

AUDUBON ASSOCIATION

ARCHITECTURAL GUIDELINES

**A DESIGN CONTROL GUIDE FOR RESIDENTS OF
THE AUDUBON ASSOCIATION COMMUNITY**

A FEW WORDS ABOUT DESIGN CONTROLS

Most automatic-membership community associations have the power of design review or architectural control and it is as basic a function as maintenance of common areas. Properly exercised, design review can create and preserve an attractive, livable community.

Failure to exercise design review properly can create major problems for a community in the form of misunderstanding and controversy among the residents, inconsistencies and unfairness in treatment, a multitude of real or imagined violations and, possibly, expensive and protracted court cases. Additionally, the association and its members may suffer major property value losses if design review is absent or ineffective.

An essential element of successful design review is recognition by all members of the community that it is a benefit and not a burden. Design review is, at best, an imperfect art and the community will not tolerate, let alone support, a review process unless it is clearly understood and it works effectively and fairly. A properly operated system of design review will yield substantial benefits to all.



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INTRODUCTION

This comprehensive guide is provided for prospective and current Audubon residents. The purpose is to inform residents of the interpretations made by the Architectural Standards Committee (ASC) of the Declaration of Protective Covenants, Conditions and Restrictions for the Audubon New Community.

This guide in no way replaces the Audubon Declaration. Future amendments to the Declaration not reflected by this guide and all individual decisions made by the Architectural Standards Committee shall take precedence. The Committee will conduct periodic evaluations of the Guidelines to determine if amendments are required. Residents should also submit to the Committee requests for additions or changes to the guidelines. These guidelines are to be used in conjunction with Town of Amherst regulations. The guidelines do not violate Town of Amherst requirements, but they may be more specific for the Audubon Community.

A copy of the Audubon Declaration & Bylaws should be provided to you at closing. Additional copies are available for a nominal fee from the Audubon Office located at 700 Robin Road. As a resident, you are a member of the Audubon Community Association which is responsible to ensure that your Community maintains the high principles set forth in the Audubon Declaration.

Questions on any of the contents herein may be directed in writing to:

Audubon Association, Inc. P.O. Box 620 Getzville, New York 14068 (716) 688-1632 Phone (716) 688-1637 Fax Email audubonassoc@verizon.net	or drop off at: 700 Robin Road Amherst, NY 14228
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Audubon Architectural Standards Committee Revisions:

August 2012: *“Concrete driveways are now allowed in the Audubon Community with approval by the Architectural Standards Committee. The concrete mix should be natural or earth tone in order to avoid the bleached appearance.”*

September 2012: Application to ASC is required for installation of permanent generators. *“In the event of replacing a generator or air compressor prior approval is required if relocating the permanent generator or air compressor to another area on the property. **To soften the***

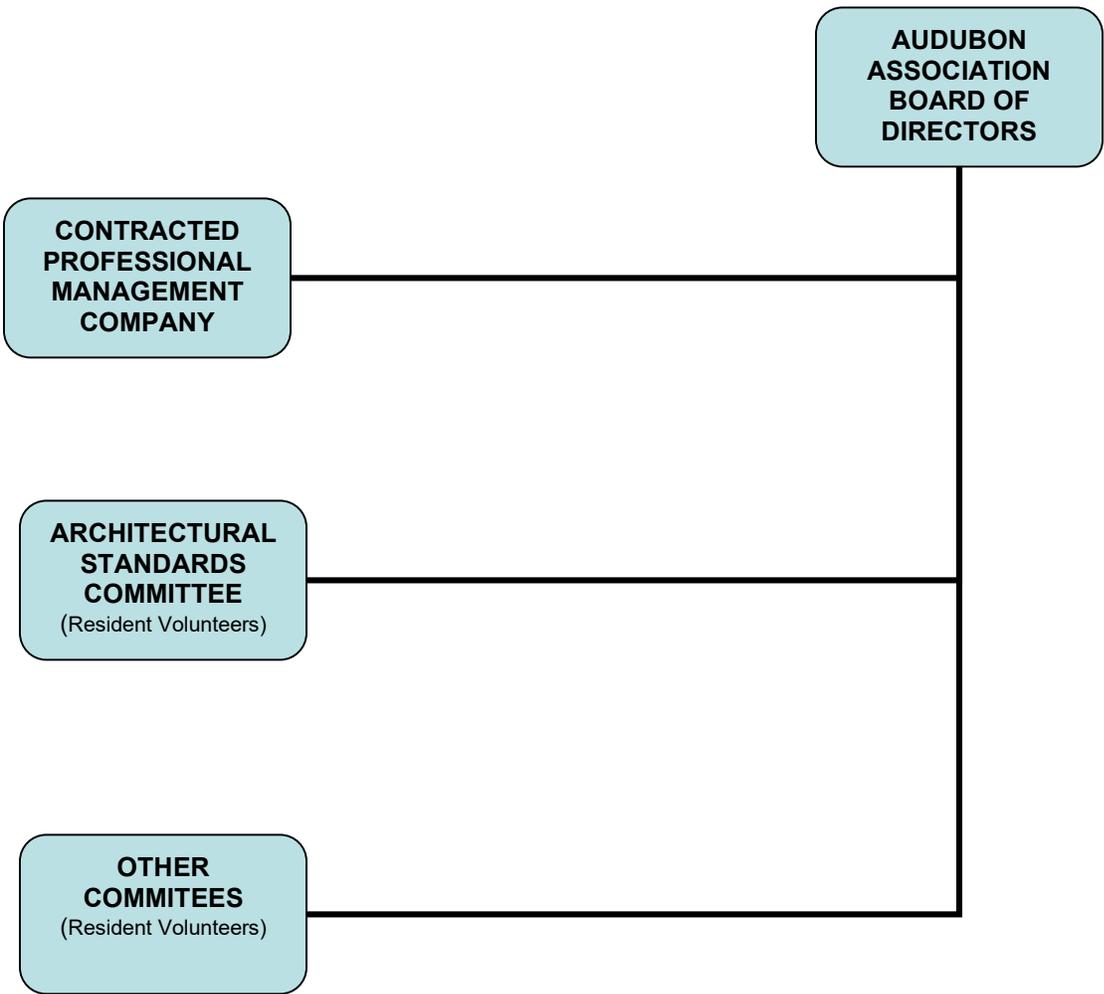
view of a ground compressor or permanent generator, the Association requires that the resident plant shrubs or bushes around the unit.”

