



# **BHVA ENVIRONMENTAL COMMITTEE RULES AND REGULATIONS (ECRR)**

**Updated August 1, 2024**

This document contains the complete Bristol Harbour Village Association (BHVA) Environmental Committee (EC) Rules and Regulations and serves these purposes:

- Collect in a single place all of the EC's responsibilities, rules, standards, and processes;
- Present them in plain English;
- Simplify policies and reduce unnecessary EC involvement in the activities of Bristol Harbour owners; and
- Eliminate redundancies and resolve conflicts between former documents.

The EC's existence, powers, and responsibilities ultimately come from the Declaration, which is the fundamental governing document of the BHVA as a Planned Unit Development (PUD) under the laws of the state of New York.

The Declaration establishes three sources for EC rules:

- 1) The Declaration itself;
- 2) The responsibilities that have been assigned to the EC by the BHVA Board of Directors, using its powers established by the Declaration; and
- 3) The rules that have been adopted by the EC under its rulemaking authority, using the judgment and discretion given to it by the Declaration. (§8.03 part vi.)



## PURPOSE, ROLE, AND PHILOSOPHY OF THE ENVIRONMENTAL COMMITTEE

The EC's responsibilities pertain to the exterior appearance and use of lots, structures, and modifications to them.

The EC fulfills its responsibilities by following the dictates of the Declaration and the Board, promulgating its own rules, and considering requests for variances submitted by lot owners.

The Declaration empowers the EC to use its judgment and discretion in carrying out its responsibilities. As stated in the Amended Declaration of 2009, §8.07 Environmental Committee's Right to Make Rules and Regulations:

*The Environmental Committee may make rules and regulations governing the design of plans to be submitted for approval or with respect to the approval or disapproval of certain types of alterations, additions or modifications to improvements or uses provided, however, that no such rule or regulation shall be deemed to bind the Environmental Committee to approve or disapprove any plans submitted for approval or to waive the exercise of the Environmental Committee's discretion as to such plans and provided further that no such rule or regulation shall be inconsistent with the provisions of the Declaration or any applicable governmental law, code, ordinance, rule or regulation. The Committee shall keep a record of said Rules and Regulations available for inspection and comment by the Owners.*

In carrying out its responsibilities, the EC is guided by the following overriding goals and themes:

- To preserve BHV as a high quality community as noted in §14.10 of the Declaration;
- To preserve the quality, appearance, and value of Bristol Harbour Village (BHV) as noted in §12.05 of the Declaration;
- To maintain BHV as an outstanding community where residents may enjoy living and where property values are protected;
- To exercise sound judgment and discretion in preserving the unique nature of BHV and the integrity of each of its neighborhoods;
- To assure that lots and improvements are maintained in quality and appearance consistent with the enhancement and preservation of the appearance and value of the property as noted in §12.05 of the Declaration; and
- To Protect property values and enhance the community environment as noted in §12.05 of the Declaration.

In order to achieve these goals, the EC has been given the authority to approve, disapprove, or give qualified approvals to the following:

- New structures;
- Exterior alterations, modifications, and additions to structures;
- The exterior appearance and maintenance of lots; and
- Certain other modifications to and uses of lots.

The philosophy of the EC is to have an attitude of cooperation with, and to make minimal intrusions into the lives of, BHV owners while still carrying out its mandated functions and responsibilities. To fulfill its responsibilities, the EC has established substantive rules plus application forms and procedures for owners to apply for the EC's written approval. Each application is reviewed on an individual basis for



compliance with specific rules and the overall spirit and intent of the EC's mandate. The EC may, in its judgment and discretion, reduce or waive a requirement when it is demonstrated that alternative approaches fulfill the overall spirit and intent of the rules and the EC's mandate. However, under the Declaration, approval by the EC of any plan is not a waiver of the right of the EC to disapprove similar plans in the future.

All actions and decisions of the EC are subject to approval by the BHVA Board of Directors, and disapprovals by the EC may be appealed to the Board.

Under its rulemaking authority, the EC wrote these rules and adopted them by majority vote, and the Board approved this document as indicated in Section 10. The effective date of this document is August 1, 2024. It supersedes and completely replaces all preceding versions of EC rules and regulations.



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## SECTION 1. WHO AND WHAT ARE SUBJECT TO ENVIRONMENTAL COMMITTEE'S JURISDICTION

### a. Lot owners

The lot owner or a legally authorized representative acting on behalf of the lot owner must submit each application to the EC. In the event that an owner is unable to submit an application personally, a representative of the lot owner may submit an application. In such case, the EC must be notified on the application that the person submitting the application is acting as the lot owner's legally authorized representative. The lot owner must confirm that fact in writing. The owner must state that he or she has given legal authorization for the application to be submitted on the owner's behalf.

For example, a Contractor/Builder or someone overseeing property for an out-of-town owner could submit an application for maintenance work on a residence. But before approval could be granted, the EC would need a follow-up written confirmation from the owner stating that the representative is authorized to act on behalf of the owner and ratifying the application. Such confirmation could be made via email from the owner.

Ultimately, the lot owner is legally responsible for what happens on their property.

### b. When applications are required

Under Declaration §8.02 and rules passed under the Declaration's provisions, applications must be submitted to the EC for proposed work of the following types:

- New construction of any structure
- External alterations to any structure or lot that changes its appearance. (Examples: Expanding a deck; replacing or painting siding with different materials or colors; changing the dimensions of a landscaping or planting area by more than 50 square feet; replacing exterior doors or windows that do not match the originals.)
- External repair or replacement that may involve different materials or mismatching colors. (Examples: Decks; siding.), **when in doubt ask!**
- Excavation
- Tree planting, replacement or removal

This is a partial list for introductory purposes. More complete descriptions of the situations requiring EC approval are found in Section 4 of this document.

### c. When applications are not required

It is not necessary to apply to the EC for routine maintenance or changes that will not significantly alter the exterior appearance of a lot or any improvement on it, so long as the change conforms to the EC's rules.

Examples of instances that do not require application to the EC include:

- Maintenance projects performed by the owner that do not alter the exterior appearance of the property
- Patching an existing paved driveway that does not change the dimensions of the driveway.
- Mowing grass, trimming bushes, or other routine landscape maintenance.



- Washing windows
- Planting flowers in an existing planting area or in a small new area.
- Replacing stones or pavers in an existing walkway if the dimensions and materials of the walkway are not changed
- Placement of standard real estate “For Sale” and “Open House” signs that conform to the rules that govern signs
- Placement of a single political sign during the election season, provided that it is removed promptly after the election
- Internal construction and maintenance as long as the external appearance of the structure is not changed
- Use of a temporary flagpole or temporary decorative lighting around the time of a holiday
- Repainting a house the same color
- Re-siding a house using the same materials and color
- Repairing or re-staining a deck without changing the color or design
- Replacing a deck exactly as it is
- Replacing gutters or downspouts with an exact match



## SECTION 2. OVERVIEW OF SITUATIONS REQUIRING ENVIRONMENTAL COMMITTEE APPROVAL

§8.02, §8.03, and §8.04 of the Declaration give the EC authority to Approve, Disapprove, or give Qualified Approval (meaning approval with conditions) for an owner to make certain changes to a property; these are called “Variance Requests”. Unless stated otherwise, the owner will be responsible for any future maintenance issues associated with any approved variance. This responsibility is passed on to all future owners of the lot or home for which the variance was approved.

There are three general categories of Variance Requests that require an Application to the EC and the EC’s written approval before any work commences:

- New construction
- Exterior alterations
- New uses

Paragraphs a, b, and c below are meant merely as a convenient overview of the Application process. The complete provisions in Sections 3 thru 5 of this document govern.

