

# **Hickory Grove Village Condominium Cheektowaga, NY**

# **Rules and Regulations**

As of 4/19/2023  
A pdf copy of the Rules and Regulations is available at [www.r716.us/HGV](http://www.r716.us/HGV) > Governing Documents, or by email from [rjachimiak@gmail.com](mailto:rjachimiak@gmail.com)  
Request a hard copy from the Property Manager, Harmon Homes, at 3181 Transit Road, Elma, NY

## Hickory Grove Village Condominium Rules and Regulations

This Rules and Regulations pamphlet is created for the benefit of Unit Owners of the Hickory Grove Village Condominium community. It is a summary of rules and regulations found in the Declaration, the By-Laws, the Policies, and similar documents of the Hickory Grove Village Condominium<sup>1</sup>, along with Federal and local laws and regulations that may apply. It does not include every rule for every circumstance. Where the summary below is in conflict with the source document, the source document shall control and govern.

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<sup>1</sup> The Declaration, By-Laws, Policies are available at [www.r716.us/HGV](http://www.r716.us/HGV) > Rules and Regulations

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## 1. Use of Units

### 1.1. Occupancy Restrictions

From By-Laws, Section 7.04

Each Unit must be owner-occupied and may not be rented or leased<sup>2</sup>.

Each Unit is to be used for residential purposes only. No wholesale or retail business, including any salon, studio, laboratory, home industry or medical or dental office, is permitted. However, in-home offices are otherwise permitted.

### 1.2. Trash and Recycling

From Town Regulations

Garbage and Recycling services are provided through the Town of Cheektowaga. Use the bins provided for your address.

Garbage is collected on Mondays, except for a one-day delay when Christmas Day and New Year's Day falls on a Monday.

Garbage bins should be placed near the street prior to 6:00 a.m. on collection day, but not before 3:00 p.m. on the evening before collection.

Additional details are available at:

[www.tocny.org/Departments/SanitationRecycling.aspx](http://www.tocny.org/Departments/SanitationRecycling.aspx).

### 1.3. Exterior Modifications

From By-Laws, Section 7.04

An Architectural-Change Application<sup>3</sup> is required to be approved prior to any additions or modifications to the exterior of any Unit.

No fences, walls, swimming pools, storage sheds, playground or swing sets, portable basketball equipment, outbuildings or other structures of any kind are permitted without the prior written consent.

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<sup>2</sup> See the By-Laws for an exception that applies to Grandfathered Units, those that were rented or leased as of March 1, 2023. Grandfathered Units do not have to be owner-occupied until January 2028.

<sup>3</sup> The Application for Approval of Architectural Change is available from the Property Manager or at [www.r716.us/HGV](http://www.r716.us/HGV) > Governing Documents.

#### 1.4.Cleanliness

From Declaration, Section 10.02

Please keep your Unit clean and free of debris. Unit Owners are responsible for the appearance of their Unit and the common areas they use.

#### 1.5.Satellite Dishes

From FCC Over the Air Reception Device Rule

TV and data satellite dishes are allowed, as permitted by law.

#### 1.6.Awnings

From Awning Policy

An Architectural-Change Application is required to be approved prior to the installation of any awning.

Only a retractable awning or a canvas awning with pole mounting is permitted. For pole-mounted awnings, the canvas must be removed each winter at the owner's expense.

#### 1.7.Hot Tubs

From Hot Tub Policy

A hot-tub license, issued by the Board of Managers, is required for any hot tub.

The hot tub must be a portable type and not permanently affixed to a deck.

Any additional electrical supply outlet must be installed by a licensed electrical contractor. No additional exterior lighting may be added.

The hot tub must have a cover lid that is secured with a locking device to prevent unwanted use. The lid must be locked at all times when not in use.

When draining the hot tub, the nearest storm drain should be used.

## 1.8.Ornamentation

From Ornamentation Policy

Border lighting and bed decorations are acceptable as long as they do not impede lawn mowing and snow removal. All lighting must be placed in beds.

Artificial flowers, except on door decorations, are prohibited.