I. ORGANIZATION

1. AUDUBON COMMUNITY ASSOCIATION

Nine Elected Directors include:

- Board President
- Vice President
- Treasurer
- Secretary



2. ARCHITECTURAL STANDARDS COMMITTEE (ASC)

The Architectural Standards Committee (ASC) is composed of at least five members (including one chairperson) who are currently Audubon residents and who volunteer their time. One of the members must be a licensed architect by trade or an independent consulting architect will be retained as a member of the Committee. The Architectural Standards Committee is the only Committee required under the Audubon Declaration. The members of the ASC are appointed to the position by the Audubon Board for a term of two years. At the end of the two year period their positions are reviewed by the Board.

Proposed changes to the Architectural Guidelines shall be placed in the Audubon Newsletter for input from the Audubon Community. This will occur prior to approval of the revised document.

The Committee's efforts are directed toward upholding the Audubon New Community Declaration of Protective Covenants, Conditions and Restrictions described in this guide along with the review and approval of home modifications as they relate to architectural style and related matters. **The ASC usually meets the first Thursday of each month. Prior to attending a meeting, contact the Audubon Office at 688-1632 to confirm the meeting date.** Residents are always welcome to attend the ASC meetings for discussion of their modifications, but must submit their application far enough in advance for review by the managing agent to determine if all the correct documents have been submitted.

The Committee has the power to adopt, interpret and enforce rules and regulations covering the submission of plans for its review and approval and the exercise of any powers granted to it under the Audubon Association Declaration and Bylaws. The Committee may also issue policy statements relative to architectural styles, details of construction and related matters. Rules, regulations and policy statements of the Committee may be amended or revoked provided said change does not affect the finality of prior Committee approvals.

In order to make building decisions 50% of the ASC members must be present to form a quorum. A minimum of 3 is also needed.

II. FILING AN APPLICATION FOR ARCHITECTURAL STANDARDS COMMITTEE (ASC) APPROVAL:

Residents may obtain a standard application at the Audubon Association office and return it when completed. Incomplete applications will be returned and delay of your project may occur. (See section pertaining to your specific project for application requirements). **Residents should allow 45 days for processing of their application.** Work should commence within 30 days of the date of approval and must be completed within 90 days. Any approved application 90 days or older will require re-submission to the Committee for their review.

Applicants should appreciate that the drawings they furnish with their application will be, in most cases, all that the Committee has to work with in order to determine if the aesthetics, integrity, and architectural details appear acceptable. Residents who wish to bring their completed application and discuss it with the ASC are invited to do so. Any resident or affected neighbors are also invited to attend any meeting. Upon review and approval at the regular scheduled meeting, the Architectural Standards Committee will send an approval letter to the resident to commence work.

*****Please note that certain home modifications will often require building permits from the Town of Amherst. It is the resident's responsibility to verify if a permit is necessary and to obtain the necessary permits.**

Using the completion date provided by the applicant, a designated representative from the ASC will perform a site inspection to make sure that compliance has been met. If everything is satisfactory, the application will be marked “in compliance” and will be returned to the applicant’s file.

Since Spring and Summer are often the busiest times for the Committee, please don’t wait until the last minute to submit your application. The ASC reserves the right to table applications that are incomplete or require additional information from the applicant.

The ASC will be happy to discuss your plans during the preliminary or planning stages in order to avoid any confusion or delays.

It should be remembered that the Town of Amherst is responsible for road maintenance, storm and sanitary sewers, etc. Construction faults or problems with your lot or home are **not** the responsibility of the Audubon Association.

Residents should not involve the ASC or Board of Directors in neighbor to neighbor disputes which do not involve violations of Audubon Architectural Standards, Policies or Rules and Regulations.

Audubon residents and members interested in attending Committee meetings or serving on the Committee should write or call:

Audubon Association, Inc.
Architectural Standards Committee
P.O. Box 620
Getzville, New York 14068
Fax (716) 688-1637 OR Call (716) 688-1632
audubonassoc@verizon.net

III. MAJOR HOME PROJECTS:

Each dwelling has its own individual folder which includes previous applications as well as color photos (front and rear) of the home. Any request for an architectural modification will cause a file to become active. A representative of the Architectural Standards Committee will check on work in progress as well as completion (including landscaping) in order to determine if the schedule has been met and all work is in compliance. If all phases of the work have been completed it will be noted as such in the resident’s folder and it will then become inactive. If required, a new photo will be taken to update the appearance of the home.