### **a. New construction**

In accordance with those sections, all new construction must be approved by the EC prior to commencement. Under the Declaration, the EC is authorized to consider and may disapprove an application based on objection to any of the following:

- Lack of sufficient information, or an application not being in the form specified by the EC.
- Lack of approval by the Building or Street Home Owners Association (HOA) if applicable.
- Site plan
- Exterior design, appearance, or materials
- Colors or color scheme
- Finish
- Proportion
- Style of architecture
- Proposed parking
- Height, bulk, or appropriateness
- Incompatibility with existing improvements or uses in the vicinity
- Failure to comply with any covenants, conditions, or restrictions stated in the Declaration
- Failure to comply with any zoning, building, health, or other governmental laws, codes, ordinances, rules, and regulations

In addition to the foregoing list of possible reasons for disapproval, under Declaration §8.03 (vi) the EC may also consider “any other matter which in the judgment and sole discretion” of the EC would render the proposed improvements, use, or uses inharmonious or incompatible with the general plan of improvements of BHV or portion thereof. This includes not being consistent with the approved





architecture, materials, or colors utilized throughout BHV, or not being of comparable quality.

If a proposed variance would require a building permit or other governmental document according to local, state, or federal law, the EC may approve the application conditionally, with final approval coming when the necessary documentation has been obtained from the appropriate governmental authority and submitted to the EC.

The EC will not knowingly give approval to changes that contradict building or zoning restrictions, but the responsibility for compliance with local, state, or federal laws is solely that of the lot owner. EC approval does not waive the need for governmental permits.

Please note that in certain instances, the EC's requirements may be more stringent than state or local legal requirements.

Approval from the EC is final as to a particular lot. But the EC's approval of any application is not deemed to be a waiver of the right of the EC to disapprove similar plans, features, or elements in the future for any other lot.

**b. Exterior alterations to existing structures and lots**

Under Declaration §8.02, no existing structure on any lot may be altered in any way that changes its exterior appearance unless the change has been approved by the EC.

The EC focuses on major alterations, meaning those that substantially alter the existing structure, either by subtraction, addition, or modification. In considering approval or disapproval, the EC will consider the same factors that apply to new construction, as well as the impact on neighboring properties (such as views, sight lines, sunlight, and natural ventilation). Additions or modifications should be compatible with significant features of the existing structure, such as vertical or horizontal lines, projections, and trim details.

**c. New use**

Under §8.02 of the Declaration, no new use may be commenced on any lot unless it has been approved by the EC. The same conditions and criteria apply as discussed elsewhere in this document.

## SECTION 3. PARTICULAR STRUCTURES, FEATURES AND ENVIRONMENTAL SITUATIONS

### **a. Air Conditioners**

See Machinery.

### **b. Antennas, Satellite Dishes, and External Wiring**

Temporary holiday lights do not require EC approval.

Prior written approval from the EC is required before the installation of exterior television or radio antennas, electrical poles, and/or outside wiring of any type that is attached to buildings or lot, or placed anywhere in common areas.

No application is needed for the installation of a satellite dish receiver. Owners are allowed to install one satellite dish. The dish is to be no larger than 39" circumference. The dish must be placed in an unobtrusive position and must not be placed in a prominent visual location. The dish cannot be attached to any other device such as a tree on your property. It must be positioned on the home or on a small pole in an unobtrusive position next to your structure.

### **c. Attic Ventilators**

See Machinery.

### **d. Barbeques**

Temporary or portable barbeques (i.e., not built in) do not require EC approval. Permanent barbeques must be approved in writing by the EC before installation.

Permanent barbeques must be located in back yards, should not be a dominant feature on the landscape, and should be located to blend as much as possible with the natural background.

### **e. Bulk Materials**

No lumber, bulk materials, or trash may be allowed to accumulate on any lot without prior written EC approval.

### **f. Chemicals and Pesticides**

See Sewage and chemical usage and disposal.

### **g. Chimneys and Flues**

Masonry chimneys and wood flue enclosures may be used when compatible in design, location, and color with the existing house. Large metal flues from fireplaces must be enclosed. When used, masonry chimneys or wood flue enclosures should be compatible in design and color with the existing house.

### **h. Clotheslines**

Under §12.03 of the Declaration, no clothing or any other household fabrics may be hung in the open on any lot, unless:

- They are hung from an umbrella or retractable clothes hanging device that is removed from view when not in use, or
- A fence or other enclosure encloses them at least six (6) inches higher than such hanging articles,



provided such fence or other enclosure is approved by the EC.

**i. Common Areas**

Common areas are not allowed to be altered. Trees, landscaping, or gardens may not be removed or added to common areas without the prior written approval of the EC. No structures may be built upon common areas without the prior written approval of the EC. Disposal of debris of any kind is not permitted on common areas. Maintenance requests for common areas (e.g. a tree that needs attention) should be directed toward the HOA responsible for that area.

**j. Decks**

Routine maintenance of a deck, such as re-staining the same color, or replacing deck boards with the same material and color, do not require EC approval.

Installation or modification of a deck requires prior written EC approval.

In considering applications for decks, the EC will consider appearance and impact on the privacy of adjacent properties. Decks are normally located in the rear yard, but other locations will be evaluated according to their merits.

Applications must show dimensions and the relationship of the proposed deck to adjacent houses and property lines. Decks shall be compatible in materials and color with the applicant's house and not left to weather naturally. Applications must include descriptions of materials and colors, details of railings, posts, stairs, steps, benches, and other details required to clearly describe the proposal.

If existing windows and doors will be changed in connection with the addition of a deck, the changes must be fully described and diagrammed.

Modification of existing decks should provide continuity with the existing deck in details such as color and the design of railings and trim.

**k. Dog Houses and Dog Runs**

Doghouses and runs are prohibited.

**l. Drainage, Changes in Grade, Gutters, and Downspouts**

It is important to note that the effectiveness of any drainage plan cannot be fully determined until construction is complete, final grading is done, and landscaping is installed. If, after all of the above are completed, drainage issues still persist and the Contractor/Builder or owner cannot or will not resolve them, please contact the Town of South Bristol directly. **Ultimately, the owner of the lot on which construction occurred is responsible for the resolution of all drainage issues.**

Applications for new construction, additions, and alterations must include a drainage plan. The drainage plan shall indicate where water from the property will flow and how it will get there.

Drainage design and implementation shall not increase the current hydro flow from an existing parcel or impact neighboring property. Any new construction that requires a building permit also requires submission of a drainage plan to the Town of South Bristol for review and approval.

A copy of the drainage plan will be on file at the community center for any owner's review. Should you encounter any issues with drainage around your property that has been proven to be directly attributable to an Alteration or New Construction, you should contact the Owner and/or Contractor/Builder for resolution of the issue. Contact information for the Contractor/Builder or owner can be obtained at the BHVA office.



Replacement of gutters or downspouts with identical materials and colors, and which do not alter the existing flow of water, do not require EC approval.

**m. Driveways**

Driveways Only hard, stabilized surfaces such as concrete or asphalt will be approved. Gravel or stone driveways are not allowed in new construction. For new homes, driveways must be completed within one year after occupancy. Simple patching does not require prior EC approval; resurfacing a driveway requires an EC application, including the Contractor's insurance certificate(s) which shall be included with the Application.

**n. Enclosures (See Fences)**

**o. Excavation**

Exterior excavation is prohibited unless previously approved in writing by the EC.

**p. Fences**

Owners do not need EC approval to install a buried electronic fence ("invisible fence"). Such fences are permitted on owner's property but not allowed on common areas. Setback must be at least one (1) foot from property line.

