

THE VILLAS-AT *AvonCrestNorth*

HOMEOWNERS' ASSOCIATION



RESIDENT GUIDE

Avon Crest North Homeowner's Association
Resident Guide

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RESIDENT GUIDE
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SECTION I - WELCOME TO AVON CREST NORTH:

This Resident's Guide has been created by the members of the Avon Crest North Homeowners' Association.

This guide is a summary of the important provisions of the Declaration of Protective Covenants, Restrictions, Easements, Conditions, Charges and Liens of the Avon Crest North – Section 3 Subdivision (Declaration) provided to you at closing. It is meant to be a convenient reference to explain important standards for compliance, policies, guidelines and procedures that will maintain the attractive and cohesive appearance of Avon Crest North, protect our property values, and make living at Avon Crest North a pleasure for all.

Please take time to review this guide carefully and keep it where you can refer to it when needed. If you should need clarification on a point, or if you need any additional information, you can refer back to the Declaration or you can contact the Board of Directors.

This guide was created to summarize all pertinent rules outlined in the Declaration. In the event of any discrepancies, the Declaration and its amendments will prevail.

Please be sure to keep the Declaration and all amendments in a safe place, and make note that the Declaration and Resident Guide shall be passed on to future buyers/owners.

SECTION II - THE AVON CREST NORTH HOMEOWNERS' ASSOCIATION:

Purpose of the Association –

The Avon Crest North Homeowners' Association (HOA) was established under the applicable provisions of the Not-For-Profit Corporation Law of New York State to:

- ✓ Safeguard the architectural integrity of the community
- ✓ Promote increased property values for the benefit of association members
- ✓ Establish standards and policies
- ✓ Collect assessments
- ✓ Make all other necessary and relevant decisions

General –

The Board of Directors has the responsibility for the Association's property and the management for operation of the community in accordance with the standards established by the Association's governing documents. It is the Board of Directors that has the authority and carries on these duties and responsibilities.

Board of Directors –

The Board's authority is comprehensive. The Board is the legal entity that represents all Owners. The Board serves without compensation.

Article V, Section 5.14, of the By-laws states "The Board of Directors has all the powers and duties necessary for the administration of the affairs of the Association". Policy Resolutions, promulgated by the Board of Directors, are designed to augment existing rules. While it is unlikely that these rules address every possible contingency, they are designed to promote the peaceful enjoyment of association living.

The Association's Board of Directors includes not less than three nor more than seven members. Members to the Board are elected annually at the Association's Annual Meeting and serve a two year term. The Annual meeting is normally held in October, but is required to take place anytime during the last quarter of the calendar year.

The actions of the Board take place at meetings of the Board of Directors. The forum for Association decision-making is at meetings of Directors. The Association president calls board meetings. Meetings may be regular or special, and can be held at an appropriate location.

Officers –

The Association acts through officers and agents. The Board of Directors makes the policies for the Association, but the officers and agents carry out these policies and administrative functions for the community.

Officers of the Association are:

- ✓ President - Assumes the general charge of the day-to-day administration of the Association;
- ✓ Vice President - Shall be capable of performing all of the duties of the President;
- ✓ Secretary - Maintains all the records of the Association;
- ✓ Treasurer - The custodian of funds and oversees proper maintenance of financial records.

Architectural Standards Committee –

The Architectural Standards Committee (ASC) is a sub-committee of the Board of Directors and assists them by reviewing and approving all proposed additions, exterior modifications or alterations to properties. This is a two year term with 3 or more members and a representative of the management company.

Professional Management –

The managing agent assists the Board by providing financial and administrative management, facilities management and maintenance supervision, and rules and regulation enforcement services, as well as assistance and consulting services on a wide range of matters to the Board and Association.

Sentry Management is the managing agent. For service contact their office at:

Sentry Management
790 Watervliet / Shaker Road
Latham, New York 12110 - 2207
Office: (518) 783-5000 Fax: (518) 785-1476
Email: www.sentrymgt.com

SECTION III - GOVERNING LEGAL DOCUMENTS:

The following documents govern the establishment and operation of the Avon Crest North Homeowners' Association:

Offering Plan –

The original offering plan filed by the developers contained the Declaration, Deeds, By-Laws, Article of Incorporation and other information as required by New York State for your protection and to insure full disclosure of important elements of the original purchaser's investment. This plan was filed by the developer.

Declaration of Protective Covenants, Restrictions, Easements, Conditions, Charges & Liens –

The Declaration contains the rights and restrictions governing the use of the individual units. This is the master deed that was recorded in the Schenectady County Clerk's Office prior to the first conveyance. The terms of the Declaration bind all present and future owners and mortgagees of the property. The current Declaration was filed on 02/10/2012

By-Laws –

The By-Laws set forth the policies and procedures for the operation of the Association and outline the following:

- ✓ Formation and duties of the Board of Directors
- ✓ Meeting and voting guidelines
- ✓ Determination of fees
- ✓ The requirements for amendments to the By-Laws

SECTION IV - COMMUNITY LIVING STANDARDS:

Advertising / Signs / Garage Sales –

Signs such as garage sale signs, and political signs are permitted. It is recommended that signs be displayed shortly before the event takes place and be removed promptly upon completion of the event. Contractor signs and Real Estate signs must be removed within 10 days of completion of work or sale of property.

Air Conditioners / Fans –

Window air conditioners and fans are not recommended. If used, they should be placed so as not to be generally visible from Killarney Drive.

Antennas / Satellite Dishes / Solar Panels / Wind Turbines / Standby Generators –

Outside television “mini dishes” are preapproved by the Architectural Standards Committee. They should be installed so that they are not generally visible (if possible) from Killarney Drive. The Architectural Standards Committee should be notified of what was done and when it was completed so that a note can be added to your file.

No antennas, solar panels, wind turbines, and standby generators can be erected on any unit, parcel or other portion of the property except with the consent of the Architectural Standards Committee.

Awnings –

No awnings shall be erected on any unit except with the consent of the Architectural Standards Committee.

Bird Feeders –

Owners are permitted to use a bird feeder, provided it does not adversely affect the right of peaceful enjoyment by others. The unit owner shall be responsible for the repair/replacement of any damage caused directly or indirectly from the use of the feeder (such as excessive bird excretion). The use and placement of a freestanding feeder is permitted.

Notwithstanding, the Board of Directors reserves the right to make separate judgment if it believes items to be noxious or a nuisance to the community.

Bug Zappers / Wind Chimes –

"Bug Zappers" and Wind Chimes are permitted. Notwithstanding, the Board of Directors reserves the right to make separate judgment if it believes items to be noxious or a nuisance to the community.

Chimneys –

New York State fire codes recommend that: “Chimneys shall be inspected and cleaned, if necessary, at least once a year or more frequently as required to ensure adequate draft, clearance, soundness, and freedom from combustible deposits.” Besides the possible buildup of creosote, bee nests and/or rodent nests are sometimes found in chimneys. These nests may prevent adequate draft. Chimney cleaning is the responsibility of the Unit Owner.

Clotheslines –

Clotheslines are not permitted.

Common Enjoyment of the Property –

Please consider your neighbors when planning outside activities.

All outdoor activities, music and entertainment should have a minimal impact on neighbors, and in all cases, these activities should conform to the Town of Niskayuna ordinance.

Construction and repair work should be limited to daylight hours, 7am-9pm (in accordance with the Town ordinance) and the property and any exterior construction area must be maintained in a neat and clean manner during construction.

Decks/Patios -

Homeowners are responsible for keeping decks/patios in good condition. They can be painted with a clear seal or wood colored stain. If repairing, rebuilding or extending a deck or patio it must be approved by the Architectural Standards Committee. Please see the Alteration Request Form.

Doors –

The approved colors for the entrance doors are: black, white, dark blue, dark grey, dark green, dark red dark brown. If you want to a different color please submit a request to the ASC committee. If storm/screen doors are installed, they must be white and full view style.

Garage doors must be white, raised panel style without windows.

Driveways / Walkways –

Homeowners are responsible for maintenance and repair of their own walkways.

Driveway sealing, maintenance and replacement is provided through dues. Homeowners are responsible for making sure nothing harmful (oil drips, paint spills, heavy machinery, etc) affects the driveway between contracted maintenance. The timing of driveway sealing, maintenance and replacement is determined by the Association’s Board of Directors.

Easements –

Permanent easements of ingress and egress for maintenance purposes are granted in and over those lots upon which an end or exterior townhouse unit has been constructed (*refer to Declaration Section 7.17*). Please refer to the sketch included in Section VII, page 21 for a graphic depiction of the easements.

