all districts.

(1) No fence, except as provided in this article, shall be constructed or installed in any front yard, or along or adjoining any street line, or between the street line and the front building line of any improved lot, except open picket type fencing no higher than 4 feet and is allowed up to the front property lines. Chain-link style fences and gates are not permissible in any front yard. No other types of fence shall be constructed or installed beyond the front corner of the primary structure of the property upon which the fence will be constructed, unless otherwise permitted by other sections of the chapter. The primary structure shall not include any freestanding garage, shed or storage facility. When a property abuts two or more streets, the boundary of the property adjacent to a street which has the shortest distance in linear feet shall be considered the front yard. The boundary of the property adjacent to a street which has the longest distance in linear feet shall be considered the "secondary front" yard.

(2) Corner Lots. It is permissible to install a 5 foot maximum high fence of an approved type in the secondary front yard no closer than 3 feet and parallel to the secondary front lot line, and no closer to the primary front yard lot line than the front line of the main building on the lot.

(3) No fence or landscaping shall obstruct site lines at each side of an end of a driveway at the street. A right triangle shall be created with the fencing to assist a vehicle operators view of the sidewalk and street and have a minimum length of 7 feet long sides of the right triangle.

(4) All fences except unless otherwise noted in this code shall be constructed as near as practicable to, but not more than 12 inches from, a property line:

(a) Approved materials of fencing shall include PVC, Composite, Wood, Black Aluminum / Steel.

(b) Any fence used to connect a primary structure to a fence located along a property line.

(c) Landscaping fences less than one foot in height which are intended to protect landscaping, including, but not limited to, trees, shrubbery and gardens; however, such fences are not to be placed in any manner that would present a hazard to pedestrians on any public sidewalk or right-of-way.

(d) Fences surrounding swimming pools.

(5) A gate or permanent opening of at least three feet in width shall be provided in any fence that fully encloses an area. No gate, when in the open position, shall obstruct a public walkway.

(6) Except as allowed under this article, no fence shall be erected on any lot not in conformance with this section without the prior approval of the Zoning Board of Appeals on proper application made to such Board. The Zoning Board of Appeals, in reviewing an application for a variance for the erection of a fence other than a fence allowed in this article, shall, in addition to other factors, consider the following:

- (a) The parcel size;
- (b) The placement of structures upon the parcel, if any;
- (c) The needs of the applicant;
- (d) The type, size and height of the fence to be installed;
- (e) The proximity of structures upon adjacent parcels;
- (f) The type, size and height of fences upon adjacent parcels;
- (g) The proximity of driveways upon the parcel;
- (h) The proximity of driveways upon adjacent parcels;
- (i) The safety and welfare of persons using sidewalks and public rights-of-way on the parcel;
- (j) The safety and welfare of persons using sidewalks and public rights-of-way on adjacent parcels;
- (k) The safety and welfare of the applicant; and
- (l) Any other factors relevant to the application.