NOTE: The following projects all require the submission of the ASC Application Form for approval before beginning any work. If you are in doubt, call the Association office to make sure.

1. HOUSE ADDITIONS OR ALTERATIONS:

The Audubon Declaration provides that no existing residence may be altered in any way that materially affects the **exterior** appearance unless those alterations have been approved by the Architectural Standards Committee. Projects such as, but not limited to:

- ❖ additional rooms
- ❖ family rooms
- ❖ porches, decks, patios
- ❖ porch enclosures
- ❖ awnings
- ❖ sun rooms
- ❖ dormers
- ❖ windows
- ❖ garages
- ❖ greenhouses
- ❖ roof modifications
- ❖ driveways

ALL REQUIRE PRIOR APPLICATION AND APPROVAL

The addition or alteration should always match the existing house with respect to:

1. scale, materials and color
2. roof pitch, overhang, and color of original roof
3. window, door projections and trim details
4. overall continuity of building lines

Application to the ASC should include:

- survey of property and existing improvements
- survey and site plan showing the addition in relation to the existing house and property lines (See Exhibit A)
- front, back and side view drawings indicating colors, materials, details, etc. All pertinent dimensions must be indicated and shown to scale. Existing house must be shown on these drawings. Architectural or contractor's drawings are preferred here.
- Floor plan showing new addition in relation to existing structure
- Schedule of work (starting date and time of completion)
- Neighbor **notification** form

Rough "sketches" are often impossible to interpret. Applicants should prepare or have prepared for them quality drawings that clearly show all relevant details. When obtaining application forms check with the office for helpful examples. Applications with poor quality drawings or incomplete information will be returned to applicant for clarification thereby delaying the project's review.

The neighbor notification form should be presented to all neighbors directly impacted by the change. Note that neighbors directly impacted by the change may be across the street or on the lot behind your lot. Normally adjoining neighbors are always

contacted. A copy of the neighbor notification form is illustrated in appendix A. This form may be revised in the future.

House additions require building permits from the Town of Amherst. Thus, it is suggested that drawings prepared for Architectural Standards submission be of adequate quality as to be acceptable to the Town.

Approval by the Architectural Standards Committee does not guarantee structural soundness and/or safety of the project. Approval is to check for conformance to the Audubon Declaration only, i.e. aesthetic integration with respect to the existing house and neighborhood. Committee approval does not replace the need for town approval or visa versa.

Residents should be aware that the addition of more living area (decks not included) will result in an increase in quarterly assessments for the property. Assessments are based on the total square footage of living space for each house as is reflected in the Town of Amherst's records. The Association office can assist you if you desire more information.

2. DECKS AND PATIOS

Decks and patios may have a significant **effect** on the overall appearance of a house thus require prior approval by the Architectural Standards Committee via normal application procedures.

Decks which will normally be located at the rear of the house (versus the side), **should** be constructed of pressure treated wood, redwood, cedar or engineered product. Decks should be compatible in color with the house. In many cases, wood left to weather naturally, is an acceptable option. The adjoining neighbor's privacy must be given consideration when planning the deck location.

Application to the ASC should include:

- survey and site plan showing proposed deck in relation to existing house and adjoining property lines.
- front, side and top view clearly depicting sizes of wood members, dimensions, stair, railing and post details, height above ground, method of foundation support and below deck screening, etc.
- landscape plans
- neighbor **notification** form

Modifications to existing decks must match in color and design. Deck heights of 18" or more above ground level require railings. Benches placed at the edge of decks should also have back supports for safety. Also, steps leading from the deck should have a handrail.

NOTE: If deck is attached to the house, a town building permit is required.

3. CHANGE OF EXTERIOR COLORS OR MATERIALS:

Modifications to existing external house color schemes or changes in the material (e.g. wood to vinyl) are subject to prior approval by the Architectural Standards Committee. An

application for approval is required when any changes are proposed from the existing theme.

Color schemes, materials and architectural features from adjoining neighbor's homes must be taken into account.

In general, subdued earth colors are required. Colors for trim and gutters should be selected such that a wide contrast with the house color is avoided.

Colors of doors, windows, shutters and trim are also subject to prior approval.

Application to the ASC should include:

- stain, color chips, or material sample of proposed house siding color and trim
- sample of roofing color and style
- indication of colors for all doors, shutters, windows and trim
- neighbor **notification** form

*** *Cluster home residents (townhouses, rental apartments, etc.) should always try to paint or stain at the same time. Applications for a different color or material from adjoining units will be denied.*

4. SWIMMING POOLS:

The Declaration provides that ONLY "in-ground" type pools are acceptable. **Above ground pools are not allowed.**

Application to the ASC should include:

- survey and site plan showing pool with respect to house, adjoining property lines and adjoining houses
- proposed fencing plan showing location around pool (on site plan). Fencing shall be 4 feet high using Audubon approved styles only (see section on Fencing)
- manufacturer's catalog cuts indicating pool design and quality of construction
- landscape plan buffering the impact of the fence
- neighbor **notification** form

NOTE: Caution is required with respect to size and location of auxiliary pool equipment. Separate filtration and pump equipment may be noisy and could draw complaints from neighbors. See "Noise and Privacy" page 19.