Exterior Lighting -

Exterior lighting refers to the lights on your deck, by your front door and on your garage. They cannot be floodlights, spotlights or motion detectors. The bulbs must be no more than 60 watts each. Installation of new lights or replacement of existing lights must be approved by the Architectural Standards Committee.

Exterior Mounted Accessories (Knick-Knacks) –

Owners may exercise consistent good taste in displaying traditional exterior accessories (i.e. thermometers, hanging baskets, floral decorations, etc.) and they are acceptable without the review and/or approval of the Architectural Standards Committee, when displayed in an acceptable manner. However, the Board reserves the right to make a separate judgment if it believes items to be unsightly, noxious, or a nuisance to the community. If you have any questions, please contact the Architectural Standards Committee Chairperson for guidance in advance.

Fences / Protective Screening –

All fences and protective screening must be approved by the Architectural Standards Committee (*refer to Declaration Section 7.03*).

Fireplace Inspections –

It is suggested that wood-burning and natural gas fireplaces be maintained/cleaned regularly.

Furnace Intake / Exhaust –

For your safety, the intake/exhaust pipe for your furnace should be clear of snow during winter months for your furnace to function properly.

Garage –

Garages are to be used for vehicle parking and storage of personal property and cannot be modified to any other use, examples: to use as a porch, converting to an additional room, etc. Garage doors should remain closed whenever possible.

Holiday Lights / Decorations –

Holiday lights/decorations are to be installed only around the respective holiday and are to be removed on a timely basis.

Homes / Businesses –

All units are required to be used for residential purposes only. This, however, does not preclude an owner or occupant from maintaining an office within their home, providing no extraordinary traffic or parking results, and no signs indicating the existence of a business are placed in any window or on the exterior of the unit or lot (*refer to Declaration Section 7.14*).

Hot Tubs –

Hot tubs may be constructed in such a way so as to be inconspicuous to your neighbors. The location, design and screening of any hot tub must be submitted to the Architectural Standards Committee for review and approval.

Jungle Gyms / Swing Sets / Playgrounds / Portable Sporting Equipment –

Non-permanent sandboxes, children's toys, (large and small), etc. shall be returned to the garages each evening so as to maintain the area in a neat and orderly appearance. Such items shall not be stored or located outside.

Jungle gyms, swing-sets, children's swim pools, and portable sporting equipment must be submitted to the Architectural Standards Committee for review and approval.

Lamp Posts -

The lamp post will be installed in the same location as the original. It must be Colonial in style and black in color. The post may have a single cross piece no more than 24 inches in length. The dimension must be between 72 inches to 96 inches in height and no more than 4 inches in diameter. The light fixture must have clear or frosted white glass, **No** colored glass. The lighting will be a single or double bulb of no more than a total of 60 watts. The lamp post may be controlled by a switch, timing device, ambient light or light sensor, it cannot be a motion detector. Flood lights, spotlights and motion detectors that use light must be approved by the Architectural Committee.

Landscaping -

Each owner is responsible for removing any dead plantings or trees. Prior approval of the Architectural Standards Committee may be required depending on the size of the tree being removed (*refer to Declaration Section 7.20*).

Each owner is responsible for their gardens, trimming trees and ornamental shrubs on their property, and maintaining their lawns by cutting, re-seeding and watering. Mowing and trimming is recommended on a 7 to 10 day cycle. (*refer to Declaration Section 7.01*).

Maintenance of privacy hedges between Units should be shared equally between residents.

Lease Restrictions –

All tenants are subject to the rules and regulations of the Association. All occurrences that are a direct result of the tenant's non-compliance with the Association's rules and regulations may result in fines or other penalties against the Unit's Owner; (*refer to Declaration Section 7.23 and Rental Agreement Form included in Appendix B*)

Owners are responsible for providing a copy of this Resident Guide to their tenants.

An executed copy of the Association's Rental Agreement Form shall be delivered to the Management Company;

Owners must be current on all fees/assessments.

Parking –

Residents should park their vehicles in their garages and keep garage doors closed whenever possible. Unregistered vehicles must be stored in your garage. Vehicles leaking oil or other fluids should be kept in your garage and not parked on the driveway, since oil and other fluids can lead to premature deterioration of the driveways.

Overnight street parking (November to April) is not permitted as per Town of Niskayuna regulations. Any inappropriately parked vehicles may be subject to fines or other penalties against the Unit's Owner, and removal at the owner's expense.

Commercial vehicles with a logo or recreational vehicles (for example: camper bodies, boats, snowmobiles, trailers, motorcycles not registered to operate for street use, etc.) are not permitted in driveways unless approved in writing/email by the Association (*refer to Declaration Section 7.22*). Exempt from this are contractors hired to work on the property.

Pets –

The community welcomes domestic pets provided pet owners and guests use common courtesy.

Pet owners must clean up after their pets in all instances, including on their own property. Pet owners, to the extent possible, should have their pets relieve themselves on their own property before walking them elsewhere in the development.

Invisible fences (electronic) are recommended for cases where homeowners want to control their pets. Use of training flags should be limited to a 3-4 week duration.

Allowing pets to engage in habitual howling or barking or creating any other kind of disturbance is unlawful. If such disturbances occur, the Board of Directors will take whatever actions are required and any incurred cost will be collected from the homeowner in the same manner as other assessments.

All dogs must be licensed by the Town of Niskayuna and have rabies vaccinations current. All domestic animals must be kept leashed and under control at all times. (*Refer to Section VIII, page 31*)

Refuse Removal / Recycling -

Homeowners are responsible for refuse removal and recycling. While any refuse removal company may be used, association residents receive discounted refuse and recycling removal from County Waste. To set up service, contact County Waste at 518.877.7007 and identify yourself as a Villas at Avon Crest North resident.

House refuse and recycling must be kept in secure containers provided by your Waste Company, stored in the garage, placed outside for collection no earlier than 24 hours before scheduled pickup, and returned inside of your garage on the day of collection (*refer to Declaration Section 7.04*).

Lawn and garden refuse is the responsibility of the homeowner. For a fee, the Town of Niskayuna provides lawn and garden refuse pickup. Check the town website for the fee and pick up schedule.

ROOFS -

The Association recommends homeowners replace their roof with Class A materials for fire and life safety. The Town of Niskayuna requires a building permit for re-roofing, although not repairs, unless repair extends over 100 square feet. Information regarding these requirements is on the Town website at Niskayuna.org. Go to the Building Department for details.

It is a REQUIREMENT that all homes utilize ONLY the roof material specified below:

CERTAINTEED – LANDMARK SERIES
ARCHITECTURAL STYLE “DIMENSIONAL” SHINGLES
COLOR: WEATHERED WOOD

All other roofing material which does not meet the “required Manufacturer/Style/Color” criteria, including steel, metal, wood shakes, tar, slate, etc, are unacceptable. Metal snow/ice slides are NOT permitted.

Written advance notice must be received from the Avon Crest North Homeowners’ Architectural Standards Committee prior to the commencement of any work.

Roofing materials shall be installed in accordance with manufacturer specifications and in compliance with all governmental building and safety codes. Use of rubberized roofing membrane is highly recommended. One example is Certainteed’s WinterGuard Sand waterproofing shingle underlayment.

The work area must be maintained in a safe, clean and orderly condition at all times. Dumpsters must be placed on asphalt driveway surfaces only (roadway and grass areas not permitted) and mounting on ‘protective blocks’ is required. Windblown and overflowing debris is not permitted. Damage to asphalt driveways from roof construction shall be the responsibility of the homeowner and contractor.

The “ideal” situation would be that the entire building be reroofed at the same time, as was done with the original roof. Agreement between the unit homeowners will be required, and that must be negotiated between the homeowners themselves. If you choose not to reroof, there may be an obvious seam where shingles will need to be “woven in”. This may result in increased potential for resulting leaks. Because of the joining corners on some dwellings, in order to make the roof tie-in properly, part of your roof may need to be involved.

Security -

Security is everyone's responsibility. The following are suggestions to provide the safety of your home and family.

- Report any vandalism or suspicious activity to the Niskayuna Police Department at 518.630.0911.
- Keep the lampposts on the front of your property in operating order and replace burned out light bulbs immediately.
- Tell a neighbor when you will be away for an extended period. It is also recommended that you suspend mail and newspaper delivery.
- Keep the garage door closed when not in use.

Sheds / Outside Storage -

The storage of personal property is not permitted outside the unit, on the patio, deck or elsewhere on the property with the exception of seasonal furniture and barbeque grills.

