

**Hillview Estates Homeowners' Association
Rules & Regulations Booklet
July 2013**

Table of Contents

	Pages
Overview	2
General Information	2-3
Board of Directors	
Managing Agent	
Meetings	
HOA Responsibilities	3-4
Homeowner Responsibilities	4-5
General Covenants and Restrictions	5-8
Pets	
Garbage and Refuse Disposal	
Toys, Bicycles, Scooters, Lawn Furniture, Grills, etc.	
Baseballs and hoops, Soccer balls and nets	
Noxious or Offensive Activities	
Safety	
Vehicles	
Architectural Controls and Variance Requests	
Violations	
APPENDIX A – Variance Request Form	9

OVERVIEW

WHAT IS A HOMEOWNERS ASSOCIATION (HOA)?

An HOA is an organization in a planned community (in this case Hillview Estates Townhomes) that makes and enforces rules for the property. While Townhomes are individually owned each homeowner agrees (through the purchase of the home) to abide by a common set of rules and by-laws that protect and preserve the community. The HOA collects monthly dues to pay for the upkeep of common areas and defined HOA areas of building maintenance.

WHY THIS BOOKLET OF HOA RULES AND REGULATIONS?

The rules and regulations are based on the Declaration of Covenants, Conditions and Restrictions, By-Laws and common sense and intended to provide a standard for maintaining the quality of life and protecting property values in Hillview Estates. This Booklet is intended to summarize and clarify the rules and regulations identified in the Hillview Estates Offering Plan Declaration and By-Laws document. These rules apply to all homeowners, tenants, and guests. By purchasing the townhome the homeowner agrees to abide and adhere to them and ensure that all tenants and guests are informed and equally abide and adhere to all rules and regulations.

WHAT DOES A HOMEOWNER OWN?

Each homeowner has a deeded 'Lot'. The Lot refers to the separate parcel on the tax records or shown as a separate lot on recorded subdivision map. Purchasers acquire the Lot and Townhome constructed on it (*pg 4). It includes the exclusive right to use the improvements, walk and driveway associated with the Townhome (pg 5). While each homeowner has a deeded lot and exclusive rights to designated areas by purchasing the townhome the homeowner agrees to pay a monthly common charge for the common care and maintenance of the property.

WHAT IS COMMON AREA?

'Common Area' refers to all areas of Hillview Estates not contained within the perimeter of the townhome-building lots. The common areas are improved by green space or landscaped areas and include the private common drive serving building lots 12-22 (homes 104-118). The common area is owned and maintained by the Association. (pg 4)

WHY IS THERE A MONTHLY ASSESSMENT?

By becoming a 'Lot' owner the homeowner agrees to pay the yearly Association charges payable monthly for maintenance and operation of the Association Property, for utilities and other services provided. All monthly assessments are due the first day of each calendar month. Nonpayment or late payments will cause a lien to be placed on your townhome. In the event such action must be taken, any legal costs incurred will be the responsibility of the individual homeowner.

GENERAL INFORMATION

1. *All page numbers reference the Hillview Estates Offering Plan Declaration & By-Laws Document
2. This booklet is a summary of the Declaration of By-Laws Document. Homeowners are encourage to refer to Hillview Estates Declaration and By-Law Document for a more complete description and further details.
3. This booklet may be updated from time to time in an effort to clarify roles and responsibilities.

Board of Directors (Article V, Sec 5.01, 5.11, 5.12, pg 117-121)

- Manages the Affairs of the Association.
- Consists of five (5) members. Initially, three (3) Directors for a term of two (2) years and two (2) Directors with at term of one (1) year. Thereafter, successor Directors will be elected for a term of two (2) years.
- Regular monthly meetings shall be held to conduct Association business, including, but not limited to:
 - Determine, levy, and collect monthly assessments and common charges as provided in Declaration.
 - Use the assessments and charges collected for the maintenance, care and preservation, and operation of the Property.
 - Authorize fines, liens, foreclosures, and special assessments and legal actions as necessary.
 - Establish and oversee short and long-term committees, i.e., Nominations, Maintenance, Architectural Review, Rules and Regulations, etc.

Managing Agent:

- The Board of Directors contracts with a Managing Agent to collect monthly assessments, interface with contracted services, respond to homeowner maintenance issues, prepare budget and monthly reports and present to the Board, and generally respond to the day-to-day operations of the Association.