5. FENCES:

As of August 1992 fences are not permitted within the Audubon Community.

There are two exceptions to this policy:

- 1) **SWIMMING POOLS:**
 - a) The minimum amount of fencing required to enclose a swimming pool is allowable.
 - b) In order to satisfy town ordinances a fence with a minimum height of four (4) feet is required to surround the pool. This is now the *maximum* allowable height for a pool fence *within* Audubon. If a pool is approved for installation, consideration must be given to the pool's placement in order to allow adequate room for the fence to be set back a minimum of eight (8) feet from the property lines. Only a minimum area immediately around the pool can be fenced.
 - c) Acceptable fencing styles for swimming pools are picket and black wrought iron and stockade. Other style wood or wrought iron pool fencing can be submitted for review and approval.
 - d) Each wood style fence should be left natural or stained with appropriate earth tone colors.

- 2) **PERIMETER FENCING:**
 - a) Fencing may be allowable for property which borders commercial property outside the Audubon Community, but only that portion of the lot that borders outside property.
 - b) If part of a resident's lot borders Walton Way, Campbell Blvd., Millersport Hwy. or a commercial property which is not part of the Audubon New Community, consideration will be given to allow a six (6) foot high wooden stockade type fence provided the resident can show just cause for its installation and it will not have a negative impact on neighboring properties.
 - c) The only acceptable fencing style for property which borders commercial property is stockade (wood) with a level top. This style should be left natural or stained with appropriate earth tone colors blending in with adjoining perimeter fences.

Plantings must accompany the installation of any stockade fence and a landscape plan must be provided to the Committee for its review along with the necessary documents normally provided for any architectural change. Coniferous or evergreens are the preferred type of plants, but many varieties of shrubbery are also acceptable provided they will furnish thorough coverage of the fence within a five year period. Approved landscaping that dies must be replaced by the owner.

Application to the ASC should include:

- site plan showing proposed fence in relation to existing homes and adjoining property lines (See Exhibit A)
- style, color, material and dimension of proposed fence
- landscape plans
- neighbor **notification** form

6. TREE REMOVAL:

The Audubon Declaration provides that no trees larger than 4 inches in caliper (diameter) measured 2 feet above ground line are to be removed without the prior approval of Architectural Standards. Consideration should also be given, however, to preserving natural privacy screens by limiting the removal of brush or small trees less than 4 inches in diameter on or near house property lines.

Normally when a tree becomes necessary to remove, a replacement tree should be added somewhere on the property unless thinning of trees is an issue. Approval to remove trees because of over-crowding of trees will not require additional trees to be planted.

If a dead tree exists on a resident's lot for an inordinate amount of time, the Association expects that the resident will take the necessary measures to have it removed. Most often this will require the use of a tree service. Make sure that any service that you retain is insured. Also, please notify the Association office if you intend to remove a dead tree.

The following are acceptable reasons for tree removal with approval:

- 1. Removal of trees due to over-grown conditions. Thinning of trees is desired. In this case planting of additional trees makes no sense.**
- 2. Removal of trees due to damage to property. This may include foundations, driveways, etc.**
- 3. Tree is a threat to cause damage to property due to its location and condition.**
- 4. Stump must be removed or in a worst case left at grade level. A mound of dirt around a visible stump is not considered grade level.**

Under conditions where weather conditions have caused a situation where safety or potentially serious damage to the home is involved, the tree may be removed without approval. Notify the property manager at the Audubon Office as soon as possible if this condition exists.

In all cases stumps should be at least cut to ground level. Burial of a stump for a garden is acceptable if there is not visible evidence of the stump remaining.

Application to the ASC should include:

- site plan, size (trunk diameter), location and reason for proposed tree removal. Type of tree (if known) is also requested. Before approval is given, the tree(s) to be removed must be identified. Often, placing a marker around the tree serves as suitable identification. Personnel from Audubon grounds or land maintenance will check marked trees before cutting (See Exhibit B)
- specifications and location of replacement tree
- neighbor notification form

Residents are cautioned not to cut down trees before obtaining approval. Cutting of trees without approval is an enforceable violation (See Section V; Enforcement Policy for Violations)

- once approved, you are responsible for obtaining your own tree removal service to remove trees on your property. Audubon will not provide such a service unless the dead trees are on Audubon Common Property. The removal of standing dead trees

requires approval and you must notify the Association office. A representative will come out and verify the condition of the tree.

- common areas of land within Audubon are owned and maintained by the Audubon Association. These areas include many locations in and around walkways, waterways, play areas, tennis courts, etc. **NOTE: No trees, flowers or shrubbery will be removed from these areas nor shall any residents' trash, refuse, grass clippings, etc. be dumped onto Audubon Common Property.**

7. ADD-ON CHIMNEYS:

Exposed metal chimney flues running the height of the house are not allowed. Add on chimneys should be either masonry or, if metal, in a framed-in wooded enclosure called a chase which will be of the same material and color as the house.

Application to the ASC should include:

- front and side elevations (see Exhibit C)
- material to be used
- neighbor approval form

8. NEW DRIVEWAYS OR DRIVEWAY EXPANSION:

The Declaration provides that additions or changes to existing driveways shall require prior approval.