Areas shall be kept free and clear of the placement and storage of personal property, refrigerators/freezers, building equipment, tools, lawn mowing and snow removal equipment, rubbish, debris, sporting equipment, unsightly materials and other items as may be determined by the Association.

Storage sheds and dog houses are not permitted.

Snowmobiles –

No snowmobiles or similar motor vehicle shall be operated on any portion of the Property except with the consent of the Association.

Snow Removal –

The Association contracts with an independent vendor who is responsible for removing snow from driveways and walkways. There is a 2" snowfall threshold for snow removal, but the provider can wait until up to 5" has fallen before starting removal during a large snowfall event. The vendor includes ice control on your walkways and driveways. If you wish to opt out of ice control, please contact the Property Management Company directly.

It is recommended that each homeowner keep on hand, a bag of salt or calcium for problem conditions. Rock salt is usually the least expensive ice melt product, but it should be used only on asphalt surfaces because rock salt will damage concrete and lawn surfaces. Calcium chloride is usually more expensive, but it will not damage concrete surfaces.

Swimming Pools –

In-ground and above-ground swimming pools are not permitted.

SECTION V - ARCHITECTURAL CONTROL:

General –

Standards are currently in place governing the conduct and appearance at the community. The basis of the standards is derived from the provisions of the Declaration and By-Laws. The standards are not intended to unduly hamper or restrict residents, but rather to enhance everyone's enjoyment and use of their residence, and for the preservation of property values.

This Resident Guide is up to date and accurate at time of its initial printing and distribution. However, standards may be modified, rescinded or amended, as required and such changes will be communicated with owners as the circumstances require. It is within the Board's authority to grant variances under policies adopted by the Board. The Annual Meeting, Special Meetings, and information meetings are the appropriate forums to discuss policy and enforcement procedures with the Board.

Please keep in mind that these provisions were formulated for the collective benefit of the community. In such light, the Board of Directors recognizes that not every resident will agree with the guidance as provided herein, however it is expected that all residents will voluntarily comply with these guidelines.

Application Review Criteria –

The Association evaluates all submissions on the individual merits of each application based on numerous factors:

- ✓ Validity of Concept. Must be sound and appropriate to its surroundings;
- ✓ Location/Impact. Must favorably blend with the landscape, structures and the general neighborhood;
- ✓ Design Compatibility. Must be compatible with the architectural characteristics of the applicant's home, adjoining home and the general neighborhood setting;
- ✓ Scale. Size should relate and be favorably proportional to adjacent structures and its surroundings;
- ✓ Color. Color may be used to soften or intensify visual impact. Generally speaking, colors must be identical to that of existing and surrounding structures, etc.;
- ✓ Materials. Uniformity is established by the use of the same or compatible materials;
- ✓ Workmanship. The quality of work should be equal to or exceed that which predominately exists at the community. Experienced, competent and insured personnel only shall complete Work. Poor practices can be visually objectionable and create safety hazards.
- ✓ Timing Approvals. When granted, are issued contingent on all work being completed in a maximum period of ninety (90) days, and shall thereafter automatically expire.

Exterior Alteration Requests –

All exterior “additions, modifications or alterations” shall be reviewed by the Architectural Standards Committee, or as otherwise designated by the Board of Directors.

Please use the Exterior Alteration Request Form included in Section VII, page 18/19 to submit proposed alterations to the Architectural Standards Committee.

Dependent upon the nature and extent of the proposed changes, the application will be reviewed and responded to by the Architectural Standards Committee. Provided the initial submission is complete and includes all the necessary information and detail sufficient to evaluate the same, a prompt response will be forthcoming. A written response will be issued to the applicant, typically not to exceed 30 days. Requesting owners should plan sufficiently in advance to account and allow for the application process and timeframe.

Compliance and Enforcement of Standards –

Each and every owner, resident, lessee, and guest is legally bound to comply with the established standards and regulations promulgated for the benefit of the community and its members.

The Board of Directors is mandated to administer the judicious enforcement of these standards. The governing documents empower the Board with broad authority and power to cure any non-compliance.

Unapproved Changes and/or Additions to Property –

A homeowner who makes major changes to the exterior of the property (for example, building a deck or patio) without written approval, or who receives approval but builds other or differently than what was approved (for example, larger or in a different location) will be required to do one or more of the following:

- ✓ Restore the property to its original condition, or
- ✓ Bring the property into compliance with the approved plan, or
- ✓ Submit a new plan, which may or may not be approved by the Board

SECTION VI - ARCHITECTURAL STANDARDS COMMITTEE GUIDELINES

Architectural Committee Reminders

It is unlawful to dump anything other than water down the drains. Unlike the water that goes down your house drain to the sewer, water that flows into storm drains is not treated and filtered for pollutants. This contaminated water flows into canals, into streams and lakes, then ends up in the ocean. Everything other than pure rain water is a potential contaminant that degrades water quality.

Architectural Committee goals and Responsibilities

Goals

- 1 – Help neighbors meet their needs for external landscaping and structural changes, within the restrictions of the covenant, regulations of the town, with consideration for their neighbors, maintenance of the drainage patterns, an eye toward safety, and the demand of our climate.
- 2 – Help neighbors maintain the property values and appearance of the neighborhood as a desirable place to live.

Responsibilities

- 1 – Creating policies for external changes and landscaping
- 2 – Working to meet the needs of the neighbors through the Architectural request process.

The annual “Walk-Around”

The walk-around usually takes place during the second quarter of the year. The management company performs the inspection using walk around guideline that have been sent to the homeowners. They will be looking from the street and the backlot line.

The Architectural Standard Committee is looking for

- 1 – items that adversely impact the appearance of the neighborhood
- 2 – items that are against the rules and bylaws of the association
- 3 – items that might be an impediment should you or your neighbors wish to sell your townhouse.

Among the things the team will be evaluating are the condition of roofs, siding, woodwork, aluminum trim, gutters, decks and plantings. Refer to guidelines in Section VII, page 25.

Shortly after the walk-around, homeowners will be receiving letters from the management company, with agreement by the board, detailing the findings and requesting your cooperation in rectifying the items identified in a timely manner.

A follow up observation, just of the items mentioned in the letters, will occur on a date to be determined. Homeowners will be advised of the date in the quarterly newsletter.

What about this Exterior Property Alteration Form?

If you'd like to make any exterior change to your home or landscaping, you probably need to fill one out.

Please – if you have ANY question whether or not you should file a request, please contact an ASC member or the management company.

Do I need to file a request to the Architectural Standards Committee?

- Yes, if you're planning to make external changes or additions to your dwelling or landscaping. *Please see the Exterior Property Alteration request form for details.*
- Examples of this include installing a new garage door, sidewalk, hot tub, replacement windows, deck, installing a generator, changing the color of stain on your deck, or door, installing window boxes on your house, planting new trees or shrubs.
- No request is needed, if you're doing maintenance, repair or replanting. Examples of this would be repairing a broken window, replacing a rotten window frame, planting new flowers, clear-coating or re-staining your deck the same color it is now, replacing existing shrubs.
- However, the ASC needs to know about the change for your file if it's a preapproved item (Please see the Exterior Property Alteration request form for details.) Examples of this are listed on page two of the Exterior Property Alteration request form and include applying lattice under your deck, installing rain gutters, storm doors, or painting your front door, a sample of the actual color used should be included.

Please, if you have any question whether or not you should file a request, please contact an ASC member or the management company.

RULE VIOLATIONS POLICY

Owning a home in a community with a homeowners' association has many benefits. Corresponding to those benefits are the responsibilities each homeowner has to abide by the policies and rules of the Association. These policies and rules are established to help maintain the overall appearance and property values of the homes.

The Declaration of Protective Covenants, Easements, Conditions, Charges and Liens. By-Laws, and Rules and Regulations of the Avon Crest North – Section 3 Subdivision set forth certain standards and restrictions. These standards are explained in the Villas at Avon Crest North Homeowners' Association – Resident Guide. Most homeowners willingly comply with these standards.

A failure to follow a specific rule or policy may be reported to a member of the Board of Directors at any time. A failure may also be noted when the Association conducts an inspection of properties. These inspections may be conducted at any time during daylight hours.