Visible fences or enclosures may not be built, erected, or altered without prior written approval of the EC.

Chain link and barbed wire fences are not allowed. Privacy fencing that extends beyond the front face of the house is not allowed.

In considering applications for fences, the EC will consider:

- Height: The maximum height allowed is 6' 10". For split rail fences, the maximum height is 4' 0" to the upper rail.
- Location: Fences should generally be restricted to rear and side yards. Please furnish a site plan that shows relationship of fence to property lines and structures. Fence must be at least 12" inside all property lines.
- Materials and color: Fencing should be compatible with the materials and colors on the applicant's house and nearby houses. If masonry is used, it should match masonry used in the applicant's house.
- Finish: If the fencing is finished on one side only, the finished side must face out.
- Gates: Any gates should match or be compatible with the fence in design, material, height, and color.

Applicants shall furnish sufficient information with their application: Site plan, drawings or sketches, dimensions, description of style, material, and color, material samples, and photographs. The EC suggests that fencing schemes be discussed with neighboring homeowners and that their written approval be submitted with the application.

See also the section on Swimming Pools for fencing requirements.

**q. Fire Pits and Outdoor Fireplaces**

They shall be at distance at least ten (10) feet from any combustible material when wood is used. Distance can be closer if propane fire pit is installed.



**r. Garages**

Single-family dwellings on single-family lots must have a minimum of a double fully enclosed garage. Detached garages should relate appropriately to the house and its environments.

**s. Gardens**

See the sections on Landscaping and Trees.

**t. Gutters and Downspouts**

See the section on Drainage, changes in grade, gutters, and downspouts

**u. Hot Tubs, Jacuzzis, and Whirlpools**

The rules on hot tubs, Jacuzzis, and whirlpools differ depending on the kind and location of housing. Where allowed, prior written approval from the EC is required before installation.

Cliffside condos: No hot tub, Jacuzzi, or whirlpool will be permitted on exterior areas of the Cliffside Condominiums.

Detached homes: All guidelines relative to swimming pools, as well as all other architectural standards and guidelines, apply.

Attached town houses: A toleration agreement in writing is required from the neighbors on either side of the unit where a hot tub, Jacuzzi or whirlpool is to be installed.

Where hot tubs are allowed, prior written approval of the EC is required. Applicant must submit a site plan to show placement and location of the installation. The hot tub, Jacuzzi, or whirlpool must be at least three (3) feet inside from property lines, and it shall be placed in the rear of lot in the most unobtrusive location. Privacy screens are required.

Applicant must also submit a description of the processes for filling and draining of hot tubs, Jacuzzis or whirlpools, which shall demonstrate that there will be no adverse impact on neighboring properties from these activities.

Owners of hot tubs, Jacuzzis, and whirlpools assume total responsibility for all liability associated with them. Upon receiving approval for installation, the homeowner is required to show proof of appropriate liability insurance prior to actual installation. The homeowner must show that proper insurance is filed naming BHVA as an additional insured. When not in use, hot tubs, Jacuzzis, or whirlpools are required to have a secure lockable cover for safety purposes.

**v. House Numbers**

EC approval is not required to install or replace house numbers. House numbers must be consistent in size and design with the surrounding houses.

**w. Invisible Fences**

See section on Fences.

**x. Landscaping**

By authority given to it by the Board, the EC has adopted the following rules regarding landscaping:

- New homes: Prior EC approval is required for landscaping plan. The plan shall accompany the new construction application, or such plan must be submitted within three (3) months of occupancy. Completion is expected within six (6) months after occupancy.



- Trimming: No EC approval is required. Each lot owner is responsible to keep their hedges and plantings trimmed so as not to obscure the view of street traffic, be detrimental to neighboring properties, or be unduly unattractive. Please also see section on Common areas (no alteration of common areas is permitted).
- Vegetable gardens: EC approval is required for vegetable gardens exceeding fifty (50) square feet in size. Vegetable gardens or tilling are not permitted in common areas. Vegetable gardens are permitted on private property under the following conditions: (a) May be located in rear yards only. (b) May not cause water runoff onto adjacent property. (c) Must be properly and neatly maintained during growing season. (d) Dead plants, stakes, garden fencing, etc., must be removed and disposed of after growing season. (e) Garden equipment and tools must be stored out of sight when not in use.
- Extensive landscaping: No landscaping area in excess of fifty (50) square feet may be created without prior written approval from the EC.
- Plantings shall not encroach upon walkways or block walkway lighting. If the EC finds plantings detrimental, residents may be required to abate the problem. (See §9.07 of the Offering Statement.)
- Plants: The EC may make rules for the preservation of plants. See also the section on Trees.

**y. Lighting**

Temporary holiday lighting does not need approval of the EC but must be taken down from season to season.

Replacement of exterior lighting fixtures with identical new fixtures does not require the prior approval of the EC.

New or replacement exterior lighting fixtures that differ from the originals require prior written approval of the EC.

Light fixtures, new or replacement, should be compatible in style and scale with the applicant's house. Applications for exterior lighting shall include location, wattage, height of light fixture above ground, and a complete description of each light fixture.

No exterior lighting shall be directed outside the applicant's property. Exterior lighting with incandescent bulbs may not exceed 60 watts and exterior floodlights and/or spotlights may not exceed 40 watts. All spot lighting and lighting controlled by motion sensors shall be directed down at owner's property only.

Exterior lights shall be kept operational and maintained by the lot owner.

**z. Lumber**

See bulk materials.

**aa. Machinery**

Under §12.03 of the Declaration, no machinery shall be placed or operated upon any Lot except machinery that is usual in the maintenance of a private residence, such as an air conditioning unit, lawn mower, snow blower, or golf cart kept on a driveway.

Air conditioning units in windows, if visible from the street, shall be painted a similar color to blend into the structure from which it extends. HVAC Units, Heat Pumps and Backup Generators should be located as unobtrusively as possible and not in the front yard. Propane tanks should be buried if possible, or

located out of street view. Attic ventilators or other mechanical apparatus requiring penetration of the roof should be as small in size as functionally possible. They should be located generally on the least visible side of the roof and not extend above the ridgeline. EC Approval for one-for-one replacement of such equipment in the same location is not required; addition of a new piece or relocation of such equipment does require EC Approval.

Exterior furnaces are prohibited.

Under Board requirements, no machinery such as a loader, bobcat, or tractor is permitted to be stored, placed, or used on BHV premises without prior written EC approval.

See also the section on Landscaping concerning the proper storage of garden implements and tools.

#### **bb. Mailboxes**

BHVA maintains mailbox frames and posts. Mailbox installation, maintenance, and replacement are the responsibility of the owner.

#### **cc. Painting and Staining**

EC approval is not required for repainting or staining to exact matching of existing colors. Prior EC approval is required to change colors.

Change of exterior color for single family houses should relate to the colors of other structures in the immediate area. Color changes apply not only to the house siding, but also to doors, shutters, trim, roofing, and the colors of other structures on the lot.

Change of exterior colors in attached and semi-detached houses should blend with the colors of other attached and semi-detached houses in the same complex (townhouses).

#### **dd. Patios**

Routine maintenance of a patio, using identical materials and colors, and which does not change the dimensions of the patio, does not require prior EC approval.

Installation of a new patio, or changing the dimensions of a patio, requires prior written approval from the EC.

Among the factors that the EC will consider are:

- Location: Patios will usually be located in rear yards. However, front and side yard locations will be evaluated on their merits.
- Drainage: The application shall show that the patio, or grade changes associated with it, will not adversely affect adjoining properties through impacts on drainage.
- Other improvements along with the patio, such as fencing, lights, plantings, etc.