As of August 2012, concrete driveways are now allowed in the Audubon Community with prior approval by the Architectural Standards Committee. Thought should be given to adding natural earth tone color to the concrete mix in order to avoid the bleached look appearance.

Application to the ASC should include:

- survey and site plan showing proposed new section of driveway or proposed changes to existing driveway in relation to house and property lines (See Exhibit A)
- materials to be used
- neighbor notification form

NOTE: if driveways are to be expanded, there is a five foot set-back from the property line.

IV. GUIDELINES FOR MISCELLANEOUS ITEMS:

1. GENERAL PROPERTY MAINTENANCE:

The Declaration provides that each owner shall maintain property and all structures in good condition including, but not limited to:

- ❖ trash removal and storage
- ❖ mowing of all lawns on a regular basis
- ❖ tree and shrubbery trimming as necessary

- ❖ play equipment
- ❖ sheds
- ❖ fences
- ❖ general repair and painting of house and trim
- ❖ driveway repair
- ❖ roof repair
- ❖ storage of miscellaneous items on the outside portion of your property that are deemed unsightly by nature or location **shall be removed.**

The majority of inquiries along these lines involve property that has deteriorated due to high uncut grass and shrubs, dead trees and peeling paint or faded stain on house or trim, etc. If upon inspection, it is determined that the property detracts from the appearance of the adjoining property or neighborhood, a violation exists, and the owner will be given an opportunity to correct it within a specified time period. (See Section V; Enforcement Procedures for Violations)

2. STORAGE SHEDS

Requests for storage sheds or outbuildings **requires approval.**

Materials: Wood frame sheds with vinyl siding or wood sidings are preferred. Color of siding/paint should match or compliment house color. Plastic construction is acceptable if color is matched or complimentary to house siding. Roof material should match or compliment the house. **No metal sheds are permitted.**

Plantings: Depending on where the structure is situated, it will have to be visually buffered by plantings to “soften” its effect on the neighborhood.

Maintenance: The building shall be kept in good repair of siding, paint, roof and materials.

Location: Consider easements, neighbors view and view from road. Refer to Town of Amherst codes for sheds, sight lines and permits. It’s the homeowner’s responsibility to comply with town codes.

NOTE: The normal size for storage sheds should not exceed 8’ X 12’ with an overall height not to exceed 9’. Consideration will be given to approval of larger sheds/outbuildings that are in remote locations. View from the road would be very important, along with signatures on the notification form of neighbors directly impacted by the shed.

Application to the ASC should include:

- survey and site plan indicating location with respect to existing house and adjoining property
- side and front view drawings (including measurements) of proposed structure
- neighbor notification form: include all neighbors whose sight lines would be impacted by the shed/outbuilding.

3. DOGHOUSES AND DOG RUNS:

Doghouses that are separate outbuildings will be reviewed on an individual basis. Integration of the doghouse within the architectural lines of the main house is encouraged.

Chain link fences or chain link dog runs are not allowed.

4. BASKETBALL POLES AND BACKBOARDS:

No poles or backboards may be erected without prior approval of the Architectural Standards Committee. Homemade type equipment is discouraged.

Residents should consider painting basketball poles and the accompanying backboard the same color as the house, especially if attached to the house itself. This way they are less obtrusive. Consideration must also be given to the neighbor's privacy with respect to the location of the backboard. Side-of-driveway location is not always the best location with respect of adjoining property privacy. Noise associated with a bouncing ball, loud games or runaway balls on adjoining property could become annoying to immediate neighbors whose living areas are in close proximity to the basketball pole's location.

Application to the ASC should include:

- survey and site plan showing direction and location of backboard or pole with respect to house, street and neighboring properties.
- proposed color scheme
- neighbor notification form

5. SWING SETS AND YARD RECREATION EQUIPMENT:

Application to ASC is required. The choice of vivid colors is discouraged. The ASC encourages the use of wood sets or metal sets painted in an earth tone helping to blend it in with the landscape. Care should also be taken to see that the placement of such equipment is far enough away from neighbor's windows so that play activity is not intrusive on the neighbor's privacy. Consideration will be given to lot size, equipment design, amount of visual screening and adjoining neighbor's comments.

Application to the ASC should include:

- survey and site plan indicating location of equipment with respect to existing house and adjoining property
- photo or brochure of proposed equipment showing size and colors
- neighbor notification form

6. GUTTERS

If gutters are replaced on any dwelling, they must be the same color as the previous gutters. Approval is needed for color change. If gutters are replaced as part of a larger siding replacement/maintenance, they should be coordinated with the siding See III 3.

7. STORM DOORS, SCREEN DOORS, WINDOWS & GARAGE DOORS:

Any replacement doors or windows must be of the same style and color as the previous doors or windows. If new items are being installed where style and colors differ or where one did not exist before, then application must be made to the ASC.

8. WINDOW SHUTTERS:

Application to ASC is required. Shutters for a window or door should be approximately half the width of the window or door that they flank. For example, if a window is three feet wide, then each of the shutters that flank it should be no narrower than 16". Shutters should not be used to flank casement or awning type windows. As regards to color, they should be painted a color that will coordinate with or match the colors used for the body or trim.