When an Association rule is not followed, or an annual property inspection finding not corrected by a homeowner, the following enforcement policy will be imposed by the Association:

1. The Property Management Agent, acting on behalf of the Association, will send the homeowner a written notice if the violation(s) reminding them of the policy/standard and asking for their voluntary compliance.
2. Homeowner transgression can create legal fees, professional inspection fees, court filing and related expenses which shall become the obligation of the responsible Owner and shall constitute a personal obligation of such Owner and shall be collectible in the manner as Assessments.
3. A Lien against the property may be recorded by the Property Management Agent, acting on behalf of the Association if violations remain unresolved and if fines levied are unpaid. If any fines remain unpaid, the unpaid fines will be added to the annual dues owed on the property and will be subject to the same penalties' fees incurred for non-payment of dues, and a lien against the property may be recorded by the Property Management Agent, acting on behalf of the Association.

Homeowners who receive a violation notice may request an extension of the time allowed to come into compliance by submitting their request in writing to the Property Management Agent. The request should include the length of time and the reason an extension is needed.

Once the violation has been corrected homeowners shall notify the Property Management Agent, and request a re-inspection of the property.

The Property Management Agent, acting on behalf of the Association will issue written confirmation that the violation has been corrected.

Any homeowner who disputes the violation has the right to request a hearing with the Board of Directors to explain why they feel they are not in violation.

MINOR VIOLATIONS:

The following are examples, not an exhaustive list, of minor violations that can be easily remedied:

Placement of trash, recycling or yard waste containers at the end of the driveways in excess of 24 hours prior to pick-up, failure to remove trash, recycling or yard waste container from the end of the driveway on the day of collection, failure to store trash, recycling or yard waste containers in garage.

Storing personal property such as tools or any rubbish or unsightly material on decks, patios, driveways or lawns.

Parking boats, RV's, commercial vehicles, trailers, Pods, etc. on driveways except for a brief period of time.

Allowing a dog to run free or failing to remove pet waste.

Failure to maintain lawn, grounds, planting beds, shrubbery and trees in a manner and with such frequency as is consistent with good property maintenance, including removing dead plantings or trees

Failure to maintain property in good order and repair including painting or other appropriate external care of the buildings and other improvements thereon.

First Notice	\$ 0 fine with a notice to comply within 30 days
Second Notice	\$25 fine with a notice to comply within 15 days
Third and all subsequent notices	\$50 additional fine with a notice to comply within 30 days and every 30 days thereafter until compliance is achieved

MAJOR VIOLATIONS:

A homeowner who makes unauthorized/unapproved changes to the exterior of the property (ex: building a deck or patio) without written approval from the Board of Directors/Architectural Standards Committee or a homeowner who receives approval but builds other or differently than what was approved (ex: larger or different location) will be required to do one or more of the following:

Restore the property to its original condition

Bring the property into compliance with the approved plan

Submit a new plan which may or may not be approved by the Board of Directors/Architectural Standards Committee

First Notice	\$ 0 fine with a notice to comply within 30 days
Second Notice	\$100 fine with a notice to comply within 15 days
Third and all subsequent notices	\$250 additional fine with a notice to comply within 30 days and every 30 days thereafter until compliance is achieved

SECTION VII – ASSOCIATION FORMS AND MAPS

AVON CREST NORTH HOMEOWNERS' ASSOCIATION

EXTERIOR PROPERTY ALTERATION REQUEST FORM

Name: _____

Address: _____

Telephone: _____ Date Submitted: _____

1) Exterior Alteration Requested (please check all that apply)

- ☐ Driveway changes or improvements
- ☐ Landscaping, including but not limited to:
 - Shrubbery
 - Trees
 - Flower beds that require structure changes affecting drainage or property lines
 - Freestanding stonework
 - Garden plots
 - Hot Tubs, Water Fountains or decorative structures (large lawn ornaments) that require excavation, and/or permanent plumbing and wiring
- ☐ Brick or Other Walls used for landscaping or privacy
- ☐ Sidewalks / Walkways
- ☐ Walkway or Other Ground-Mounted Lighting that require hard wiring (excludes solar lighting)
- ☐ Foundation – (_____ Paint/Sealer)
- ☐ Aluminum or Vinyl Trim / Fascia / Rain Gutters – Color must be white
- ☐ Siding – Color / Style must match existing
- ☐ Roofing – Color: See Roof policy
- ☐ Awnings
- ☐ Garage Overhead Door – White, Raised Panel Style, Without Windows
- ☐ Windows – single or double hung style- exterior color must be white
- ☐ Storm Windows – Color must be white
- ☐ Window Flower Boxes - permanently affixed to the structure
- ☐ Patio Door – Color must be White
- ☐ Entrance Door – replacement – new door color needs approval. *see preapproved colors on page 19.
- ☐ Deck/Patio-(_____ New / _____ Expansion / _____ Replacement with wood or a composite material)
- ☐ Deck Weather Seal – (Stain / Paint Color _____) Note: Clear is OK, new colored stain needs approval
- ☐ Front Porch or Railings - (_____ New / _____ Expansion / _____ Replacement)
- ☐ Fencing
- ☐ Invisible Dog Fence (Submit location in relation to neighboring lots) – 4-6 week duration
- ☐ Wind Turbines / Solar Panels
- ☐ Standby Generator – (_____ Gasoline / _____ LP / _____ Natural Gas)
- ☐ Other (Please Describe): _____

2) Include sketch or copy of proposed alteration; indicate number of trees, size of flower beds, etc.

3) Submit this request to:

Mail: Sentry Management
790 Watervliet-Shaker Road
Latham, New York 12110-2207

Email: service@drm.net

DO NOT START ANY EXTERIOR ALTERATION UNTIL AUTHORIZATION IS RECEIVED.

AUTHORIZED ALTERATIONS MUST BE COMPLETED WITHIN SIX (6) MONTHS

Architectural Standards Committee

- ☐ Approve
☐ Disapprove (may be appealed to the Board of Directors)

Chairperson / Date

Although some modifications are pre-approved, the committee needs to be notified so that a note can be added to your file indicating what was done (including a sample of the door color used) and when.

Pre-Approved by Policy Resolution (please check all that apply)

- ☐ Satellite Antenna Mini-Dish
- Not generally visible from Killarney Drive
- One (1) satellite dish per household
- ☐ Lamp Post / Exterior Lighting
- ☐ Entrance Door Paint in approved colors
- Colors: Black, white, dark blue, dark grey, dark green, dark red or dark brown
- ☐ Rain Gutters – Color must be White
- ☐ Storm Door – White, Full-View Style
- ☐ Lattice Under Decks
- ☐ Replacement of Existing Shrubs
- ☐ Deck – Clear Sealer

Once you receive a formal authorization from the ASC, you will need to contact the town of Niskayuna to determine if building permits are required.

*This form is available for download from the neighborhood website at (www.avoncrestHOA.com),
or via e-mail from Sentry Management (service@drm.net)*

AVON CREST NORTH HOMEOWNERS' ASSOCIATION

RENTAL AGREEMENT FORM

Association Policy: The Tenant acknowledges receipt of a copy of the Association By-Laws, Declaration of Protective Covenants, Restrictions, Easements, Conditions, Charges and Liens of the Avon Crest North – Section 3 Subdivision, (the "Association") and the Rule Enforcement Policy. The tenant shall comply with the foregoing. When an Association rule or policy is not followed, or an annual property inspection finding not corrected by the Tenant, the Landlord will be subject to provisions of the Association's Rule Enforcement Policy.

Compliance of Laws: The Tenant and Landlord shall comply with all laws, ordinance rules, regulations, and directives of the Federal, State and Municipal Governments or Public Authorities and their departments, bureaus and subdivisions applicable and affecting the premises and with all orders, regulations and requirements of the Board of Fire Underwriters or similar authority and of any insurance companies which have issued or are about to issue policies if insurance covering the premises and its contents.

Motor Vehicles: All motor vehicles shall be parked strictly in accordance with the Rules and Regulations of the Association.

Inspections: The Tenant agrees to allow the exterior of the premises/property to be periodically inspected by representatives of the Association to determine the condition of the premises/property. Tenant shall allow photographs to be taken of the premises/property to note required repairs or condition of premises/property.

Indemnification: The Tenant agrees to indemnify the Association against any and all claims, causes of action, liability, damages and expenses including attorney's fees resulting from Tenant's negligence or use and occupancy of the premises/property.

