



DEPARTMENT OF
PLANNING & DEVELOPMENT

MAYOR: KATHY M. SHEEHAN

COMMISSIONER: CHRISTOPHER P. SPENCER

February 4, 2021

Daniel R. Hershberg, PE & LS
Hershberg & Hershberg | Consulting Engineers & Land Surveyors
18 Locust Street
Albany, New York 12203

**RE: 380 Whitehall Road | Congregation Beth Abraham Jacob
Fence Permit Request**

Dear Mr. Hershberg:

Thank you for sharing your proposal for fencing along the perimeter of Congregation Beth Abraham Jacob at 380 Whitehall Road. Based on the drawings and site plan, the proposed fencing would be located along the front of the property at 380 Whitehall, extending along the side yard to the west and along Whitehall Court, and continue along the front of the property.

While I fully understand the security need for this fencing, it does not comply with the requirements in the USDO. As noted in § 375-4(F)(8)(b)(i)(A) "Walls and fences may be located in any front yard or exterior side yard facing a street provided they are no more than four feet in height and no more than 60 percent opaque, except as required to comply with screening requirements in Section 375- 4(F)(5) and (6) above." The design of the fence as proposed is eight (8) feet in height and as such would not comply with the height limitations of this section. It does appear to comply with the 60% opacity requirement.

Therefore, any application for fencing as proposed or depicted on your drawing would be denied. As noted in § 375-5(E)(21)(a) "If an application to the Chief Building Official or Chief Planning Official under this USDO does not comply with the provisions of this USDO, the Chief Building Official or Chief Zoning Official shall issue a denial. The applicant may then apply for a variance from the dimensional or development standards or the permitted use regulations of this USDO pursuant to this Section 375-5(E)(21). "

Please let me know if you have any questions regarding this denial or the process for applying for a variance.

Sincerely,

Christopher P. Spencer | Commissioner of Planning & Development / Chief Planning Official