Meetings (Article IV, Sec 4.01, 4.02, 4.03, 5.12, pg 115-116; 121)

- **Annual Meeting** - A yearly meeting of the Membership, the first Tuesday of March (or other date convenient to the Members) shall be held for the purpose of electing Directors and transacting other Association business.
- **Special Meetings** – Association Members may send a written request to the President or Board of Directors, to conduct a special meeting. The written request must have at least 10% of eligible voting members.
- **Meeting Notification** – Association Members will be given written notice stating time, place, and purpose of the meeting, not less than ten (10) days or more than thirty (30) days notice before the meeting date. Written notice may be mailed or hand delivered.
- **Monthly Meetings** – Board of Directors hold monthly meeting to conduct the business of the Association. Written minutes of each meeting

HOA RESPONSIBILITIES: The Association performs the following maintenance services that are funded from collected monthly assessments (Article VI, pg 26-27)

1. *All page numbers reference the Hillview Estates Offering Plan Declaration & By-Laws Document
2. This booklet is a summary of the Declaration of By-Laws Document. Homeowners are encourage to refer to Hillview Estates Declaration and By-Law Document for a more complete description and further details.
3. This booklet may be updated from time to time in an effort to clarify roles and responsibilities.

1. **Common Drive, individual driveways, and landscaped areas** within Hillview Estates
2. **Exterior Siding, Downspouts, Trim**
 - o The maintenance, repair and replacement of the siding, downspouts is the responsibility of the HOA
3. **Painting**
 - o The HOA is responsible for the painting of trim around doors, windows, front porch posts.
 - o The HOA is responsible for painting of the front door.
4. **Roof**
 - o The maintenance, repair and replacement of all roofs are the responsibility of the HOA.
5. **Exterior vinyl coated items**
 - o The maintenance, repair, and replacement of these low-level maintenance items are the responsibility of the HOA.
6. **Sewer, Water, and Storm Water Utility Laterals**
 - o Those portions of sewer, water and storm water utility laterals servicing townhome and not maintained by a utility company, public authority, municipality or other entity (to terminate at the outer surface of the foundation wall) is the responsibility of the HOA.
7. **Snow Removal**
 - o Plowing of snow from paved areas, excluding walks is the responsibility of the HOA.
8. **Insurance**
 - o The HOA will obtain and maintain fire and casualty insurance on townhomes (including wall to wall carpeting, lighting fixtures, bathroom fixtures, built-in appliances, wall coverings, and all machinery servicing the Lots and common facilities, excluding the land, foundation, the personal property of Lot owners and occupants, and any improvements or alterations [including upgrading of appliances, kitchen cabinets, carpeting or lighting fixtures, built-ins and wall coverings] made by present or prior Lot owners or occupants.
 - o Obtain and maintain fire, casualty and liability insurance on the Association property.
 - o Obtain and maintain directors and officers liability insurance for the officer and directors of the Association.
9. **Covenants, Rules, Regulations**
 - o The enforcement of restrictive covenants and establishment of rules and regulations governing the use of Association Property and the conduct of Lot owners is the responsibility of the HOA.
10. **Landscaping**
 - o The replacement of landscape plant material, including trees and shrubs, which lie over the easement granted to a public agency for sewers and water services, in the event these landscape materials are damaged or destroyed in the course of maintenance or repair by others is the responsibility of the HOA.
11. **Reserve Fund**

1. *All page numbers reference the Hillview Estates Offering Plan Declaration & By-Laws Document
2. This booklet is a summary of the Declaration of By-Laws Document. Homeowners are encourage to refer to Hillview Estates Declaration and By-Law Document for a more complete description and further details.
3. This booklet may be updated from time to time in an effort to clarify roles and responsibilities.

- o The Board of Directors, on behalf of the HOA will create a Reserve (Fund) for future contingencies and to avoid special assessments.

HOMEOWNER RESPONSIBILITIES

1. Doors and Windows

- o Repair and maintenance to the exterior doors (entry, storm, garage doors), windows (panes and skylights), screens and their attached hardware is the sole responsibility of the homeowner.
- o The exterior surfaces of the windows and doors that are visible from the outside of a townhome may not be painted or altered without a written and approved variance request.
- o The hanging of garments or rugs from windows or doors, or the attachment of clotheslines to buildings is prohibited.
- o Awnings are not permitted.

2. Decks

- o Repair and maintenance of all decks is the sole responsibility of the homeowner.

3. Porches, Stone Pavers, Stoops, Patios, Concrete Walks

- o Repair and maintenance of porches, stone pavers or stoops, patios or concrete walks is the sole responsibility of the homeowner.

4. Flowers and Shrubs

- o Flowers and shrubs around the side and back foundation of the townhomes are allowed, but become the responsibility of the homeowner to maintain. Growing of vegetables (such as tomatoes, pumpkins, etc.) is not permitted in the common area.