Holiday decorations must be removed within thirty days of the holiday.

## 1.9.Natural Gas Generators

From Natural Gas Generator Placement Policy

Natural Gas Generators may only be installed in the rear of Units.

Prior to the start of the installation:

- The Unit Owner should obtain any Cheektowaga Building Department inspections, variances and permits.
- An Architectural-Change Application should be submitted and approved. The request should include:
  - A property survey detailing the placement of the Unit and surrounding landscaping.
  - Insurance certificates evidencing proof of General Liability Insurance and Workers Compensation Insurance for the contractor.

Landscaping:

- The area between the Gas Generator and the home must be landscaped and edged with black plastic edging.
- The area between the generator and the home may be landscaped with decorative stone, landscape paving blocks, etc.

## 1.10. Decks

From Deck Policy

Prior to the installation, an Architectural-Change Application should be submitted and approved. The request should include specifics regarding the exact size and placement of the deck.

The deck must be constructed with synthetic or composite material, in accordance with Cheektowaga building requirements.

The deck and stairs must be skirted.

The Unit Owners should contact their own insurance for any additional coverage required to include the deck.

## 1.11. Tree and Shrub Replacement

From Tree and Shrub Replacement Policy

### 1.11.1. Association Replacement Responsibility

Replacement of the following are the responsibility of the Association and the related costs are considered a common expense.

- Trees and shrubs on Association common property, including the areas along French Road, along the west side of Blossom Wood Lane, around the retention basin, near the hot box, and around the perimeter of Hickory Grove Village.
- Sponsor-established trees and shrubs in utility beds on the lots of Unit Owners.
- Dead Sponsor-established trees on the lots of Unit Owners that the Unit Owner decides not to replace at their own expense. The Association will remove the dead tree and return the affected area to soil. Diseased or dying trees can be considered to be dead at the sole discretion of the Board of Managers.
- Association-provided replacement trees and shrubs will be considered Sponsor-established for this Tree and Shrub Replacement policy.

### 1.11.2. Unit Owner Replacement Responsibility

Replacement of the following are the responsibility of the Unit Owner and the related costs are the Unit Owner's expense.

- All plantings on the Unit Owner's lot except
  - Sponsor-established plantings in utility beds
  - Dead trees that were Sponsor-established
- If not replaced, the area of a tree removed by the Unit Owner must be returned soil and seed, or sod



- Replacement with the same species of plant does not require board approval. However, an Architectural-Change Application is required for any changes.

### 1.12. Lamp Post Lighting

From Lamp Post Lighting Policy and Standard

Prior to the installation, an Architectural-Change Application should be submitted and approved. A Lamp Post Lighting Standard has been developed to guide any Unit Owners who may be considering adding a lamp post to their property. The standard includes information about the style, placement, height, brightness, installation, and uses of lamp posts. See the Lamp Post Lighting Policy and Standard for details.

## 2. Common Expenses and Unit Owner Expenses

### 2.1. Common Expense

From By-Laws, Section 7.01

The following are areas of common expense which is the responsibility of the Board of Managers:

- Private roadways throughout Hickory Grove Village Condominium and all other commonly-owned areas
- Snow removal from the roadways, driveways, front walkways and sidewalks within Hickory Grove Village Condominium
- Lawn cutting and care of grass and green areas, flower and shrub beds and front landscaped areas
- Pipes, wires, conduits, water and sewer lines and utility lines which serve two or more Units
- The cost of maintenance of trees on the individual lots may be charged as a common expense as determined by the Board of Managers.

### 2.2. Unit Owner Responsibility

From By-Laws, Section 7.02

The following are the Unit Owner's expense and responsibility:

- Maintenance, painting, decorating, and repairs, including
  - Foundations
  - Walls
  - Roofs

- Pipes, wires and conduits which service only the Owner's Unit
- Acts of the Unit Owner (or their family member, employee, agent, guest, tenant, or invitee) that negatively affect the appearance and value of a Unit or common property.
- Contractor activities.<sup>4</sup>

The Board of Managers may assess fines and otherwise address issues that are the Unit Owner's responsibility at the Unit Owner's expense.