Date: _____

Witness: _____

Landlord: _____

(Signature) _____

(Printed Name) _____

(Address) _____

(Telephone) _____

(Email) _____

Witness: _____

Tenant: _____

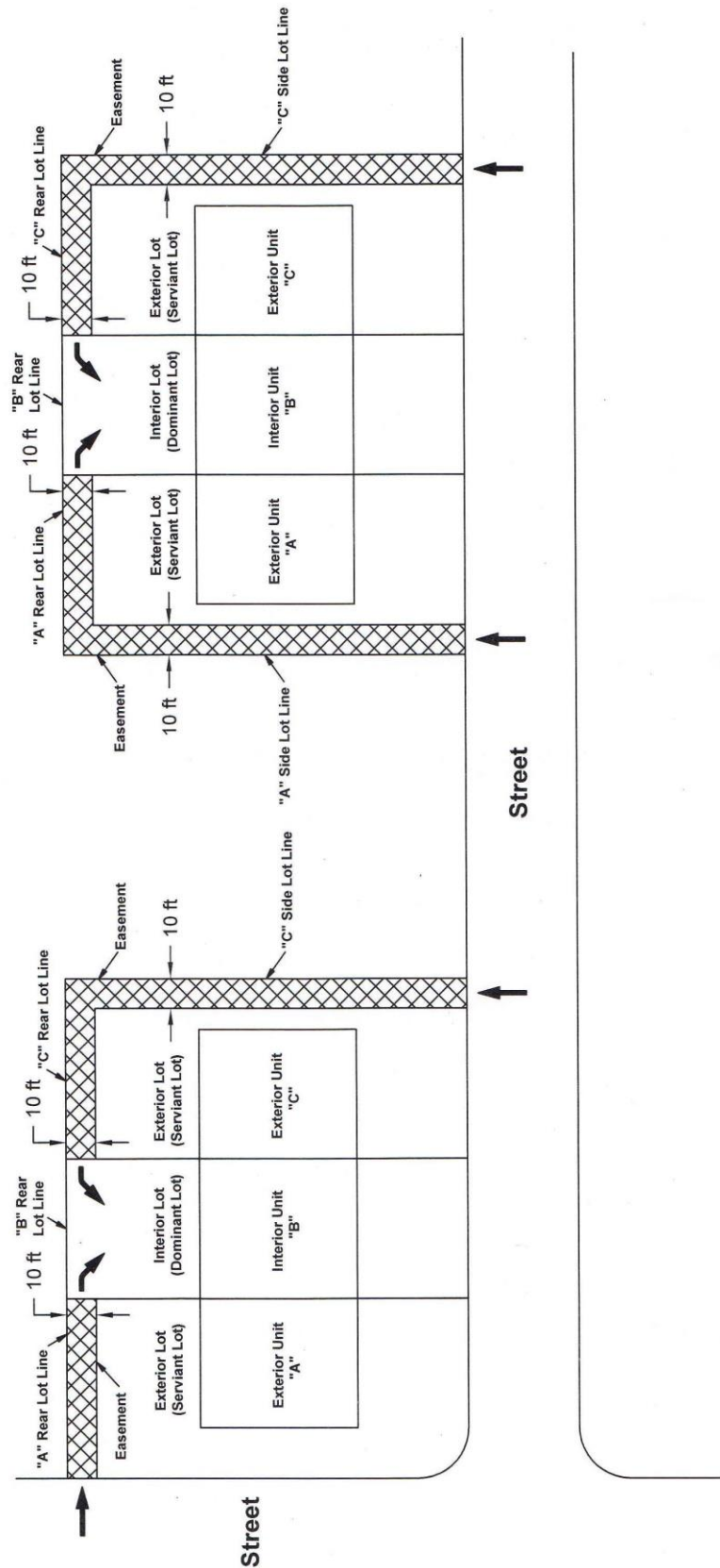
(Signature) _____

(Printed Name) _____

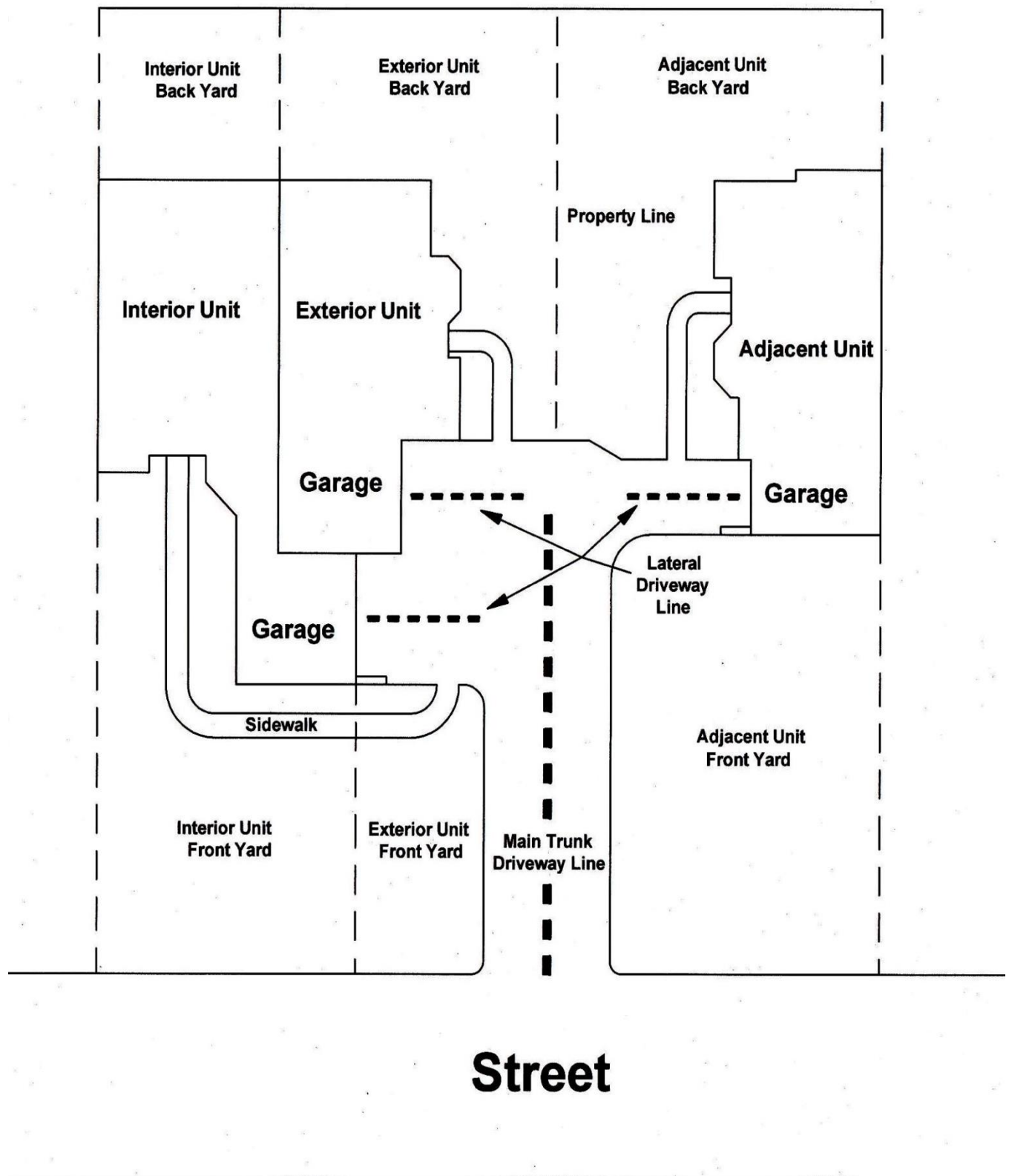
(Telephone) _____

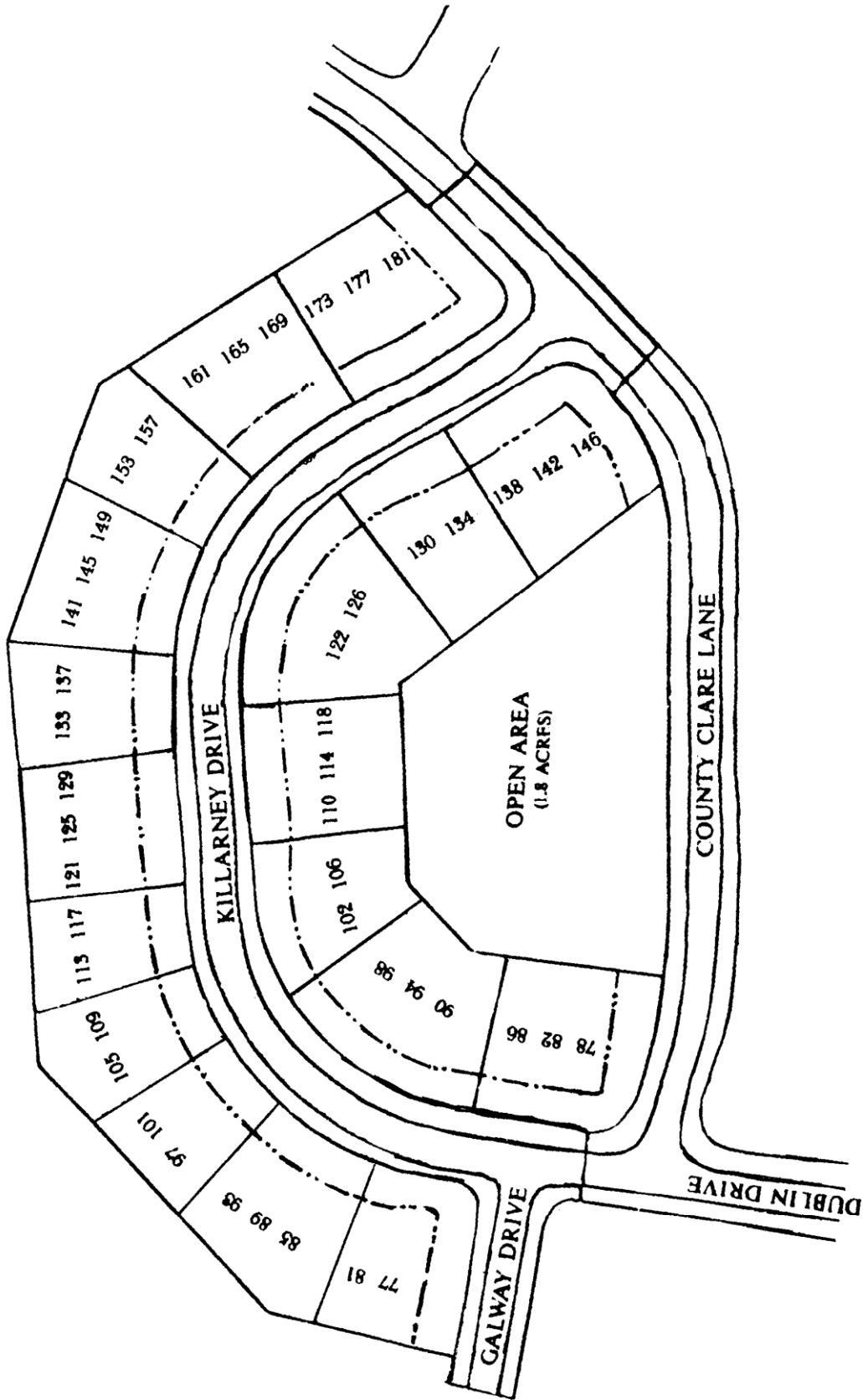
(Email) _____

EASEMENT DIAGRAM



Typical Driveway Arrangement





Avon Crest North – Section 3 Homeowner's Association Website Information

As of January 2019 – Diamond Realty Management became Sentry Management Company. With this merger, we were able to dovetail our website with theirs. Now you can now access information about our community and the management company all in one place.

To get the information homeowners must register on The Sentry Management website.

- 1) Sign on to www.sentrymgt.com
- 2) In the top toolbox find "my account"
- 3) Choose new user registration
- 4) Follow the instructions on the screen – Input information as requested. You will need your Sentry Management 16 digit account number. You will find this on your coupon book or on the letter that you received for autopay verification the beginning of January 2019.

Tips: Username cannot be more than 8 characters.

Password can only be numbers and letters (no special characters).

Architectural Standards Committee

INSPECTION Guidelines

Notes:

- 1) Inspections will be conducted 3 times per year by a representative of the realty management company.
- 2) This list is not all inclusive of possible findings during the inspection.

Lawn – Grass cut on a routine basis. No large bare or dead spots (greater than 1 square foot).

Shrubs/Bushes – Trimmed such that there is no excessive growth beyond the normal shape of the shrub or bush.

Trees – Dead branches are removed. Base of tree should not have any shoots. As necessary to keep the tree from encroaching on the structure, it should be properly pruned of excess growth.

Beds – Consistently maintained to be reasonably weed free

Lawns, shrubs/bushes, trees and beds are expected to be maintained during the growing season and will be subject to additional review throughout the growing season.

Siding – Any siding detached from structure must be repaired. Mildew/moss/other organic growth, and dirt shall be removed by cleaning. All siding and trim shall be properly attached and matching to the architectural design and concepts of the community.

Leaders/gutters – Leaders and gutters attached to the structure shall be properly attached. Vegetation shall be removed. Excessive dirt shall be cleaned.

Paint – Paint peeling or missing shall be painted.

Roof – Any moss/mildew/organic growth shall be removed. All shingles, flashings, chimneys and caps shall be in good condition without excessive rust or rust through conditions

Trim – Excessive dents (greater than 4 in length) shall be repaired to the maximum extent possible. Scrapes exposing bare material shall be repainted.

Decking – moss/mildew/organic growth shall be removed. No missing rails or spindles. Rails and spindles shall be attached. Decking, rails, spindles, steps, etc. shall be painted/stained as necessary; any rotting boards replaced.

Structure – rotting or insect damaged wood shall be replaced.