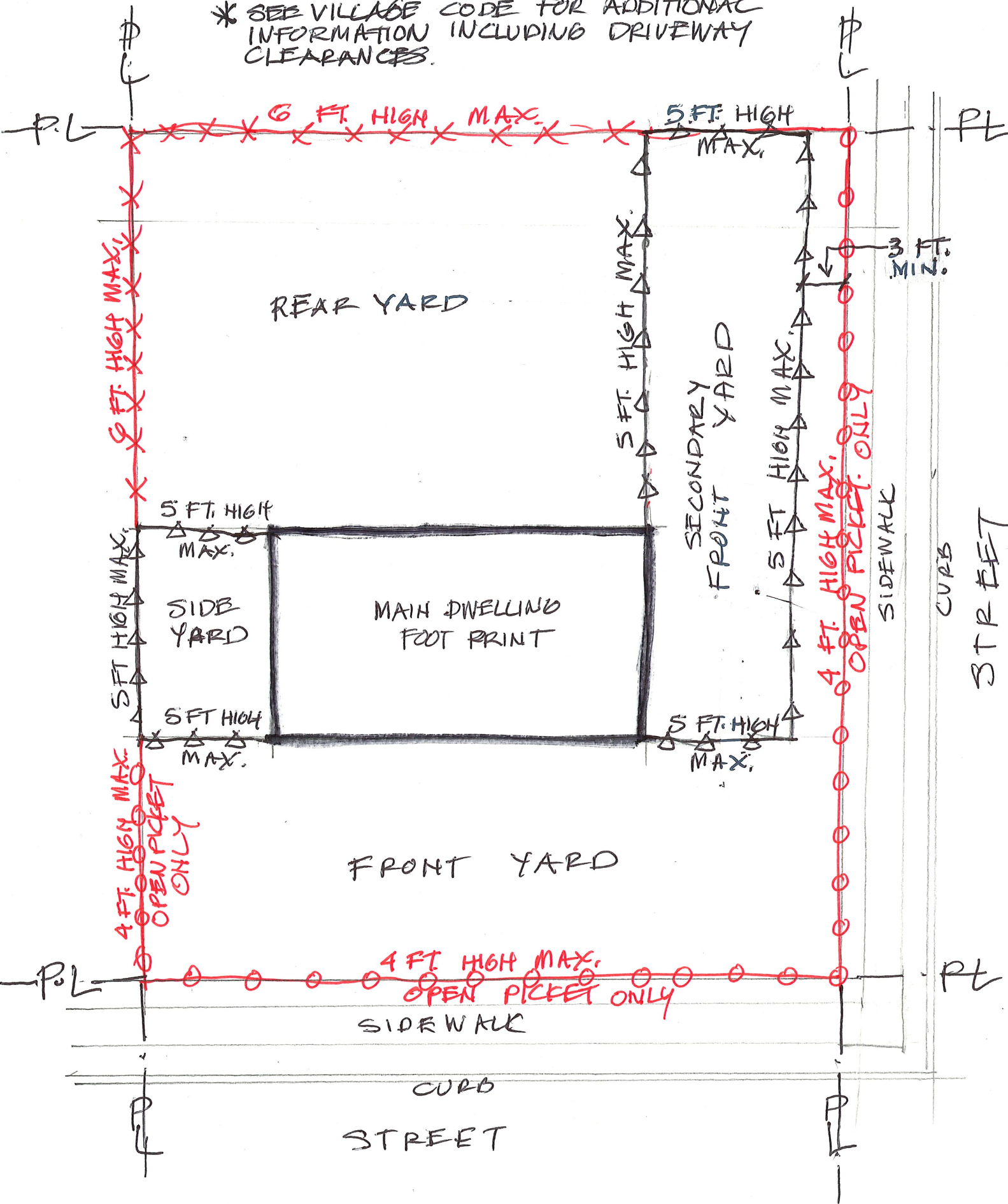
(7) Nothing in this article shall be deemed or construed to prohibit the repair, as distinguished from replacement, of a legally preexisting, nonconforming fence. A fence shall be deemed to be replaced and not repaired if the cost of such alteration or repair is greater than 50% of the current structural replacement value of the nonconforming fence.

### § 600-10.3 Prohibited fences and gates.

The following fences are prohibited in the Village of Malverne:

