



**TOWN OF EAST FISHKILL  
BUILDING AND ZONING DEPARTMENT**

330 Route 376, Hopewell Junction, NY 12533  
(845) 221-2427 Fax (845) 227-4018  
<http://www.eastfishkillny.gov>

**FENCE REGULATIONS**

**A PERMIT IS REQUIRED FOR ANY FENCE OVER 4 FEET IN HEIGHT.**

**4 FOOT FENCE:**

- DOES **NOT** REQUIRE PERMIT.
- CAN BE ON THE PROPERTY LINE THE ENTIRE PROPERTY.
- IS NOT REGULATED IN ANY WAY AS TO TYPE OF FENCE.

**5 – 6 FOOT FENCE:**

- **DOES** REQUIRE PERMIT.
  - FENCES AND WALLS GREATER THAN FOUR FEET IN HEIGHT AND LESS THAN SIX FEET IN HEIGHT MAY BE ERECTED BEHIND THE FRONT LINE OF A HOUSE OR WITHIN 10 FEET OF THE FRONT LINE OF A HOUSE.
  - MUST BE 2 FEET IN FROM ALL PROPERTY LINES WITH THE GOOD SIDE FACING THE NEIGHBOR.
- **CHAIN LINK FENCES OVER 4 FT. ARE NOT ALLOWED.**
  - **FENCES CAN BE NO HIGHER THAN 6 FEET WITHOUT ZONING BOARD APPROVAL.**

**PLEASE PROVIDE THE FOLLOWING ITEMS WITH THE APPLICATION:**

- Fence information (copy of brochure).
- Copy of survey showing fence placement and setbacks. If there are no property stakes, then a survey may be required at the discretion of the Code Enforcement Officer.
- INSURANCE FORMS FROM CONTRACTORS OR “SELF” (See insurance info in permit application packet. Forms must be submitted with application. No faxing/emailing.)
- IF APPLICANT IS NOT THE HOME OWNER/PROPERTY OWNER, AN ORIGINAL, SIGNED, NOTARIZED LETTER FROM THE OWNER WILL BE REQUIRED GRANTING PERMISSION TO APPLY FOR PERMIT. (Applicant may obtain signature on application from owner, thus notarized letter not required.)
- Fee: PLEASE SEE THE CURRENT FEE SHEET  
Cash or check made out to: Town of East Fishkill.

**Note: Construction without a permit is double the fee**

**Town of East Fishkill Town Code**

**§ 194-98. Walls and fences.**

[Amended 10-26-2006 by L.L. No. 4-2006; 2-27-2014 by L.L. No. 2-2014; 6-22-2017 by L.L. No. 2-2017]

- A. Retaining walls. The yard requirements of this chapter shall not be deemed to prohibit any necessary retaining wall. Retaining walls four feet in height or less do not require a permit. Retaining walls greater than four feet in height require engineered drawings approved by the Building Department/Engineer and a fence/wall permit from the Building Department. See table below.
  
- B. Fences and walls (not retaining). On any residential property, the finished side of the fence shall face the adjoining property, and all exposed stands and braces shall face the interior property. All fences or walls exceeding four feet must be decorative. Chain-link fences shall not exceed four feet in height in any yard of a residential district. Fences and walls over four feet must be installed two feet in from any lot line. Fences and walls four feet in height or less may be erected in any yard and do not require a permit. Fences and walls greater than four feet in height and less than six feet in height may be erected behind the front line of a house or within 10 feet of the front line of a house with a fence/wall permit from the Building Department. Fences and walls exceeding four feet in height and located more than 10 feet in front of the front line of a house and all fences and walls exceeding six feet in height require a variance from the Zoning Board of Appeals (ZBA) and a wall/fence permit from the Building Department except for properties in an industrial district which shall be permitted to have fences 12 feet in height. See table below:  
 [Amended 9-22-2022 by L.L. No. 7-2022]

Walls and Fences	Permit(s) Required
<b><u>Retaining walls</u></b>	
4 feet in height or less	No permit required
Greater than 4 feet	(1) Engineered drawings approved by the Building Department/Engineer
	(2) Requires fence/wall permit from the Building Department
<b><u>Fences and walls (not retaining walls)</u></b>	
4 feet in height or less	No permit required
Located within 10 feet of the front line of the house and exceeding 4 feet in height but not exceeding 6 feet in height	Requires fence/wall permit from the Building Department
Exceeding 4 feet in height and located more than 10 feet in front of the front line of the house	(1) Requires variance from ZBA;
	(2) Fence/wall permit from the Building Department
Exceeding 6 feet in height	(1) Requires variance from ZBA unless the fence is located in an Industrial District;
	(2) Fence/wall permit from the Building Department

**§ 194-99. Visibility at intersections.**

On a corner lot in any residential district, no fence, wall, hedge or other structure or planting more than 3 1/2 feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 30 feet distant from the point of intersection, measured along said street lines.