

**VILLAGE OF CHESTNUT RIDGE**

**LOCAL LAW NO. "I (v.2)" OF 2022**

**A LOCAL LAW TO INCREASE THE HEIGHT LIMIT OF A FENCE AT THE LOT LINE FROM FOUR (4) FEET TO SIX (6) FEET AND GRANT THE VILLAGE PLANNING BOARD DISCRETION TO MODIFY FENCE HEIGHT, PLACEMENT, AND CONSTRUCTION REQUIREMENTS IF AND WHEN APPROPRIATE.**

Be it enacted by the Village Board of Trustees of the Village of Chestnut Ridge as follows:

**Section 1. Legislative Intent.**

It is the intent of this local law to increase from four (4) feet to six (6) feet the permitted fence height at the lot line and to grant the Village of Chestnut Ridge Planning Board discretion to modify the fence height, placement, and construction requirements if and whenever it deems it appropriate.

**Section 2. Authority.**

This local law is adopted pursuant to the provisions of § 10 of the Municipal Home Rule Law.

**Section 3. Amend Chapter 290, Zoning**

Chapter 290, Article V "Yard and Setback Regulations", Section 290-18 "Side and rear yard exceptions", Subsection "C" shall be amended as follows:

C. A fence not more than six feet or wall not more than four feet in height above average existing grade is permitted along the lot line, with the outer face thereof located one foot from the lot line. A fence over six feet or wall over four feet is permitted, provided that it is set back from the lot line a distance equal to 2/3 its height. The finished side of the fence shall face the lot line. A common fence may be constructed on the lot line with the written consent of both abutting owners. The Planning Board may modify all fence height, placement, and construction requirements, together with such conditions as are, in its judgment, necessary to secure the objective of the requirements.

**Section 4. State Environmental Quality Review Act.**

Pursuant to 6 NYCRR 617.5(c)(26) and (33), this Local Law is classified as a Type II Action as it involves the adoption of regulations, policies, procedures, and local legislative decisions in connection with routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.

**Section 5. Severability.**

If any clause, sentence, paragraph, word, section or other part of this Local Law, or the application thereof to any person, entity, or circumstance, shall be determined by any court or tribunal of competent jurisdiction to be unconstitutional, illegal, invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining provisions of this Local Law or the application thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or other part thereof directly involved in the controversy in which such determination shall have been rendered and the remaining provisions of this Local Law shall not be impaired thereby and such determination. The Village Board of the Village of Chestnut Ridge hereby declares that it would have passed this Local Law or the remaining provisions thereof had such invalid provision or the application thereof been apparent at the time of enactment.

**Section 6.      Effective Date.**

This Local Law shall be effective immediately upon filing with the Secretary of State.