### **3. Actions of Owners and Occupants**

#### **3.1. Annoyance or Nuisance**

From By-Laws, Section 7.04

No nuisance nor any practice which is a source of annoyance to residents is permitted. Nuisances include noises, odors, trash, unsightly Units, unhealthy conditions, littering, illegal drug activity, invasions of privacy, threats, intimidation, and dangerous activity or conditions.

No practice which interferes with the peaceful possession or proper use of the Property by its occupants is permitted.

#### **3.2. Compliance with the Law**

From By-Laws, Section 7.04

No immoral, improper, offensive or unlawful activity will be tolerated. Full compliance with the law is required. Any violation is the full responsibility of the Unit Owner.

#### **3.3. Pets**

From Pet Policy; From By-Laws, Section 7.04

Each Unit Owner is permitted to keep or allow common household pets in their Unit. However, no more than two dogs and no more than two cats are permitted to be housed in any Unit. The pet rules apply to all pets on the Property, whether housed in a Unit or visiting.

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<sup>4</sup> Any damage to a Unit Owners' property caused by a contractor hired by the Condominium should first be reported to the Property Manager, who will initiate contact with the contractor on behalf of the Unit Owner.

When outdoors, each dog and cat must be leashed at all times. Each pet must be properly controlled. No pet is permitted to run loose, or to otherwise be a nuisance to anybody.

No pet may be tethered or chained to a stationary object outdoors on the Property at any time.

Any pet feces must be removed immediately.

### 3.4. Wildlife

From NYS DEC; Ornamentation Policy

The feeding of deer, ducks, geese or any wild life is prohibited.

Bird feeders are not permitted.

## 4. Motor Vehicles

From Parking and Traffic Policy

All vehicle and traffic laws otherwise applicable to public roads in Cheektowaga, NY, also apply to both Hickory Grove Lane and Blossom Wood Lane.

### 4.1. Parking

No resident of a Unit is allowed to routinely park on the roadway. Residents are to utilize their garage and driveway for parking.

Visitors may park on the roadway.

Vehicles should never be parked in a way that would restrict access by emergency vehicles.

No portion of any vehicle is permitted to be parked:

- On any roadway between the hours of 1:00 a.m. and 7: a.m.
- In a way that would restrict access by emergency vehicles
- Within an intersection
- On a roadway within fifteen feet of a fire hydrant
- In front of a driveway
- On any portion of a sidewalk

- In a way that impedes access to the sidewalk by persons using the sidewalk
- On the apron between the sidewalk and the roadway
- On any lawn, except as may be authorized from time to time (e.g., when driveway resealing or by snow removal equipment)

#### 4.2. Speed limit

The speed limit in Hickory Grove Village is 20 mph.

Reduce noise. Observe the speed limit and obey stop signs to make your community safer for pedestrians, pets, vehicles entering the roadway, on-coming traffic, and yourself.

### 5. Homeownership Association (HOA) Fees

From By-Laws, Section 3.02, 5.01, 5.02

#### 5.1. Due Date

Common charges of the Association payable in by Unit Owners in monthly installments. The HOA fee is due the first day of every month. Payments received after the 10th of the month will result in late fees and interest, as set by the Board of Managers.

Action necessary to collect the fees may result in attorney fees and collection costs also to be paid by the Unit Owner.

#### 5.2. Application of Payments

Payments as they are received will be applied to any fees or interest, then to the oldest fees due.

### 6. Landscaping and Gardening

#### 6.1. Flower and Shrub Beds

From By-Laws, Section 7.04; Ornamentation Policy; Budgets

Flower and shrub beds, including utility beds, were established as gardens for each Unit by the Sponsor.

An Architectural-Change Application is required to be approved prior to any additions or other modifications of the landscape of the Unit property. Maintenance of any gardens added to the Unit are the responsibility of the Unit Owner.

Annual flowers and bulbs may be planted in gardens without restriction.