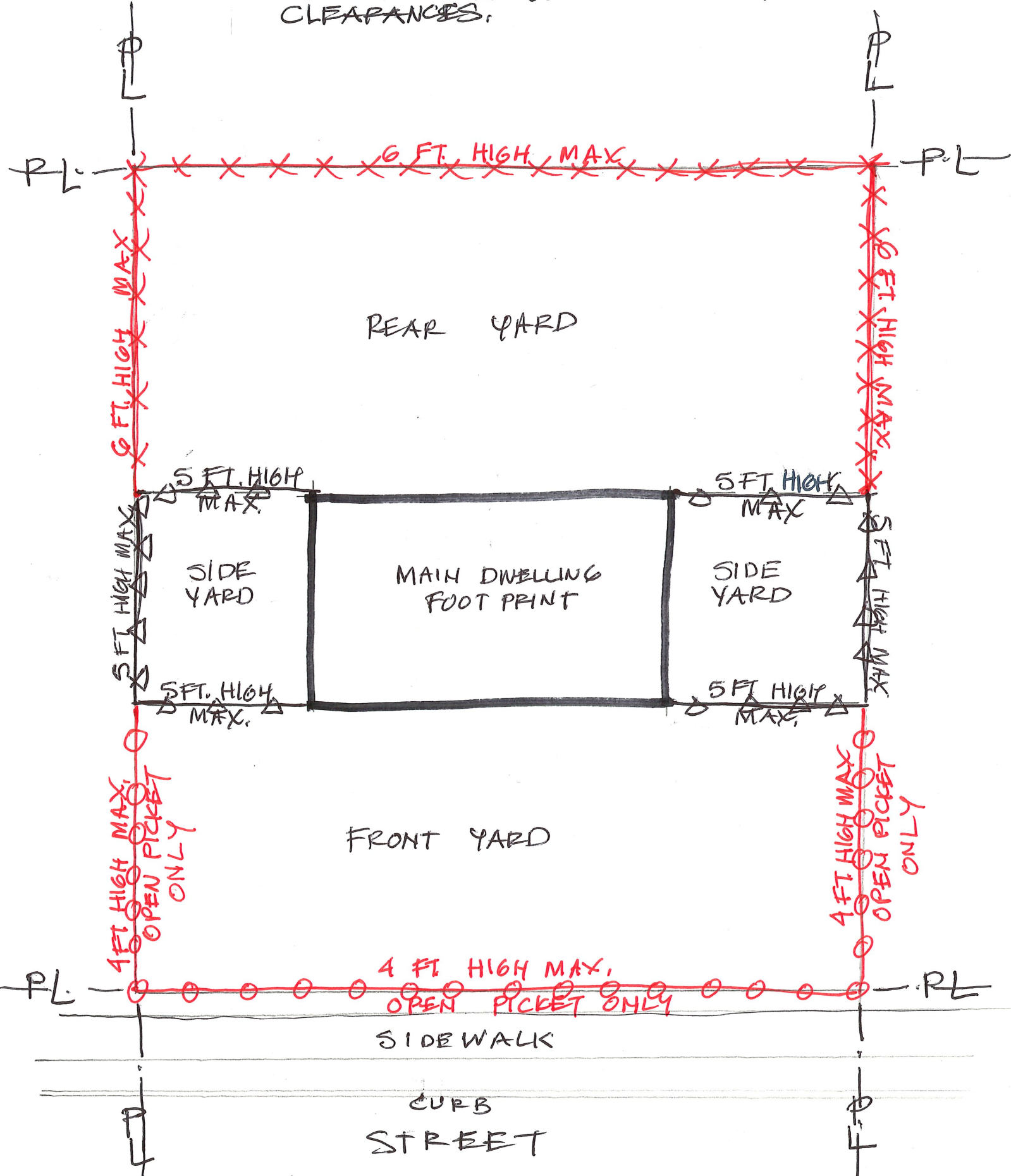
- A. Chicken wire, barbed wire, razor wire, welded mesh wire, electrically charged fences and any material intended to cause injury to a person or animal making contact with the same.
- B. Snow fences.
- C. Fences made of solid plywood, flake board, scrap lumber, pallets, bamboo, rope, chain, sand fences, gabion fences, hurdle fences, decorative metals, and similar noncustomary fence materials.
- D. Fences made of common concrete or concrete block.
- E. Fences topped with sharp-edged or spiked material, except this shall not prohibit picket fences.
- F. Fences on any portion of any public right-of-way, except fences erected by a government entity or authority.
- G. Fences, shrubs or hedges that interfere with clear vision at or near a street intersection. No fence, hedge and/or shrubbery shall be erected less than 15 feet from the street curb intersection, as measured by a triangle from the closest intersecting corner.
- H. Fences so constructed as to prevent natural water drainage and/or runoff.
- I. Fences with posts with the rough or unfinished side of the fence facing toward the street or neighboring property, except when such fence is abutting a commercial property, a property operating as a railroad, or a property operating as a state parkway.
- J. Construction fences, except that such fences shall be permitted as part of building permit when construction has been approved by the Superintendent of Buildings and commenced. Such fences shall be maintained in good condition at all times and shall be removed upon the direction of the building department if property is safe and secure and or the issuance of a certificate of occupancy or compliance.
- H. Temporary pool enclosure fences, except that such fences shall be permitted as part of building permit when construction has been approved by the Superintendent of Buildings and commenced. Must meet state code. Such fences shall be maintained in good condition at all times and shall be removed upon the direction of the building department if property is safe and secure and or the issuance of a certificate of or compliance.

\* SEE VILLAGE CODE FOR ADDITIONAL INFORMATION INCLUDING DRIVEWAY CLEARANCES.



TYPICAL FENCE ALLOWABLE LOCATIONS  
CORNER LOT

\* SEE VILLAGE CODE FOR ADDITIONAL INFORMATION INCLUDING DRIVEWAY CLEARANCES.



TYPICAL FENCE ALLOWABLE LOCATIONS  
MIDDLE LOT