Driveway – large missing asphalt (greater than 1 square foot) shall be repaired. Oil stains (greater than 6"x6") shall be removed with environmentally acceptable product. Note that if the driveway is damaged due to negligence by the homeowner, it will be the homeowner's responsibility to have repairs performed.

Section VIII – Town of Niskayuna Regulations

Town of Niskayuna, NY



JOHN J. LUBRANT
CHIEF OF POLICE

BUS: (518) 386-4585
FAX: (518) 386-4594



Town of Niskayuna
DEPARTMENT OF POLICE

OFFICE OF THE CHIEF
ONE NISKAYUNA CIRCLE, NISKAYUNA, N.Y. 12309-4382



LT. S.F. FIMINSKI, JR
Field Services

TOWN OF NISKAYUNA ANIMAL CONTROL

David Stern, Animal Control Officer

Emergencies - dial 911

To report any other dog complaints - 374-3139

Any dogs seized by our Animal Control Officer will be taken to The Animal Protective Foundation of Schenectady, 53 Maple Ave, Schenectady, NY 12302. You may reach them at 518-374-3944. For information on the animal shelter or for adoptions you may visit them at their website www.animalprotective.org

DOG LICENSING

All dogs 4 months of age or older must be licensed as required by New York State Law.

Dog licensing can be done at:

Town of Niskayuna Clerks Office
One Niskayuna Circle
Niskayuna, NY 12309
518-386-4510

Proof of current rabies vaccinations is required for all dog licenses.
A certificate of proof is required if the dog is spayed or neutered.

FEES

Spayed and neutered dogs: \$12.50 (includes \$10.00 local fee)
Unspayed and unneutered dogs: \$20.50 (includes \$10.00 local fee)
Dogs owned by persons age 65 years of age are exempt from the \$10.00 local fee
Registered purebred dogs: if no more than 10 is \$25.00 (add \$25.00 state fee)
Registered purebred dogs: if no more than 25 is \$50.00 (add \$25.00 state fee)
Registered purebred dogs: if more than 25 is \$100.00 (add \$25.00 state fee)
Add another \$3.00 per purebred dog that is not spayed or neutered.
Guide dogs, war dogs, hearing dogs, service dogs, detection dogs and therapy dogs are exempt from fees.

Licenses are required to be renewed yearly. For a copy of a licensing form: <http://www.agmkt.state.ny.us/AI/DL-1.pdf>

IDENTIFICATION

At the time of purchase, the dog owner will receive a Department of Agriculture and Markets identification tag.

This tag shall be affixed to the dogs collar at all times.

Having the tag affixed to the dog's collar is very important. The tag's 7 digit number identifies the dog and its owner.

CHAPTER 81, DOGS AND OTHER ANIMALS: ARTICLE 1 - KEEPING AND RUNNING AT LARGE OF DOGS

Dog Ordinance

81-1. FINDINGS, INTENT AND PURPOSE.

A. The Town Board of the Town of Niskayuna finds that the running-at-large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and created nuisances within the town. The Town Board also finds that the growing popularity of large and/or aggressive dogs and the severe consequences that can result from a bite by such a dog require the adoption of regulations requiring additional control measures by the dog's owner.

B. The provisions of this Article are intended to compliment the provisions of the Agriculture and Markets Law with regards to dangerous dogs and prohibition of animal fighting.

C. The purpose of this Article is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running-at-large of dogs within the town.