9. AIR CONDITIONER COMPRESSORS & PERMANENT GENERATORS:

Application to ASC is required for installation of air compressors and permanent generators. Common sense must be exercised in the location of air conditioner compressors whether permanent outdoor units or window unit. This also applies to permanent generators. Noise from permanent generators or heat pumps in winter and air conditioners in summer can cause complaints from neighbors. Care must be taken to locate the unit so that a reasonable distance exists from neighbor's windows. In the event of replacing a generator or air compressor prior approval is required if relocating the permanent generator or air compressor to another area on the property. **To soften the view of a ground compressor or permanent generator, the Association requires that the resident plant shrubs or bushes around the unit.**

10. VEHICLES/EQUIPMENT

The ASC strives to balance the interests of those residents who own recreational vehicles with the interests of those who object to viewing such vehicles parked in the community.

The following are prohibited:

- ❖ Boats
- ❖ Boat trailers
- ❖ House trailers
- ❖ Trailers
- ❖ Campers
- ❖ Recreational vehicles
- ❖ Motor homes
- ❖ Snowmobiles
- ❖ Junked vehicles or equipment
- ❖ Non-operable vehicles
- ❖ Non-registered vehicles

Commercial vehicles/large vehicles must meet the requirements of the Town of Amherst.

Residents should appreciate that the intent is to prevent driveways and side lots from becoming unsightly and cluttered with "stored-for-the-winter" or "parked-while-being-worked-on" or "junked" cars, recreational vehicles, boats, etc. which are considered unsightly.

In addition, no extensive repair work including the dismantling of any motor vehicle, boat or machines of any kind is permitted outdoors.

Also, no machinery may be placed or operated on the property except such machinery as may be required to maintain a private residence or as may be located indoors and used in the pursuit of a home hobby. *Residents should contact the Association office regarding available storage space for boats, campers, etc., in the Audubon R.V. Storage Area.*

Residents who continually “on-again”, “off-again” place a boat or similar items in their driveways should be considerate of the vast majority of fellow residents who abide by this written covenant. Violators will be contacted once; any subsequent storage in the driveway will be subject to the fine policy procedure. See Section V; “Enforcement Procedures for Violations”.

11. ANTENNAS & SATELLITE DISHES:

No outside television antennas or radio antennas are allowed.

SATELLITE DISH REQUIREMENTS FOR PRIVATE HOMEOWNERS ARE AS FOLLOWS: (Renters and Owners with shared common property have special requirements and should call the Audubon Management for further information.)

- 1.) The dish shall be no larger than (19) nineteen inches in diameter or 18 X 24 inches if oval.**
- 2.) Color must be of a neutral color (including gray or black) and may be repainted to blend with the primary color of the house. Check with your manufacturer first for paint type.**
- 3.) The preferred location is attached to the house:
 - a. Installation should be on the rear or side portion of the house.**
 - b. Dishes may be installed on roofs provided they are not visible from the front of the house or from curbside.**
 - c. Concealment under eaves or behind chimneys is recommended.****

No approval is necessary if the above conditions are met.

Approval is necessary for attached dishes if conditions 1 thru 3 are not met.

- 4.) If the dish is not attached to the house, prior approval is required.
 - a. Dishes may be installed at ground level at the rear or side portions of the property.**
 - b. All cables shall be buried.**
 - c. Location can be no closer than (10) ten feet to the adjoining property lines.**
 - d. Screening is required for dishes within view of the front or curbside.**
 - e. No dishes shall be placed on common property.****
- 5.) Miscellaneous:
 - a. Dishes should be installed to present the lowest possible profile.**
 - b. Dishes should not be installed or mounted on trees or poles. This would be the last resort for obtaining reception. The dishes shall not be installed or mounted on mailboxes, play equipment, etc. or in any fashion considered obtrusive or offensive.****

- c. **Screening materials must provide year round protection from view by neighbors or street side and must be an integral part of the application.**
- d. **Selective pruning may be allowed to reduce interference but it must be clearly identified and be part of the application. Any tree, over (4) four inches in diameter measured two feet above the ground line, that may require removal must also be part of the application and must be marked at the site.**

12. SIGNS:

Realtor signs advertising the sale of the property are permitted as well as For Sale by Owner signs done in good taste. Political signs also done in good taste and “sized” in proportion to the property are allowed, but only within two weeks before an election and they must be removed within 48 hours after the election. Signs should not obstruct the view of traffic.

The Architectural Standards Committee, at its discretion may adopt additional rules relating to signs based on individual cases.

13. HOME BUSINESS:

The Declaration provides that “no profession or home industry may be conducted on any residential property without prior approval”. No business signs are allowed.

An office within one’s home is usually not a problem. However, the following instances would be a problem when or if complaints arose from:

- ❖ Noticeable traffic (people and cars) entering and leaving the property to the point where neighbors become annoyed
- ❖ Parking of an abnormal amount of vehicles on a daily basis making it obvious some profession was being conducted inside (delivery trucks, taxi cabs, business trucks, etc.)

Any activity offensive by sound or appearance which may be a nuisance or annoyance to neighbors stemming from the operation of a home business or other activity is not permitted.

Along the same lines, the Declaration states that no building or structure shall be used for any purpose other than for use originally designated.

Since the Town of Amherst also regulates home businesses they should be consulted if a resident is considering such an activity.