Application for a variance for a patio must include a site plan showing the size and location of the patio as it relates to the applicant's property, adjacent lots, and property lines; description of materials and colors (or samples); and what provisions have been made for storm water run-off and direction of flow when applicable.

#### **ee. Poles**

Electrical poles: See the section on Antennas, satellite dishes, and external wiring.

Flagpoles: The installation of permanent flagpoles requires prior written approval from the EC. Permanent flagpoles should be of appropriate height, color, and location for the size of the property.

Permanent free-standing flagpoles are generally approved only for detached houses and must be installed and maintained in a vertical position.

**ff. Porches**

Screen should match the color of existing window and door screens.

**gg. Radon Mitigation Systems**

Radon Mitigation Systems (when necessary) must be placed in an unobtrusive position and must not be placed in a prominent visual location.

**hh. Recreation and Play Equipment**

The installation of recreation and play equipment requires the prior written approval of the EC.

In considering applications, the EC's goal is to minimize the visual impact on neighboring properties. Application must provide site plans, pictures, descriptions, and other information that will enable the EC to make a fact-based decision.

Generally, such equipment should be placed in rear yards. Consideration will be given to lot size, equipment size, design, amount of visual screening, etc.

Basketball backboards may be secured to detached houses or garages provided that proper consideration is given to surroundings and color. Backboards with stands may be erected on other areas of the property with approval.

**ii. Retaining Walls**

Retaining walls require the prior written approval of the EC.

Retaining walls may be used to preserve trees, improve drainage patterns, and define areas. Walls should be kept as low as possible. Use of indigenous rock or wood in combination with appropriate landscaping is encouraged.

Because retaining walls may alter existing drainage, they shall be designed to avoid adversely affecting drainage patterns. Applicant shall include information about drainage impact with application.

**jj. Roofs**

In an alteration or addition project, roof configuration and ridgelines should relate to those of the applicant's house.

**kk. Satellite Dishes**

See the section on Antennas, satellite dishes, and external wiring

**II. Sewage and Chemicals**

The application of "home use" chemicals and pesticides, such as Roundup, Turf Builder, and the like, does not require EC approval. However, the application of "commercial grade" pesticides is not permitted within BHV without prior written approval of the EC.

Under §9.08 of the Declaration, no sewage containing high foam detergents, potentially hazardous materials, or other chemicals which cannot satisfactorily be absorbed by the normal operation of the common sewage disposal system shall be permitted to flow into the system.

Also under §9.08, chemicals that cannot be absorbed by normal sewage treatment (such as gasoline, solvents, acids, paints, and paint removers) are permitted within BHV, but they are not allowed to be



disposed of in BHV.

Also under §9.08, the EC may promulgate rules and regulations limiting the use of other chemicals and pesticides which it may deem harmful to the BHV environment, adjacent properties, or Canandaigua Lake. The EC may limit the use of chemicals or pesticides.

#### **mm. Shutters**

Replacing existing shutters like for like does not require approval of the EC, nor does repainting existing shutters the same color.

The addition of shutters to an existing structure requires the prior written approval of the EC. Shutters should be compatible with the style of the house and of proper proportions to match the window to which they relate. Colors should be compatible with the colors of the house and neighborhood.

#### **nn. Signs**

In general, under §9.03 of the Declaration, no sign or other advertising device of any nature shall be placed upon any lot except as provided in the Declaration.

However, §9.03 and §12.04 of the Declaration give the EC the authority, using its discretion, to promulgate rules and regulations regarding signs, and to issue variances that authorize a sign other than as expressly permitted in the Declaration. The Board has also issued rules regarding signs, and those rules are included here.

Signs that are permitted without EC approval:

- “For Sale” signs: A single standard real estate “For Sale” sign (maximum size 18" x 24") is permitted on detached homes, attached townhomes, and unimproved lots. No other such signs are permitted anywhere inside or outside the property (i.e., attached to doors or windows).
- Realty signs are not permitted on condominiums except for “Open House” signs.
- Bulletin board notices: Notices about property for sale may be posted on BHV bulletin boards.
- “Open House” signs: Free-standing “Open House” signs may be placed in common areas and on property for sale on weekends from 11:00 AM to 5:00 PM only. Placement must not interfere with auto or pedestrian traffic. No temporary “Open House” sign may be staked, driven into the ground, or fastened to any structure. One such sign may be placed in the window of a condominium.
- “Sold” signs: Standard “Sold” signs may be displayed on properties for a maximum of thirty (30) days by the listing agent only.
- One small contractor sign may be displayed while work is in progress. Examples would be signs for services such as pest control, window washing, and painting.
- Political signs: One standard political sign (maximum size 18" x 24") is permitted on each lot or unit. It must be removed the day after the relevant election.
- Signs on new construction sites require prior written EC approval. The developer or Contractor/Builder is permitted to have one display sign on new construction sites that advertises the entire development area. In addition, one “For sale” sign is permitted on each undeveloped lot as noted above.
- The following signs are not permitted in BHV:
  - Rental signs
  - Contractor signs other than mentioned above



### **oo. Size of Structures**

The following size minimums apply to new construction in BHV:

- Detached Homes: Minimum of 1,600 square feet of finished living space, not including deck, patio, or garage. See exception for patio homes.
- Patio Homes: A Bristol Harbour Patio Home is a detached single-family dwelling built on a smaller lot, usually 5,000 to 6,000 square feet, which is similar in exterior design to neighboring patio homes. A minimum of 1,340 square feet of finished living space, not including deck, patio, or garage is required. Currently, patio homes are only allowed in the Lakewood Trail HOA.
- Attached Townhouses: A minimum of 1,300 square feet of finished living space, not including deck, patio, or garage, is required.

### **pp. Solar Panels**

Installation of solar energy devices requires the prior written approval of the EC. Solar panels will only be permitted on roofs of structures. Solar panels must be maintained at all times and operational, or be removed by the owner.

An owner may not install a solar energy device that:

- 1) Is in violation of any law,
- 2) Is on common property or property owned or maintained by BHVA,
- 3) Is installed on the roof visible from the street (except as otherwise allowed by law), extends beyond the roof ridge of the section of roof in which it is installed, does not conform to the slope of the roof, has a top edge that is not parallel to the roofline on which it is located, or,
- 4) is installed in a manner that voids material warranties.

The following aesthetic requirements apply:

- 1) Frames, support brackets, or any visible piping or wiring must be a color which blends with the roof color.
- 2) Panels must blend to the greatest extent possible with existing roof color.
- 3) The height clearance off the roof shall be the minimum allowed by the manufacturer.
- 4) The device shall not cause glare or reflection that may be objectionable to other property owners.

### **qq. Structure Other Than Main House**

Under §12.04 of the Declaration, the EC may authorize any owner to locate structures other than the principal dwelling house within their property lines and in accordance with the set-back area.

Sheds are prohibited. Owners with existing sheds as of 7/1/16 will be grandfathered and permitted to replace their shed with an exact duplicate when their existing shed is no longer functional so long as proof of original approval can be produced.

### **rr. Swimming Pools**

The installation of a swimming pool requires prior written EC approval. Only in-ground pools are allowed. Above-ground pools are not permitted.

Swimming pools will not be allowed on lots with less than one acre. A fence must protect the pool and any mechanical equipment. Fences and gates shall conform to the section regarding Fences. Approval of



the fence will be considered a part of the swimming pool application and shall be contingent upon completion of the pool. A temporary fence shall enclose the pool during construction and until permanent fencing is installed. Before installation, liability insurance shall be in place and location of utilities on the property must be determined. Private swimming pools shall comply with all applicable New York State codes and the Town of South Bristol Code (#170-61).