81-2. DEFINITIONS.

As used in this Article, the following terms shall have the meanings indicated:

CLERK - The Town Clerk of the Town of Niskayuna.

DOG - Any member of the species canis familiaris.

DOG CONTROL OFFICER - A person appointed by the Town Board to enforce the provisions of this Article pursuant to the provisions of #114 of the Agriculture and Markets Law and to carry out any order of a Town Justice pursuant to #121 of the Agriculture and Markets Law.

DOG PARK - A designated fenced in area, maintained by the Town of Niskayuna, for the exercise of dogs.

OWNER - The person in whose name a dog was last licensed or a person who provided food or shelter to a dog, except that if such person is under eighteen (18) years of age, the "owner" shall be deemed to be the parent or guardian of such person.

TO LEASH - To restrain with a rope, chain or strap attached to a collar or harness in order to control the movement of a dog.

VOICE AND SIGHT CONTROL - To control the movement of your dog regardless of exciting or unfamiliar surroundings (such as multiple dogs and people, different noises, various wildlife, etc.) and visible to you at all times while still under control.

VOICE AND SIGHT CONTROL AREA - A designated, posted area, for the exercise of dogs off a handheld leash while walking, hiking or running in the presence of a person.

VICIOUS DOG

A. Any dog which, according to the records of the Dog Control Officer or the Police Department, has inflicted severe injury on a human being, without provocation, on public or private property;

B. Any dog which, according to the records of the Dog Control Officer or the Police Department, has killed a domestic animal, as defined by the Agriculture and Markets Law, without provocation, while off the owner's property;

C. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;

D. Any dog determined to be a "vicious dog" following a hearing conducted pursuant to the provisions of this Article.

81-3. RESPONSIBILITY OF OWNERS.

A. It shall be unlawful in the Town of Niskayuna for the owner of any dog to fail to:

(1) Leash such dog, except when such dog is on property with the express consent of the person owning, leasing or otherwise responsible for such property, or except when such dog is under voice and sight control and within a voice and sight control area designated and posted by the Town.

(2) Confine a female dog in heat to the premises of the owner.

(3) Control such dog with the result that such dog:

- (a) Injures any person peaceably conducting himself where he may lawfully be.
- (b) Chases, harasses, intimidates or otherwise acts in a manner so as to cause reasonable apprehension of harm or injury to any person while off owner's property.
- (c) Causes damage or destruction while on property other than the property of the owner.
- (d) Creates a nuisance by:
 - [1] Unprovoked barking, whining, howling or making any other noise continuously for a period of 15 minutes or more at a volume which can be heard anywhere beyond the keeper's property line and which disturbs the comfort and repose of any person in the vicinity. For purposes of this subsection, "continuously" shall mean constant without any period of silence which exceeds 30 seconds;
 - [2] Defecating, urinating or digging in public property or private property other than the property of said owner; or
 - [3] Chasing motor vehicles, bicycles or pedestrians.

(4) Permit any dog to enter the Niskayuna Dog Park without first having obtained a dog park permit from the Town Clerk.

- (a) The Niskayuna Town Board, shall set by resolution, a non-refundable annual fee for issuance of a dog park permit.
- (b) Both the dog park permit tag and the New York State dog license tag must be worn by any dog while in the dog park.
- (c) The Niskayuna Town Board, may by resolution, enact rules and regulations for the use of the Niskayuna Dog Park. It shall be unlawful for any person to violate any such rules or regulations. The Town's Animal Control Officer shall have the authority to enforce such rules and regulations.
- (d) A dog park permit maybe revoked for continued violations of the dog park rules and regulations for any dog designated as a vicious dog as provided in the Article.

B. The owner of a dog designated as a vicious dog shall be required to undertake the following:

- (1) While on the owner's property, a vicious dog must be securely confined indoors or in a securely enclosed structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. If the structure has no bottom, the sides must be embedded into the ground to prevent escape by the animal.
- (2) A vicious dog may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.
- (3) The owner or keeper of a dog designated as a vicious dog shall present to the Dog Control Officer proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.) covering the twelve-month period during which the animal is licensed. The policy shall contain a provision requiring the Town of Niskayuna to be named as an additional insured for the sole purpose of having the Town of Niskayuna notified of any cancellation, termination or expiration of the policy.

81-4. VICIOUS DOGS

A. The Dog Control Officer shall keep records of any dog determined to be a vicious dog. A dog may be designated as a "vicious dog" without a hearing if it is determined to meet the criteria set forth in the definition of "vicious dog" in 81-2 of this Article. A dog may also be designated as a "vicious dog" by a Town Justice following a hearing pursuant to the provisions of this Article. The Dog control Officer shall notify the owner of any dog designated as a "vicious dog" of the designation and provide the owner with notice of additional control measures required by this Article.

B. The owner of any dog designated as a "vicious dog" pursuant to the criteria set forth in the definition of "vicious dog" in 81-2 of this Article without a hearing may request a hearing, pursuant to the provisions of this Article, to have that determination reviewed.

81-5. HEARINGS REGARDING VICIOUS DOGS

A. Upon request by the owner of a dog whose dog has been designated as a "vicious dog" or upon the filing of a complaint substantiated in writing by the Dog Control Officer or any person identifying himself, a hearing shall be held before a Town Justice to determine if a dog is a vicious dog. The complaint shall set forth the nature and date of any act(s), the owner of the animal, the address of the owner and the description of the animal doing

such act(s). If a complaint is filed by an individual, the Dog control Officer shall conduct an initial investigation to determine if, in fact, the animal is dangerous.

B. A Town Justice shall determine whether a dog is a vicious dog based upon the evidence and testimony presented at the hearing. In addition to the criteria set forth in the definition of "vicious dog" in 81-2, the following criteria can be considered in determining if a dog is a vicious dog:

- (1) Any dog which, when unprovoked, chases or approaches, in a menacing fashion, a person upon the streets, sidewalks or any public grounds, or private grounds or private premises off the owner's property.
- (2) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of human beings or domestic animals.
- (3) No dog may be declared vicious if the action forming the basis of the complaint is an injury, threat or damage sustained by a person who, at the time of the act, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog or was teasing, tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

81-6. SEIZURE OF DOGS AND OTHER ACTIONS FOR VIOLATIONS.

A. Any Dog Control Officer may seize any dog in the Town of Niskayuna;

- (1) Which is unlicensed or untagged, in violation of #109 and/or #112 of the Agriculture and Markets Law.
- (2) Which is not leashed, in violation of #81-3A of this article.

B. Any Dog Control Officer having reason to believe, from personal knowledge or upon receipt of a complaint substantiated in writing by any person identifying himself, that a dog owner has failed to control a dog in the Town of Niskayuna in violation of #81-3A (3) or 81-3B of this article by filing an appropriate accusatory instrument with a Town Justice of the Town of Niskayuna.

C. Any dog seized pursuant to Subsection A or B of this section shall be impounded, fed, cared for or disposed of as provided in #118 of the Agriculture and Markets Law.

81-7. FILING OF FALSE COMPLAINTS UNLAWFUL

It shall be unlawful in the Town of Niskayuna for any person to file a complaint, pursuant to 81-6 of this article, with the Dog Control Officer, knowing any material matter set forth therein to be false or without regard to whether such material matter is true or false.

81-8. PENALTIES FOR OFFENSES.

A violation of any of the provisions of #81-3 of this article shall be an offense punishable, upon conviction thereof, by fine not to exceed \$50 for the first offense, \$100 for the second offense and \$250 for a third and each subsequent offense. Any Dog Control Officer or any other person may charge a violation of this article by the filing of an appropriate accusatory instrument with a Town Justice of the Town of Niskayuna.

81-9. COMPLAINTS.

A. Any person having personal knowledge of any action in violation of #81-3C or D of this article or any Dog Control Officer as provided in #81-6B of this article may file a signed complaint, under oath, with a Town Justice of the Town of Niskayuna specifying the objectionable conduct of the dog and name of residence, if known, of the owner.

B. Upon receipt by the Town Justice of any such complaint, he shall summon the alleged owner to appear in person before him for a hearing, at which both the complainant and owner shall have an opportunity to be represented by counsel and to present evidence. If, after such hearing, the Town Justice decides that further action is warranted, he may order:

- (1) The dog to be declared a dangerous dog and disposed of pursuant to #121 of the Agriculture and Markets Law or declared a vicious dog pursuant to the provisions of this article.
- (2) The owner to be fined as provided in #81-8 of this article.