14. NOISE AND PRIVACY:

The Audubon Declaration prohibits any activity which may be deemed offensive (upon complaint) from odor, sound or appearance. In addition, activity which results in nuisance or annoyance to neighbors is prohibited.

A loud constantly barking, **yelping dog** would (upon complaint), constitute a nuisance or offensive activity. Other examples that could lead to complaints are:

- ❖ Noise from hot tub, pool filtration equipment, **direct vented furnaces**, air conditioners too close to property lines
- ❖ Consistently loud music from stereo systems, amplifiers, etc.

15. **PETS:**

It is not permitted to keep “uncommon” pets such as goats, chickens, ducks, etc. within the property. There is a leash law and a “pooper scooper” law in the Town of Amherst.

16. **CLOTHESLINES:**

Outdoor clotheslines are not permitted in Audubon.

17. **POLES:**

No poles (flagpoles, light poles, etc.) may be erected without prior approval. Driveway lamp post lights should be approximately 6 foot in height and their design is subject to approval by the ASC.

18. **MAILBOXES:**

Brown or black mailboxes are the only acceptable mailbox colors. If a new mailbox is required or desired call the Association office and place the order.

The Association maintenance staff will install a new mailbox and you will be billed a nominal fee. These are the only acceptable mailboxes. Maintenance or replacement of the mailbox post is the responsibility of the Audubon Association.

NOTE: To aid visitors or delivery people, the Association strongly recommends that your home number be placed on the mailbox lid.

19. **GARBAGE STORAGE:**

Rubbish removal is carried out by the Town of Amherst, usually on Tuesday. Please check with the Town at 631-7119 for any specific questions regarding the type of trash requiring disposal. **The Declaration states that containers for the deposit of garbage and rubbish shall be stored so that they are not visible from adjacent and surrounding properties.**

The Town of Amherst has provided 2 different size blue totes for the garbage. **The Town of Amherst requires totes be stored behind the front building line.** Consideration should be given to plantings or lattice screening to avoid this eyesore when viewed from the road. A screen would require approval of the Architectural Standards Committee. The small open blue totes for recycled items should not be stored outdoors.

The Architectural Standards Committee has the discretion to adopt reasonable rules and regulations relating to the size, shape, color and type of containers permitted; their placement and location on the property. The intent is to prevent random full view placement of garbage cans around the property thus creating an eyesore.

Trash must at all times be contained so as to prevent its being windblown and to prevent scattering of debris by animals or rodents. This is particularly important when placing at curbside for pickup. Use of rigid plastic earth colored cans is requested for yard waste. Placement at curb side shall be done no sooner than the evening before. Placement of rubbish prior to the evening before pick-up is not allowed.

There is absolutely no dumping of any type of rubbish, refuse, grass clippings, etc. on any portion of common property.

If you have questions about any type of trash pick-up or recycling, please call the Town of Amherst at 631-7119.

20. DUMPSTERS AND GARBAGE CAN FOR MULTI UNIT RESIDENTS:

Dumpsters and cans should have screening such that the dumpsters are not visible from the street. The cans and dumpsters should not be visible from private residences. The screening should be high enough to screen the top of the dumpster but no higher than **8** feet.

21. COMPOST BINS AND YARD WASTE:

In these days of overburdened landfills, many residents are considering compost bins as a method of returning nutrients to the soil which would normally add to the landfill problem. The Association encourages such individual recycling but cautions that it must be done correctly. Generally, if the bin is constructed and used properly there is very little odor of decomposing material or any rodent problem.

The styles of bins vary considerably from expensive commercial ones to simple homemade apparatuses. Both can be quite effective. Great care must be taken to ensure that the composting material will not in any way be offensive to neighboring families. Information on composting methods is kept on file in the Association office. Since most of the bins are portable, please consult the ASC regarding placement of the compost bin.

22. LANDSCAPING:

Landscaping design is up to the discretion of the individual property homeowner, but should be in keeping with Audubon's high standards and complement the owner's lot and the adjoining surroundings and homes. Extensive use of mostly natural materials is expected.

However, residents who plan to do more than normal type of landscaping (mulching, shrubbery, flower and vegetable planting) must file an application to the ASC. This would include projects involving large amounts of wood, large rocks, retaining walls, or projects that may alter existing drainage patterns. If landscaping is planned near an adjoining street, you should remember that vehicle site distances must not be impeded in any way.

Consideration should be given to preserving privacy screens especially with respect to random removal of shrubs or small trees on or near property lines.

Application to the ASC should include:

- Site plan showing landscape design or alteration with respect to house, adjoining property lines and adjoining houses (See Exhibit A)
- Neighbor approval form

23. LAWN ORNAMENTS AND DECORATIVE FENCING OR SCREENING:

The use of split rails, lattice screening or picket fence sections for decoration requires approval. In no way would fencing be permitted on the basis that it is decorative.

Decorative and ornamental yard accessories such as birdbaths, sundials, statues, etc. must be of a size, configuration and placement that are appropriate for the lot.

V. ENFORCEMENT PROCEDURES FOR VIOLATIONS:

Pursuant to the Audubon Declaration, Article VIII, any exterior change to your property including painting, additions, modifications, improvements and alterations, require the completion of an **Exterior Change Request Form** (along with a neighbor notification form).

If an exterior change is made without the completion of the exterior change request form, a fine of \$50.00 can be assessed to the resident/member.