Application to the Committee shall include:

- a) A site plan showing the dimensions of the pool, deck and fenced area and its relationship to the applicant's house, adjacent house and property lines.
- b) A certificate of Homeowner's Liability Insurance. Owners are strongly encouraged review coverages in their Homeowner's Policy and if needed, obtain additional liability insurance.
- c) Contact the Superintendent of the Bristol Water Works Corporation/Bristol Sewerage Disposal Corporation for water clearance.
- d) Contact DIG SAFE NY for utility setbacks at (800) 962-7962.
- e) An estimated completion date shall be stated where shown in the EC Application.

#### **ss. Temporary Uses**

Under §12.04 of the Declaration, the EC may authorize any owner with respect to his lot to temporarily use a single family dwelling house for more than one family, or to use structures other than the principal dwelling house for residence purposes on a temporary basis.

In the case of Short-Term Rentals (STRs), The Town of South Bristol (TOSB) added Chapter 141 to their code July 10, 2023 to regulate them. Furthermore, the BHVA Board issued revised STR Rules April 26, 2024. Compliance with both the TOSB STR Law and the EC's STR Rules is required. The EC's STR Rules and applicable forms can be found on the BHVA Homeowner's Website:

<https://www.bristolharbourvillage.org/homeowners>. The Homeowner's password is required to enter this site and may be obtained from the Management Company.

#### **tt. Dumpsters and Storage Containers**

Prior written approval is required by the EC prior to the placement of dumpsters or storage containers. In the application, please indicate the size, type, shape, and location of container.

#### **uu. Trees**

New Construction: Removal of trees requires prior written EC approval. The Contractor/Builder will be expected to mark trees to be saved. After approval, unmarked trees may be removed. Marked trees must be protected from damage during the construction process.

Tree Removal: Where EC Approval is required below, it must be obtained in advance of the work being done. Tree removal can be very hazardous and your home or adjacent homes can be damaged in the process. Applicants must submit proof that their Contractor has adequate insurance with the EC Application. Owners removing trees themselves are strongly encouraged to review coverages in their Homeowner's Policy and if needed, obtain additional liability insurance before performing the work.

The BHVA EC's Tree Removal Rules are as follows:

- 1) Living or dead trees of size 6" in diameter or more measured at a point two (2) feet above the ground may be cut down with EC approval. Trees smaller than this may be cut down without EC Approval.



- 2) Stumps must always be trimmed down to ground level if they are in the woods or areas not visible from the street. Stumps in visible areas such as front or side lawns must be ground down to 4" below ground level and covered over with dirt or appropriate fill.
- 3) Cut down trees must be cleaned up and disposed of properly. Trees are not to be cut down and left where they lay for more than 14 calendar days.

Tree Replacement and New Plantings: Please consult a local tree nursery or arborist to assist in selecting species that are compatible with BHV's climate and are deer resistant. One for one tree replacement does not require EC Approval while new plantings do require EC Approval.

Tree Trimming: Regarding condominium units, individual owners of condominiums may not trim or top trees or shrubs for any reason. Comments or complaints should be addressed to your Condo Board. Regarding other units, trees on your lot may be trimmed to keep them neat and clean without BHVA EC approval, however, your Street HOA may impose additional regulations.

#### **vv. Vegetable Gardens**

See the section on Landscaping.

#### **ww. Windows and Doors**

Replacement of windows or doors that are identical in design and color to the originals, or routine maintenance of windows or doors that does not involve a change in color, does not require EC approval. New windows and doors, either replacements or those installed as part of an addition, should be compatible with the type used on the applicant's house and be located in a manner which will relate well with the location of other exterior openings in the existing house.

#### **xx. Window Treatments**

No sheets, blankets, newspapers, brown paper, or other non-customary window covering shall be used on a window that is visible from the outside. Only curtains, drapes, shades, shutters, or other customary window treatments shall be used where visible from outside.

## SECTION 4. APPLICATION PROCESS

### a. In General

Under the authority of Declaration §8.02 and §8.03, the EC has established requirements for the form and content of Variance Applications, as well as a standard process for filing Applications, consideration by the EC, and the communication of decisions.

The EC has adopted a flexible Application Review Process that is tailored commensurate with the complexity of each Application. For smaller projects, the EC may choose to conduct the review via email and/or conference call as soon as practicable after receipt. For major projects, such as new construction, landscaping that may affect drainage, etc., the EC may choose to call a special EC meeting to discuss. If an additional Building or Street HOA is involved, in the interest of efficiency and minimization of approval delays, the EC may choose to invite representatives from that HOA to this meeting. Depending on the scope, complexity and potential neighborhood impact of a project, the EC may choose to inform or solicit input from neighbors owning adjacent properties to gather their comments/concerns and consider that information in the decision. The EC may consider, but not be bound by input received from owners of adjacent properties.

### b. Application Checklist

Only Applications from current residents in good standing (defined as: current in the payment of dues to the Association or any assessment or special assessment assessed against such Member's Unit or Development as shown on the books of the Association) will be considered. The EC will not consider Applications from owners that have not fulfilled conditions in effect from previous applications.

The EC has grouped Applications into three categories, each with their own process:

- *Exterior Project Application* – For any exterior alterations (major or minor) to an existing property use the Exterior Project Application form to request EC approval for these projects.
- *New Construction Application* – Please refer to SECTION 5 for guidance. Note that a Construction Contract between BHVA, the Contractor/Builder and Owner is required in all cases.
- *New Use Application* – Considering that these can be quite unique, there is no specific form. Please refer to the paragraphs below relevant to this Application process.

#### Exterior Project Application Instructions:

- Obtain the Application Form from the BHVA Website: <https://www.bristolharbourvillage.org/>
- Provide the information required at the top of Page 1, including homeowner information and HOA other than BHVA to which you belong and from whom approval is required, in addition to BHVA. *BHVA EC Approval is required for Exterior Projects referenced herein whether your property is regulated by an additional HOA or not.*
- Check all of the checklist boxes on Page 1 applicable to your project, as many as needed. If a checkbox that describes your project isn't present, check "Other" and provide details on Page 2 of the form.
- Describe your project on Page 2. If additional space is needed, write "see attachment" on Page 2 and add page(s) at the end of the Form containing the narrative.
- Fill in all of the information required at the top of Page 2. Sole Proprietor Yes/No must be checked appropriately. If you are doing the work yourself, write in "Self" as the Contractor/Builder and check



“Yes” for Sole Proprietor.

- Check off and supply Applicable Documents and Approvals as indicated on the Page 2 Checklist. The BHVA EC may require additional artifacts to be supplied, even if the Applicant hasn’t checked them off.
- Read, understand and comply with architectural, color and style guidelines for your Street, if applicable.
- The Applicant(s) must complete and sign the Application form, and the Applicant(s) and Contractor(s) must complete and sign the Hold Harmless Agreement.
- The Management Company will assure that the Applicant’s account is current, time-stamp and sequence number the form, and distribute it to the EC members. If the Applicant’s account is not current, Applications will not be considered until the account is made current.

New Construction Application Instructions:

New build situations are almost always complex and unique. Please refer to SECTION 5: CONSTRUCTION RULES FOR BUILDERS AND CONTRACTORS FOR ANY NEW BUILD. Note that execution of a Construction Contract between BHVA, the Contractor/Builder and Owner is required in all cases.