C. A violation of any order issued by a Town Justice under the provisions of this section shall be an offense punishable, upon conviction thereof, as provided in #81-9 of this article.

81-10. APPEARANCE TICKETS.

A. Notwithstanding the provisions of #81-9B above regarding appearance of the summoned owner in person for a hearing, there shall be issued to said summoned owner an appearance ticket, as provided for in #114 of the Agriculture and Markets Law. The answer to such appearance ticket may be by registered or certified mail, return receipt requested, within five days of the alleged violation, as provided in Subsections B or C of this section, in lieu of personal appearance in the Niskayuna Justice Court at the time and place specified in said appearance ticket.

B. If a person charged with the violation admits to the violation as charged in the appearance ticket, he may complete a form to be provided by the Town of Niskayuna and forward such form and the appearance ticket to the Town of Niskayuna Justice Court, as specified on the appearance ticket. A schedule of penalties may be set by the Niskayuna Town Justices, to appear on the answer form, and if the person charged admits to the violation as charged, a check or money order in the amount of the penalty for the violation charged must be submitted with such answer; or, in the absence of a schedule of penalties, the Niskayuna Town Justices may levy a penalty for each violation as charged on the appearance ticket and notify the summoned owner to pay the same by check or money order.

C. If the person charged with the violation denies part or all of the violation as charged in the appearance ticket, he may complete an appropriate form likewise prescribed for that purpose and forward such form and appearance ticket, together with security in the amount of \$15, to the Town of Niskayuna Justice Court. Upon receipt, such answer shall be entered and a new return date established by said Court. Such person shall be notified by return mail of the date and place of such return date, and the security shall be returned upon appearance thereat. If a person shall fail to appear at a return date, when such is provided for pursuant to this section, the security posted to secure such appearance shall be forfeited, and a summons or a warrant of arrest may be issued pursuant to the Criminal Procedure Law.

[return to top of page](#)

Chapter 142. Noise

[HISTORY: Adopted by the Town Board of the Town of Niskayuna 7-16-1996 by L.L. No. 4-1996. Amendments noted where applicable.]

GENERAL REFERENCES

Emergency alarm systems — See Ch. 55.

Building construction — See Ch. 75.

Dogs and other animals — See Ch. 81.

Firearms — See Ch. 101.

Fireworks — See Ch. 113.

Block parties — See Ch. 185, Art. III.

§ 142-1. Purpose.

Noise of such character, intensity and duration as to be detrimental to the life or health of any individual or contrary to the public welfare is prohibited. No person, partnership or corporation shall make or cause to be made or permitted any unnecessary and unreasonably loud, disturbing noise or any loud, raucous, annoying sounds, noises or disturbances so as to disturb, annoy, injure or endanger the health or welfare of people within the Town of Niskayuna.

§ 142-2. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

DECIBEL

A unit of measurement used to express the level of intensity of sound, "B," equal to 20 times the common logarithm (base ₁₀) of the ratio of the pressure, "P," produced by the sound wave to a reference pressure, "Po," usually at the auditory threshold, 0.0003 dyne/cm²:

$$B = 20[\log (P/Po)]$$

SOUND DEVICE OR APPARATUS

Any apparatus or device for the reproduction or amplification of the human voice or other sounds.

UNNECESSARY

That which is not required, essential or indispensable by the usual circumstances.

§ 142-3. Prohibited noises.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but the enumeration herein shall not be deemed to be exclusive:

A.

The operation of any audio device, such as a radio, phonograph, audio cassette or compact disk player, or use of any musical instrument in such a manner or with such volume as to exceed the maximum decibel levels set forth in § **142-3C** of this chapter.

B.

All construction activity, including but not limited to excavation, demolition, paving, construction, alteration or repair of any building, other than between 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. to 8:00 p.m. on Saturday and Sunday, except in case of urgent necessity in the interest of public safety as determined by the Building Inspector, Highway Superintendent, Commissioner of Public Works, Chief of Police or Fire Chief or their designees.

[Amended 10-23-2018 by L.L. No. 4-2018]

C.

The creation of any noise at or beyond the outer boundary of the premises which exceeds 70 decibels above the auditory threshold between the hours of 7:00 a.m. and 9:00 p.m. and 60 decibels above the auditory threshold between the hours of 9:00 p.m. and 7:00 a.m., as measured at the property line of property from which such noise originates. The sound level may exceed these established levels during a total period not to exceed six minutes in any single 60 minutes and then shall not exceed those established sound levels by more than 10 decibels, unless otherwise prohibited by other sections of this chapter.

§ 142-4. Permitted noises.

The following sounds shall not be deemed to be a violation of this chapter:

A.

Sounds created by houses of worship bells or chimes.

B.

Sounds created by any government agency by the use of public warning devices or in the performance of its public duties.

C.

Sounds created by chain saws, lawn mowers or other motorized lawn and garden maintenance devices in use between the hours of 7:00 a.m. and 9:00 p.m.

D.

Sounds created by public utilities in carrying out the operations of their franchises.

E.

Crowd noise (but not amplified announcements) connected with sporting or other events of any public or private school; or sounds associated with an authorized carnival, fair, exhibition, parade, etc., allowed by permit of the Town.

F.

Customary and usual sounds made by farm animals located on farm premises.

G.

Sounds created by snow-removal equipment during or following a snowfall and sounds created by repairs necessary to meet emergency conditions of a temporary nature and which require immediate action to avoid public health, safety or welfare concerns.

H.

Sounds created by alarms subject to the provisions of Chapter **55** of the Code of the Town of Niskayuna.

I.

Sounds created by residential heat pumps/air-conditioning units.

[Added 6-1-2004 by L.L. No. 12-2004]

§ 142-5. Enforcement.

This chapter may be enforced by the Code Enforcement Officer of the Town of Niskayuna or any other law enforcement officer of the Town of Niskayuna.

§ 142-6. Penalties for offenses.

Any person or persons, association, firm or corporation who shall violate any of the provisions of this chapter shall be guilty of an offense and shall be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both. Each day that a violation continues shall be deemed a separate offense.

§ 142-7. Severability.

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the litigation in which such judgment shall have been rendered.

§ 142-8. When effective.

This chapter shall take effect immediately.



Thomas J. Cannizzo Building Inspector

TOWN OF NISKAYUNA

BUILDING DEPARTMENT

Kenneth P. Hassett Building Inspector

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NOTICE

On October 23, 2018 the Town Board of the Town of Niskayuna amended the Town noise ordinance to restrict construction noise on Saturdays and Sundays. As amended, the ordinance allows construction noise on Saturdays and Sundays between 8:00 a.m. – 8:00 p.m.

Chapter 142 entitled Prohibited Noises, Section 143-3 (B) now reads as follows:

B. All construction activity, including but not limited to excavation, demolition, paving, construction, alteration or repair of any building, **other than between 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. to 8:00 p.m. on Saturday and Sunday**, except in case of urgent necessity in the interest of public safety as determined by the Building Inspector, Highway Superintendent, Commissioner of Public Works, Chief of Police or Fire Chief or their designees.

Please note, it takes some times for code amendments to be updated on the website but this code is effective immediately. As it is a quality of life issue to the Town of Niskayuna residents, Town Departments will **begin enforcing the new hours starting November 17, 2018**. Please adjust your schedules accordingly.

If you have any questions please reach out to the Town of Niskayuna Building Department at (518) 386-4522. Thank you for respectfully adhering to the new weekend construction times in the Town of Niskayuna.

Town of Niskayuna, NY

Sprinkling Regulations are in Effect

SPRINKLING REGULATIONS ARE IN EFFECT

May 1st through November 1st

Regular Lawn Sprinkling and Garden Watering – Only between the hours of 7AM to 9AM and again from 7PM to 9 PM, odd/even days.

Automatically Timed Lawn Sprinkler Systems – Those households with automatically timed lawn sprinkler systems are permitted to sprinkle only between the hours of **4 AM to 6 AM** and again from **7 PM to 9 PM**, odd/even days.

New Lawns and New Gardens – Those households with newly seeded lawns and newly planted gardens will be permitted to sprinkle every day between the hours of 7 AM to 9 AM and again from 7 PM to 9 PM for a period of 3 weeks. Each household will be allowed two 3-week periods per year. Permission should be requested by calling the Water Department at 377-8411 and leaving a message which includes your name, address and seeding date.

Odd/Even Days – Homes on the even-numbered sides of the street may water on even-numbered days of the month; homes on the odd-numbered side of the street on odd-numbered days of the month.

Sprinkler use shall not exceed four hours per day.