5. Snow Removal

- o Homeowners are responsible for the removal of snow from roofs and walkways. No salt or other corrosive material or chemical that may harm or degrade the walk over time may be used. (pg 6, #6)

6. Insurance

- o Homeowners are responsible for maintaining fire, casualty, and liability insurance for personal property, lot, and interior of townhome.

7. Damages

- o Homeowners are financially liable for any damage caused to the common area by the homeowner, resident or guests. All repairs shall be performed promptly.
- o Homeowners must promptly perform any repairs to their townhome (including deck and patio areas), which would affect the building of which their townhome forms a part. The homeowner is responsible for any liability or damages those delays in repairs or maintenance may cause.

o

GENERAL COVENANTS AND RESTRICTIONS

1. **Pets** – (Article X, Sec 10.02, pg 100) can present a sanitation and safety problem. They can permanently damage shrubbery and landscaping, present a potential danger to other

1. *All page numbers reference the Hillview Estates Offering Plan Declaration & By-Laws Document
2. This booklet is a summary of the Declaration of By-Laws Document. Homeowners are encourage to refer to Hillview Estates Declaration and By-Law Document for a more complete description and further details.
3. This booklet may be updated from time to time in an effort to clarify roles and responsibilities.

residents, and can cause deterioration in community relations. To avoid any potential problems strictly adhere to the following rules.

- o Per Town Code: All dogs must have a current NYS pet license and an updated rabies certificate.
 - o Per Town Code: Town residents are limited of to 2 dogs per household. HOA may further limit the number and size of pets.
 - o All pets may be allowed outdoors only when accompanied by a responsible person and dogs shall be leashed at all times. No above ground or visible pet containment enclosed are permitted.
 - o All pet owners must clean up after their pets, i.e., dogs and cats, etc.
 - o If a pet owner has been granted prior written Association consent, an underground pet containment system may be installed. In that case, a pet may be let outdoors within the area of the underground pet containment system only when in the company of a responsible person, but need not be on a leash.
 - o Pet owner must ensure their pet is controlled at all times, both physically restrained and ensure not noisy, whether or not homeowner is at home.
 - o The Association has the right to require an owner, tenant, family member, or guest to dispose of any pet, if, in the opinion of the Association, acting in its sole discretion, such pet is creating a nuisance because, i.e., the owner does not clean up after the animal, animal is too noisy, or animal is not properly controlled.
2. **Garbage and Refuse Disposal** (Article X, Sec 10.04, pg 100-101)
 - o Refuse containers are to be stored within homeowners' garage
 - o Such containers may be placed in the open within 24 hours of a scheduled pick-up
 3. **Toys, Bicycles, Scooters, Lawn Furniture, Grills, and other such items** are to be stored indoors when not immediately in use. Items are not to be left on the common areas, in driveways, on lawns when not in use. Homeowners are advised that continued abuse of this regulation may result in the item's removal and possible disposal at the discretion of the Board.
 4. **Use of basketballs and hoops, soccer balls and nets** are prohibited from the property.
 5. **Noxious or Offensive Activities** (Article X, Sec 10.06, pg 101)
 - o There shall be no noxious or offensive activities carried out upon any portion of the Property, nor shall anything be done that may be or become a nuisance or annoyance to the area, residents or owners.
 - o Any type of air pollution or radioactive emissions or electro-magnetic radiation disturbances shall be controlled so as not to be detrimental to or endanger the public health, safety, comfort or welfare, be injurious to property, vegetation or animals, adversely affect property values or otherwise produce a public nuisance or hazard.
 - o There should be no loud noise from any radio, stereo, television, tape recorder, motorcycle, car engine or any sound producing devise that will disturb the comfort of others at any time, day or night.

1. *All page numbers reference the Hillview Estates Offering Plan Declaration & By-Laws Document

2. This booklet is a summary of the Declaration of By-Laws Document. Homeowners are encourage to refer to Hillview Estates Declaration and By-Law Document for a more complete description and further details.

3. This booklet may be updated from time to time in an effort to clarify roles and responsibilities.

- o Parents are encouraged to closely supervise their children so as not to disturb other homeowners.

6. Safety

- o To ensure the safety of all residents and property homeowners must follow manufacture's requires, Town Codes, State Laws, and insurance regulations in the storage of propane tanks, and any other flammable materials.