New Use Application Instructions:

Bristol Harbour Village is a well-developed community. New uses are rare so there is not a specific application. Rather, owners considering a new use are encouraged to provide a short summary of their proposed use and initiate a conversation with the EC. Depending on the proposed use, specific application requirements will be developed.

All Applications:

Submit Applications including all applicable supporting documents to:

In Person or Mail: Bristol Harbour Village Association c/o Kenrick Corporation  
30 Golfside Circle Canandaigua, NY 14424

or:

Email: [achristoff@kenrickfirst.com](mailto:achristoff@kenrickfirst.com)

If submitting via Email, please attach all required artifacts in electronic format i.e. scanned, screen shots, .pdf, Word Documents, etc. to your Application.

**c. Consideration by the EC**

Under §8.01 of the Declaration, an affirmative vote of a majority of the EC is required to make findings, determinations, rulings, or orders; or to issue any permits, authorizations, or approvals.

When signed and submitted, the management company will stamp the Application “received” and distribute it to the chair of the EC. If the EC determines the Application is incomplete, the Applicant will be notified, and the EC will identify additional information that’s required. The application will not be considered to be complete until the necessary information is supplied. Under the Declaration, the EC has sixty (60) days to respond to an application, otherwise it is deemed to be approved. The clock starts running when the application is deemed to be complete, not when initially submitted.

The EC will process Applications as expeditiously as possible. EC members often confer via email and informal meetings, enabling some applications to be considered in a matter of days. At EC discretion, owners of adjacent properties may be informed, or their verbal or written comments solicited for

consideration during the decision process, however, the EC is not bound by these comments.

The EC will consider each application on its merits; in doing so, the EC will apply the Rules and Regulations contained herein, along with common sense and judgement. Please do not contact the Management Office or EC members seeking a verbal decision on applications; these are not considered binding. Feel free to speak with any EC member to inquire about the Application process, status of an Application, to determine whether additional documentation needs to be supplied, and the like.

#### **d. Approval, qualified approval, and disapproval**

Under Declaration §8.04 and §8.05, the EC may make one of three determinations on an application:

- Approved
- Approved with Conditions
- Not Approved

The EC's determination will be conveyed to the applicant in writing.

Approval: The applicant can move forward with the proposal that was approved.

Approved with Conditions: The application is Approved, but only under conditions that the EC specifies. Acceptance of the conditions must be indicated before the project can move forward.

If the conditions are such that they must be satisfied before the project can continue (such as the marking of trees or changes in the design of a structure), sufficient evidence of the satisfaction of the conditions must be presented to the EC before the project can proceed.

If the conditions come into play after a project is underway (such as the removal of a sign or construction materials by a certain date), the applicant must satisfy the conditions by the date specified.

Conditional Approvals can be, and are encouraged to be, negotiated with the EC. If the conditions specified by the EC are not met, the application will be deemed to be disapproved and may then be appealed to the board.

Not Approved: The application as submitted has been rejected. The written communication to the applicant will include a statement of the reasons for disapproval.

#### **e. Communication of decisions**

Under §8.04 of the Declaration, upon approval or qualified approval of an application, the EC will notify the applicant in writing. The notification will set forth any qualifications or conditions of the approval.

Applicants can expect a written response from the EC no later than sixty (60) days after receipt of a completed application's review. As stated above, applications for small projects will be acted upon as soon as the EC can consider them.

If requested by the applicant, the EC will provide the applicant with a copy of the application bearing a notation of the approval or qualified approval. The EC will also file a copy of the plans (including any qualifications or conditions) for its permanent record.

As provided in §8.05 of the Declaration, if the EC disapproves an application, it will notify the applicant in writing, together with a statement of the grounds upon which such action was based. The applicant is free to make changes and resubmit the application. Or, if the applicant so elects, a disapproval may be appealed to the Board.

#### **f. Irrevocability of approvals**

Under Declaration §8.04, once an application has been approved in writing, the decision is final as to the





subject of that application. It cannot be revoked or rescinded by the EC, provided that:

- The improvement or uses approved are not substantially changed or altered; the improvements or uses do not violate any protective covenants, conditions, or restrictions set forth in the Declaration, or
- The plans and any qualifications or conditions attached to the approval do not violate any applicable governmental law, rule, or regulation, zoning, building, health or other code or ordinance.

**g. EC not bound by prior approvals**

Under §8.04 of the Declaration, the EC's approval of plans for use in connection with any lot is not a waiver of the EC's right to disapprove similar plans, or any of the features or elements of those plans, in consideration of a subsequent submission regarding any other lot.

**h. Failure of Environmental Committee to act**

If sixty (60) days pass after the submission of a complete application without action or decision by the EC, the project is deemed to have been approved.

**i. Appeal of disapproval**

Under §8.05 of the Declaration, an applicant may appeal disapproval to the Board.





## SECTION 5: CONSTRUCTION RULES FOR BUILDERS AND CONTRACTORS FOR ANY NEW BUILD

Most projects will also require Town of South Bristol review and approval. Please be advised that the Town will not issue any permits until the Applicant has obtained project approval from the BHVA. With this approval in hand, Applicants should then contact Town authorities prior to beginning site work in order for the Applicant to be aware of what town procedures must be followed and if building permits may be required. It is the Applicant's responsibility to obtain all Town approvals and permits.

Note: Possession of Town approval and permits **does not preclude the need** for Bristol Harbour Village Environmental Committee and any applicable Building or Street HOA project approval.

### PRE CONSTRUCTION PROCESS and the CONSTRUCTION CONTRACT

- 1) The Applicant/Owner and Contractor/Builder shall schedule a meeting with the BHVA Environmental Committee (EC) and/or Board members, and Street HOA (if applicable), during which the Building Plans, Drainage Plan, Financial Plan and Insurance Certificates will be reviewed.
- 2) The EC will provide a Construction Contract to the Applicant/Owner and Contractor/Builder for review. Before any permit applications are made to the Town of South Bristol, the Construction Contract must be completed and signed by the Applicant/Owner, Contractor/Builder and the BHVA Board President.
- 3) The Applicant/Owner and Contractor/Builder shall then submit a final set of documentation compliant with the Construction Contract and all BHVA and EC Rules and Regulations, after which the BHVA EC will grant a Conditional Approval contingent upon receipt of all required Town of South Bristol permits and approvals.
- 4) Once Town approvals/permits are issued and final copies received by the BHVA EC, the BHVA EC will approve the project, after which and site preparation and construction may begin.

*Violation of the Construction Contract will result in a stop work order on the construction.*

### CONSTRUCTION PERIOD

House construction, including landscaping, must be completed as indicated in the Construction Contract. Project completion is signified by the Applicant's receipt of a Certificate of Occupancy.

### TRASH AND CONSTRUCTION DEBRIS

Excess material and debris should be removed immediately after completion of construction. A trash container must be located on the premises of each construction site. The area must be kept neat and free of litter and debris. Trash and construction debris will not be accepted at the Bristol Harbour Recycling and Refuse center. Burning of wood, paper products and construction debris is not permitted.

### CONSTRUCTION HOURS

Construction activities are allowed only between 7:00 AM and 5:00 PM on Monday through Friday, and Saturday 9:00 AM - 4:00 PM. Homebuilding construction is not permitted on Sundays.

### PORTABLE TOILET FACILITIES

Each Contractor/Builder is responsible for providing a portable toilet facility at the construction site. Sharing of the toilet facility with another Contractor/Builder is acceptable but must be arranged by the Contractor/Builders and communicated to the EC. Facilities of Bristol Harbour, such as the community



center or common spaces are not available for construction project or contractor use without prior EC approval.

