



Re: Fencing Regulations

Residential fencing is addressed in the Village Code in Chapter 196, Article 5, §196, 22 through 24. Building permits are required for fences, arbors, gates and driveway gates. Fences may not be solid & fences in excess of 4' are prohibited unless accessory setbacks are met. You can use the on line zoning map and table to find out what the setbacks are for your property. For additional information regarding fencing please refer to the Village Code at <http://www.ecode360.com/QU1026>. Building permit applications can found in the front entry at Village Hall or downloaded via <http://www.villageofquogue.com/forms.cfm> . In your application you must include:

- A copy of the survey showing the proposed fence location.
- Fill out the DRB form and indicate the type of fencing & finish/color proposed.
- Provide the estimated cost of installation on the application.
- Provide a copy of the contractors Town Home Improvement License & proof of workmen's comp on the proper NY State form (or notarized exemption form).

Deer fencing was permitted per a notice posted in Volume 23, No. 1, Spring, 2007 of The Quogue Village Voice by former mayor Motz which states: *"... We have decided to relax the rules on deer fencing until we have found the ideal solution to control the deer population within our village. All we ask is that you use good taste and judgment in protecting your property."* As of 12/20/24 permits are required for deer fencing. The design standards for deer fencing are codified in §196-22 A (10) below.

A 6' fence with a 1' (+/-) cantilever seems to work just as well as an 8' fence. We have also seen fences as low as 4' with a larger cantilever work. I typically suggest that residents get a permit for a compliant 4' fence or use a pool enclosure fence and attach deer fencing to or add deer fencing above the legal 4' fence. Installing a 4' fence with the posts at 6' or 8' intervals and installing the deer fencing with metal piping or heavy rebar on every other post seems to work well.

Deer fencing is not permitted in wetlands regulated by the D.E.C. Deer fencing is not permitted within a required front yard or where visible from the street unless properly screened. Depending on the location of the deer fence it may be regulated by the Design Review Board. Please see the photos below of acceptable deer fence solutions.

Existing swimming pools must comply with the Property Maintenance Code of New York State. You can view the pool enclosure code at:

http://publiccodes.citation.com/st/ny/st/b1300v10/st_ny_st_b1300v10_3_sec003.htm.

Sincerely,

William M. Nowak
Chief Building Inspector

§ 196-22 Height and density restricted.

A. Height of fences and walls. No fence or wall in a front, side or rear yard shall have a height greater than four feet, except as follows:

(10) Deer fence. In all districts, the Building Inspector may approve a deer fence not exceeding eight feet in height, provided the following conditions are met.

(a) The surface color or finish of a deer fence, including all parts thereof, to the maximum extent feasible shall be black, green or natural.

(b) A deer fence shall be installed on the interior side of hedging and/or screen plantings and not on the exterior facing a street or adjacent properties.

(c) Where the existing conditions do not provide adequate screening of the deer fence from the street or adjoining properties, the Building Inspector shall condition a permit for a deer fence on the installation of hedging and/or plantings to conceal the fencing and/or diminish its visual impacts to the street and/or adjoining properties. Hedging and/or screen plantings shall be installed simultaneously with any deer fence and shall comply with the specifications approved by the Building Inspector. All such hedging and/or screen plantings shall be at the height of the deer fence upon installation. Maintenance of such hedging and/or plantings in accordance with the approved specifications shall be a continuing condition for the allowance of a deer fence.

(d) The deer fence shall not cause or promote any safety risks to traffic, including vehicular and/or pedestrian thoroughfares, on any nearby or adjacent traveled roadway.

(e) To minimize impacts to adjoining properties, the Building Inspector may require a minimum setback as a condition of approval. In no case shall the Building Inspector have authority to approve a deer fence and/or associated plantings on an adjoining property or street right-of-way.

(f) A deer fence shall not include the use of unnecessarily large or visually unattractive components. By way of illustration, not limitation, the fencing material shall be high strength wire like mesh (1.75 inches) made of UV stable polypropylene, black, green or natural clad. Posts of a size greater than four inches by four inches, barbed wire, chain link and any elevation of grade or change of grade at or near the point of installation of the proposed fence, are prohibited. All posts shall be polyester-coated black, green or natural galvanized steel or wood spaced 15 or more feet apart excepting as circumstances require and the Building Inspector approves otherwise. Corner and/or gate posts may be four inches by four inches but all other posts shall not exceed a profile of 1.625 inches. Bracing is not allowed except at corner and gates within four feet above natural grade. Use of CCA or other chemically treated wood material is prohibited.

(g) A deer fence constructed prior to the adoption of this subsection shall be deemed prohibited and shall continue to be nonconforming unless and until a permit is obtained under this subsection.







Compliant pool enclosure fencing on 4 X4's. Black metal posts with plastic mesh deer fencing above.