EXTERIOR CHANGE REQUEST FORMS are reviewed once a month at the Architectural Standards Committee meeting. If a resident effects a change without ASC approval, the following will apply:

- 1) When the ASC is made aware of a violation and it is verified by a representative of the Committee, a violation letter is sent by the Audubon Association office placing the resident/member on notice to rectify the violation or appeal within thirty (30) days or as specified in the letter.
- 2) If the resident/member corrects the violation, the violation is closed and noted in the resident/member's file.
- 3) If the violation is not resolved and continues past the 30 day date, or if the appeal was denied and the violation is not corrected, the case is referred to the Audubon Board of Directors for final handling.
- 4) The Audubon Board of Directors will write to the resident/member requiring a response as to their intentions within ten (10) days.
- 5) If the resident/member fails to respond to the Board of Directors, the attorney is advised to commence litigation for the removal of the violation through the courts and /or a fine of \$10.00 per day will commence. The resident/member will be notified of either course of action by the attorney and of the date that the fine will begin accruing. Said fine will be imposed until the date the violation is corrected, but would not exceed \$3000.00. The Management Office would record the continuing presence of the violation.

- 6) Upon removal of the violation or at any time as determined by the Architectural Standards Committee, the Association may commence legal proceedings to collect the fine, including all cost and attorney's fees.
- 7) Be further informed as stated in the Audubon Declaration Architectural Standards Committee agrees, by submission of such plans, that no action or suit will be brought against the Audubon Association or the Architectural Standards Committee in connection with such submission.

***Appeal** – An Arbitration Procedure was approved by the Audubon Board of Directors on March 16, 1994, to be used when a resident has failed to reach an agreement with the Architectural Standards Committee (ASC) after meetings with all parties have occurred.

The **Residential Arbitration Committee** will be composed of the Association Board President or unbiased Board Member, the Chairperson of the ASC or unbiased member of the ASC and a University Architect Professor or a member of the current management group. The resident would present his or her case to the Arbitration committee for final decision. The resident will be responsible to pay all fees associated with the Architect or Management Representative. A majority vote would rule any decision.

In this booklet, you will also find a "Request for Exterior Change Form" and a "Neighbor Notification Form". Additional copies are available at the Association office.

The above Enforcement Procedures and Violation Policies were adopted by the Audubon Board of Directors as of November 15, 1991, and the management company has been notified that these policies/procedures be followed accordingly. This procedure will be enforced to assure Audubon resident that the standards of design quality will be maintained in the Community, which protects property values and enhances the overall environment.

If you should have any questions pertaining to this matter, please contact our office at 688-1632.

VI. FOR YOUR INFORMATION:

1. BUYING OR SELLING YOUR AUDUBON PROPERTY:

It is important to realize that Audubon homes require a "Certificate of Compliance" at the time of sale to satisfy all legal requirements. In some cases a Certificate of Compliance has been required by the lending institution even for refinancing. This should be checked by your attorney.

Also, an inspection of the home's exterior is required to sign-off on the final Certificate of Compliance. This inspection is done by a representative of the Architectural Standards Committee before the closing date. The request for the Certificate of Compliance is the obligation of the resident. Please notify the Association office well in advance of your closing date.

Typical modifications that must be previously approved are those covered in these guidelines and include, but are not limited to the following:

- House additions (sun rooms, porches, etc.)

- Decks
- Fencing
- Tree removal
- Color and trim changes
- Miscellaneous visible exterior items as flagpoles, add-on chimneys, swimming pools.

If there has been some modification to the property that is not on file as being approved at the Association office, this will be noted when the office file is compared to the home's existing condition.

Non-compliance may delay closing until the ASC has approved the modifications (or changes made, if necessary to bring the house into conformance). This can result in delays during a critical time or even result in the buyer having to correct the previous owner's violations. It is your responsibility to ensure that a Certificate of compliance is completed before closing, regardless of whether you are the seller or the buyer. The Audubon Declaration and Bylaws "run" with the deed to your land and property. This means that you as well as future owners are bound by these documents.

As soon as you have an approximate closing date, notify the Association office at 688-1632 that you are selling your home. The office will help coordinate your final Certificate of Compliance and update your assessment account etc. New buyers are also advised to contact the Association office to verify that the file and accounts for their property are in order.

2. WHO TO CALL:

POLICE, FIRE FIRST AID OR EMERGENCY 911

Amherst Police, Information and Complaints 689-1311

Getzville Fire Department 689-1212

Gas Emergency 1-800-444-3130

Nationalgrid (electric) 1-800-867-5222

Buried cable Information 1-800-962-7962

Hospitals:

Millard Fillmore Suburban 688-3100

Children's Hospital 878-7000

Poison Control 878-7654

Audubon Association Office 688-1632

Audubon Child Care and Pre- School..... 688-6062
Audubon Library 689-4922
Audubon Recreation Center 631-7136
Brewster Mews Office689-7600
Parkside Housing688-4200

Schools:

Heim Elementary 626-8686
Heim Middle School626-8600
Williamsville North High School 626-8500

Town of Amherst Building Dept631-7080
Town of Amherst Engineering Dept631-7154
Town of Amherst Highway Department 631-7117
Town of Amherst Refuse Control Office 631-7119
Town of Amherst Information631-7000