#### MATERIAL STORAGE

Construction materials should be stored so that impairment of views from neighbor's properties is minimized. Construction materials may not be stored on a lot earlier than two (2) weeks prior to the start of construction and not before BHVA and Town of South Bristol approvals and permits have been obtained.

#### CONSTRUCTION SITE GRAVEL SURFACE

A gravel surface to the construction area must be maintained at all times to keep mud from being tracked to adjacent areas. Each day, the Contractor/Builder is responsible for cleaning mud tracked onto the street.

#### EQUIPMENT LOADING/UNLOADING

All equipment must be loaded and unloaded on the lot. Tracked vehicles or equipment are not allowed on paved streets for any reason.

#### COMMUNITY DAMAGE

Any damage caused by the Contractor/Builder BHVA roads or private property shall be repaired by the Contractor/Builder at the Contractor/Builder's expense at the completion of construction.

#### UNDERGROUND UTILITIES

Prior to the start of construction, all utility companies must be contacted by the Contractor/Builder to mark the location of underground utilities. Areas disturbed to connect utilities must be restored by the Contractor/Builder.

#### SILT FENCES

Silt fences, required during the construction period, are the responsibility of the Contractor/Builder to install, maintain and dismantle upon job completion.

#### PRESERVATION OF TREES

Trees more than 6" in caliper and beyond ten (10) feet from any planned physical improvement will not be removed without the approval of BHVA Environmental Committee. Individual trees of significant value within the 10 foot clearing area around physical improvements shall be retained whenever possible. These clearing limits shall be staked in continuous tape and significant trees shall be protected from damage during construction. No more than 20% of the vegetation between the property lines and outside the home envelope shall be removed (existing trees, shrubs and natural groundcover), thinning is recommended above clear cutting except in the driveway, parking areas, decks and patios. For further requirements see-document, Bristol Harbour Village Association, "Design of Architectural Exterior Alterations and Additions", written by the Environmental Committee.

#### DRAINAGE

A Drainage Plan showing elevation contours overlaid on a survey map shall be submitted along with plans for the house. The plan shall clearly indicate that all runoff will be managed within the project's building lot. Under no circumstances shall runoff be permitted to drain onto adjacent properties.

#### GUTTERS/DOWNSPOUTS

Runoff from gutters and downspouts shall be directed to storm drains in the street, trenches or retention



ponds, commensurate with the Drainage Plan. If sufficient surface space to accommodate runoff flow is not available within the project's building lot, underground pipes shall be used to direct downspout discharge to the street's storm drains.

#### TOPOGRAPHY/EROSION

Erosion prior to finished landscaping shall be controlled with the use of silt dams and/or bales of straw. A site that has character in terms of topography should not be leveled to accommodate a level house. Home architectural and landscape architectural designs must respect the site and respond to variations of topography in the land. The house must fit the site vs. fitting the site to the house. Permanent and durable retaining walls are required where 3 on 1 slope must be exceeded.

#### GRADING CHANGES AROUND EXISTING TREES

Generally, either lowering the surrounding grade so as to expose the root system or filling more than 6' so as to cover the root system will jeopardize the chances of survival of any tree. The odds of survival will be increased, however, if retaining walls or tree wells are utilized.

#### TRENCHING OPERATIONS

When trenching, stay as far away as possible from trees and their roots. Heavy equipment operators are cautioned to avoid damage to existing tree trunks and roots during land grading operations. Feeder roots should not be cut.

#### OTHER CONSTRUCTION REGULATIONS

Trailers, field offices, etc. shall be parked in approved locations and removed upon completion of construction. Contractors are permitted to store construction materials on their sites, but all materials shall be at the contractor's risk. Heavy construction equipment such as a bulldozer may be stored at the site, but shall be parked in an area away from public view and away from major strands of vegetation to be saved.

Before construction begins, Contractor/Builder shall stake out the home and driveway footprint, and mark trees that will be saved. Once the foundation has been set, tree markers shall be removed from the trees marked to be saved. The Environmental Committee must concur that the site plan is that for which approval was given and that the appropriate trees are being saved.



## SECTION 6: ENVIRONMENTAL COMMITTEE'S RELATIONSHIP WITH OTHER BODIES

### **a. BHVA and Board**

The EC was created by the Declaration; it is the only Committee required by the Declaration. The Declaration charges the EC with specific responsibilities and gives the EC both broad discretion and specific powers to fulfill those responsibilities.

At the same time, the EC exists "under" the BHVA and Board. Therefore while the EC is established by the Declaration as an independent body with its own responsibilities and powers, it is also subject to the Board's jurisdiction in various ways:

- EC members are designated by the Board,
- The Board may give the EC specific powers and responsibilities beyond those stated in the Declaration, and
- Disapproved applications may be appealed to the Board.

### **b. Other homeowners' associations**

Applicants living in BHVA areas that have their own Street HOA require approval from both that association and the BHVA EC. This completed BHVA Application Form may be submitted to your HOA if use of an HOA-specific Application Form is not required. Your Street HOA must approve first, after which the Application will be considered by the BHVA EC. Applications that are submitted without prior approval from the applicable Street HOA will be considered incomplete.



## SECTION 7: VIOLATIONS, RIGHT TO INSPECT, AND ENFORCEMENT

All rules and regulations of the Environmental Committee are subject to the enforcement provisions of the Declaration and the Board's rules and regulations.

Declaration §8.11 also contains the following special provision concerning right to inspect:

§8.11. Right to Inspect. Any agent of the Association or of the Environmental Committee may at any reasonable time or times and on reasonable notice, enter upon and inspect any lot and any Improvements thereon for the purpose of ascertaining whether the maintenance of such Lot and any Improvements thereon for the purpose of ascertaining whether the maintenance of such Lot and the maintenance, construction, or alteration of Structures thereon are in compliance with the provisions hereof, and neither the Association nor any such agent shall be deemed to have committed a trespass or other wrongful act by reason of such entry or inspection.

Declaration §8.09 also contains the following special provision concerning violations:

§8.09. Notice to Abate Violation; Lien for Cost of Abatement. If any Structure shall be altered, erected, placed or maintained upon any Lot, or any new use commenced on any Lot, otherwise than in accordance with plans and specifications approved by the Environmental Committee pursuant to the provisions of this Article VIII, such alteration, erection, maintenance or use shall be deemed to have been undertaken in violation of this Article VIII and without the approval required herein, and, upon written notice from the Environmental Committee, any such structure so altered, erected, placed or maintained upon any Lot in violation hereof shall be removed or altered, and any such use shall be terminated so as to extinguish such violation. If fifteen (15) days after the notice of such violation the Owner of the Lot upon which such violation exists shall not have taken reasonable steps toward the removal or termination of the same, the Association shall have the right, through its agents and employees, to enter upon such lot and to take such steps as may be necessary to extinguish such violation and the cost thereof shall be a binding, personal obligation of such Owner as well as a lien (enforceable in the same manner as a lien for Annual Charges) upon the Lot in question.



## SECTION 8: CERTIFICATE OF COMPLIANCE

Under Declaration §8.10, the EC will, upon written request from the owner, issue a certificate of compliance suitable for recording. To obtain such a certificate, the construction or alteration of any structure must be in accordance with plans and specifications approved by the EC. The certificate will identify or state:

- The structure;
- The lot upon which it is placed;
- That the plans and specifications, location, and use or uses to be conducted thereon have been approved; and
- That the structure complies with these rules and regulations of the EC. Preparation and recording of such certificate shall be at the expense of the owner.

Any certificate of compliance issued in accordance with this section shall be prima facie evidence of the facts stated therein. As to any purchaser or encumbrancer in good faith and for value, or any title insurer, such certificate shall be conclusive evidence that all structures on the lot and the uses described therein comply with all requirements of the Declaration.