7. Vehicles (Article X, Sec 10.12, 10.14, 10.15, 10.16, pg 102)

- o Snowmobiles or similar motor vehicles shall not be operated on the Property.
- o Residential Zoning Laws prohibit the operation of a business from a residence in Hillview Estates.
- o Outside storage or parking of any commercial or recreational vehicles, unlicensed vehicles, disable vehicles, campers, boats, trucks or trailers is not permitted for more than one 72 consecutive hour period per month.
- o No work on any motor vehicle, boats or machines of any kind, other than minor servicing and maintenance shall be permitted outdoors on any lot.
- o Parking is not allowed on any lawn area throughout Hillview Estates. Any lawn damage resulting from failure to comply with this rule will be assessed to the individual homeowner. Vehicles should be kept in the garage whenever possible.
- o Fire lanes must be kept clear at all times. There is no parking on either side of the private drive, at any time.
- o Speeding and careless driving on Hillview Estates property is both dangerous and inconsiderate. All homeowners should remind family drivers and visitors to use extreme caution when driving through the community.
- o Guests and visitors should park in the homeowner's driveway or in the overflow parking area (between Units #111 & 118). It is very dangerous to park on the main roadway as it restricts other residents of unobstructed access to their driveways.
- o All vehicles permitted on Hillview Estates Property are to be equipped with properly functioning mufflers, licenses, and registrations in compliance with local and State laws. No unlicensed motor vehicles are to be operated or stored outside on Hillview Estates Property or any part of the common area.
- o Major repairs to motor vehicles are not permitted in any garages, on roadways, driveways or parking areas within Hillview Estates.

8. Architectural Controls and Variance Requests – An Architectural Standards Committee shall be appointed by the Board of Directors for the purpose of enforcing contain provisions of the Declaration and controlling any changes in use or any additions, modifications or alteration to any exterior improvement within Hillview Estates. The Committee shall be composed of three (3) or more persons for terms of two (2) years (pg. 92, Sec 7.02). Residents are required to submit and receive approval for any exterior changes to the townhouse or the common area of Hillview Estates. No exterior modifications of any kind will be made to the common area or exterior of any individual townhome until the plans and

1. *All page numbers reference the Hillview Estates Offering Plan Declaration & By-Laws Document

2. This booklet is a summary of the Declaration of By-Laws Document. Homeowners are encourage to refer to Hillview Estates Declaration and By-Law Document for a more complete description and further details.

3. This booklet may be updated from time to time in an effort to clarify roles and responsibilities.

specifications have been submitted to the Board of Directors or the Architectural Review Committee and are approved in writing.

- o Requests for exterior changes, modifications to buildings or landscaping are to be submitted on a Variance Request Form. Forms may be obtained from the Managing Agent or Architectural Review Committee Member. The requests needs to include detailed plans and specifications for the proposed changes and other pertinent information, i.e., manufacturer's brochure, contractor sketches, contractor information, to enable the Board to assess the impact of the change.
- o All contractors performing work on Hillview Estates Property must be covered by Workmen's Compensation Insurance. They must also execute a "hold-harmless" release and submit this, along with a photocopy of their Certificate of Insurance, to the Managing Agent prior to the beginning of work on site.
- o Restoration of exterior changes that were not approved by the Board becomes the responsibility of the homeowner. All expenses associated with the restoration, including legal fees, become assessed homeowner expense.
- o The Board will not knowingly give approval to exterior changes that contradict building and zoning restrictions. However, the responsibility of compliance is solely that of the homeowner and Board approval does not waive the need for such Town of Gates permits.
- o Interior changes – it is the privilege of the homeowner to improve the interior of his/her home by new construction as long as the new construction does not change or alter the exterior appearance of the townhome. It is the sole responsibility of the homeowner to maintain and repair the interior of his/her townhome.
- o Variances are required for such changes include, but are not limited to:
 - Enlarging deck
 - Changing the color of a door
 - Changing windows
 - Exterior antennas
 - Underground pet containment system

9. Violations

- o Violations to the rules and regulations should be called to the Managing Agent's attention. This communication may be in the form of written letter or email.
- o The Board of Directors has the legal responsibility to administer the affairs of Hillview Estates for the benefit of each and every homeowner. In as such, the Board will work with the Managing Agent to create a written policy for the enforcement of the rules and regulations along with a process of fines and liens.

1. *All page numbers reference the Hillview Estates Offering Plan Declaration & By-Laws Document
2. This booklet is a summary of the Declaration of By-Laws Document. Homeowners are encourage to refer to Hillview Estates Declaration and By-Law Document for a more complete description and further details.
3. This booklet may be updated from time to time in an effort to clarify roles and responsibilities.