## SECTION 9. DEFINITIONS AND ACRONYMS

These definitions are provided for convenience in reading and interpreting this document. Many definitions come from the Declaration, and they are identified by citations to the applicable section(s) of the Declaration. Some definitions have been paraphrased here for ease of reading. Be sure to consult the Declaration itself for the legal meaning of any defined word or phrase.

**BHV:** Bristol Harbour Village.

**BHVRR:** Bristol Harbour Village Association Rules and Regulations.

**BHVA:** Bristol Harbour Village Association.

**Board:** BHVA Board of Directors.

**Declaration:** Amended and Restated Declaration of Bristol Harbour Village Association, Inc. of 2009, which was recorded in the Ontario County Clerk's Office on February 17th, 2010, and amendments thereto.

**EC:** Environmental Committee as established in Article 8 of the Declaration.

**EC Rules and Regulations:** This document.

**HOA:** Homeowners' Association. In addition to the BHVA, there are several neighborhood HOAs within Bristol Harbour. A complete list can be found at BHVA Inc.com. Also please see section 6 of this document, which describes the relationship of the EC to the BHVA and the neighborhood associations.

**Lot:** Under §1.14 of the Declaration, "lot" means a portion of the Assessable Property which is less than the whole and which is assessed as a unit by the appropriate public officials for the purpose of real estate taxes imposed by the State of New York, County of Ontario, Town of South Bristol and the local school district.

**Improved Lot:** Under §1.14 of the declaration, "improved lot" means each lot improved with a unit, except that each dwelling unit of a duplex dwelling is deemed to be on separate improved lot.

**Lot Owner:** See Owner.

**Owner:** Under §1.19 of the Declaration, "owner" means any record title owner in fee simple, whether one or more persons or entities, other than the BHVA or the Developer, of any "unit" or "development" within the "property."

**Permanent improvements:** Under §1.20 of the Declaration, a permanent improvement means all buildings, structures and other matters and things which at the time of the assessment of each annual charge are taxable by the State of New York, County of Ontario, Town of South Bristol, or local school district, as real property under applicable law.

**Property:** Per Declaration §1.21, "property" means generally the overall total property of Bristol Harbour, including the commercial, residential, and common portions, and all improvements thereon. Please refer to §1.21 of the Declaration for a complete definition.

**Conditional Approval:** Approval of an application by the EC with conditions attached. Full approval is dependent on the applicant fulfilling the conditions.

**Structure:** Under §1.25 of the Declaration, a "structure" is anything or device (other than trees, hedge shrubbery less than two feet high, and landscaping) the placement of which upon any lot may affect the appearance of the lot. Examples include any building, garage, porch, shed, greenhouse, bathhouse,



coop or cage, covered or uncovered patio, swimming pool, clothesline, radio or television antenna, fence, curbing, paving, wall or hedge more than two feet high, signboard, or any temporary or permanent living quarter (including any house trailer), or any other temporary or permanent improvement to such lot.

Under the same section, “structure” also means any excavation, fill, ditch, diversion dam, or other thing or device which affects or alters the natural flow of surface waters from, upon, or across any lot, or which affects or alters the flow of any waters in any natural or artificial stream, wash or drainage channel from, upon, or across any lot.

Under the same section, “structure” also means any change in the grade of any lot of more than six (6) inches from that existing at the time of purchase by each owner.

Further, under Board ruling, “structure” includes anything affecting the appearance of a lot, such as porch, garage, pool, antenna, fence, hole in the ground, etc.

**This Document:** Refers to these rules and regulations of the EC.

**Unimproved Lot:** Under §1.14 of the Declaration, "unimproved lot" means any lot, other than an improved lot, no longer owned by the developer or by a successor.

**Unit:** Under §1.27 of the Declaration, “unit” means (1) any lot within the property the improvement of which is restricted to a single family residence, and (2) any unit in any condominium within the property for which a Condominium Declaration has been filed, and any parcel within the property improved by an attached single-family dwelling or attached duplex dwelling.

**Variance Request:** An application by a lot owner to the EC under these rules and regulations.

**Village:** Bristol Harbour Village.





## SECTION 10: LOG AND RECORD OF AMENDMENTS

Amendment number	Date approved by the Board	Brief description of amendment
0	July 1, 2016	<ul style="list-style-type: none"> <li>• Original document.</li> </ul>
1	August 28, 2016	<ul style="list-style-type: none"> <li>• Revised paragraph 3 on page 3.</li> <li>• Removed a contradiction under section on Signs.</li> </ul>
2	May 2021	<ul style="list-style-type: none"> <li>• Added in Section mm. Driveways that blacktopping of existing driveways requires EC approval.</li> <li>• Updated Management Company information.</li> </ul>
3	June 21, 2024	<ul style="list-style-type: none"> <li>• Added Headers, Footers and Page Numbers.</li> <li>• Updated and cleaned up the introduction on Page 1.</li> <li>• Updated the Homeowner’s Website and Management Company contact information throughout.</li> <li>• Cleanup and updating of various sections to match Processes and Procedures that have evolved over time.</li> <li>• Significant rework to the Application Checklist section.</li> <li>• Community Notification and Input Solicitation revised to document the current process.</li> <li>• EC Approval Process streamlined to reflect current practice.</li> <li>• Language for Short-Term Rentals added. Significant rework to the Application and Review Process and Forms.</li> <li>• A new Exterior Project Form is incorporated.</li> <li>• A New Construction Form and Construction Agreement need to be developed; until then, the Exterior Project Form should be used.</li> <li>• The New Use Form was deleted and specific Application Instructions added.</li> <li>• Changed the Updated Date to June 21, 2024.</li> <li>• Updated and enhanced this Change Log.</li> <li>• Updated the instructions for getting copies of our Rules and Regulations.</li> </ul>
4	August 1, 2024	<ul style="list-style-type: none"> <li>• Made dates consistent throughout (August 1,2024)</li> <li>• Replaced Homeowner’s Affidavit with Hold Harmless Agreement</li> <li>• Changed Neighbor Approval to Comment</li> <li>• Removed 15 days from Approved with Conditions</li> <li>• Removed house construction completed within 1 year</li> <li>• Significant enhancements to SECTION 5 CONSTRUCTION RULES</li> <li>• Significant enhancement to section on Trees</li> <li>• Cleaned up SECTION 6 EC’s RELATIONSHIP WITH OTHER BODIES</li> <li>• Section on Machinery was updated</li> </ul>



## SECTION 11: AUTHORITY OF ENVIRONMENTAL COMMITTEE TO ADOPT RULES, APPROVAL BY BOARD, AND EFFECTIVE DATE OF THIS DOCUMENT

This document, "Environmental Committee Rules and Regulations," was created under the authority of §8.01 and §8.07 of the Declaration. These are the dates of the approval steps required by the Declaration:

Date of adoption by majority vote of the Environmental Committee: August 1, 2024

Date of approval by Board: August 1, 2024

Effective date: August 1, 2024

Updated date: July 31, 2024

**Please note that this document completely replaces all prior versions of EC Rules and Regulations (ECRR) and BHVA Architectural Guidelines.**



## SECTION 12: AVAILABILITY OF THESE RULES AND REGULATIONS

Under §8.07 of the Declaration, the EC must keep a record of its rules and regulations and make them available. The EC rules and regulations are available at:

<https://www.bristolharbourvillage.org/homeowners>.

The Homeowner's password is required to enter this site and may be obtained from the Management Company. If you are unable to access these documents through the internet, or have any questions, please contact the Management Company for a copy of your community documents.