The Unit Owner is responsible for the maintenance of any plantings introduced by the Unit Owner or tenants, including deadheading and removal of spent flowers/plants. Otherwise, the maintenance of these shrub beds, as well as maintenance of the lawn, are the responsibility of the HOA.

## 6.2. Sprinkler System

From By-Laws, Section 7.01, 7.02

The sprinkler system is provided and serviced by the HOA. Any problems with the system should be reported to the Property Manager.

Repairs resulting from damage caused by the Unit Owner will be repaired at the Unit Owner's expense.

## 6.3. Snow Removal

From By-Laws, Section 7.01

Snow removal from driveways, front walkways, and sidewalks within Hickory Grove Village Condominium shall be provided by the HOA. Please keep these areas clear of personal property.

# 7. Enforcement

## 7.1. Rules and Regulation Enforcement

From By-Laws, Section 7.04; Fine Policy

The violation of any Rule or Regulation adopted by the Board of Managers, or any By-Law or provision of the Declaration, must be corrected by the Unit Owner. After affording the alleged violator a reasonable opportunity to remedy the violation, and having given the Unit Owner a reasonable opportunity to be heard, the Board of Managers has the right to establish a monetary penalty. Fines imposed against a Unit Owner shall be deemed an assessment against the Unit.

## **8. Voting Rights and Meetings**

### **8.1. Right to Vote and Proxies**

From By-Laws, Section 2.01, 2.02, 2.03, 2.09

At any meeting of the HOA, Unit Owners shall have the right to vote in person or by proxy. However, for each vote taken, there is only one vote per Unit, regardless of the number of owners or the size of the Unit.

Absent Unit Owners may vote by proxy. Each proxy must be signed by the Unit Owner and filed with the Secretary of the Board of Managers prior to the meeting. However, any such proxy is invalid if the Unit Owner is present at the meeting.

The presence in person or by proxy of owners representing at least 38 (i.e., 50%) of the Units constitutes a quorum. If there is no quorum, the ownership interests present may adjourn the meeting at a later date.

The vote of the majority of Units represented at a meeting where a quorum is present, shall be binding upon all Unit Owners.

### **8.2. Annual Meetings**

From By-Laws, Section 2.04, 2.07

Annual meetings of the Unit Owners are held in the fourth quarter. Unit Owners are sent a notice prior to the meeting, by mail or email or other electronic means, indicating its date, time, and place or manner.

The annual meeting includes nominations for the Board of Managers and the vote to elect persons to the vacant or expiring positions on the Board.

Other Association business is also conducted at these meetings.

### **8.3. Special Meetings**

From By-Laws, Section 2.06

The President shall call a special meeting if petitioned by the owners of at least 31 (i.e., more than 40%) of the 76 Units, or if directed by the Board of Managers.

The meeting notice will indicate the date, time, place or manner, and purpose of the Special Meeting. The business to be conducted at any Special Meeting is limited to its stated purpose.

## 9. Definitions

**Architectural Change Application.** The “Application for Approval of Architectural Change”, a form, available from the Property Manager, that is used to approval any additions, modifications or other changes to a Unit or its landscaping.

**Association.** Hickory Grove Village Condominium

**Board of Managers.** A group of (five) volunteers who are elected (or when necessary, appointed) to govern and control the affairs of the Hickory Grove Village Condominium. The Board generally has these responsibilities:

- Adopt and maintain rules, regulations, and policies of the Association
- Bring and defend legal actions of the Association
- Conduct meetings of the Board of Managers, usually monthly
- Create committees to act on behalf of the Board of Managers
- Determine and levy the common charges as an annual fee that Unit Owners pay monthly as the HOA Fee
- Ensure that tax returns are filed and taxes (if any) are paid
- Hire a Property Manager, employees (if any), and contractors. Various rights and responsibilities are delegated by the Board to the Property Manager as may be customary and appropriate.
- Maintain insurance for the Association
- Schedule and conduct the meetings of the Association

**Hickory Grove Village Condominium.** The terms “Hickory Grove Village Condominium”, “Association”, “HOA” and “Homeowners’ Association” all have the same meaning in this document.

**HOA.** Homeowners Association. Hickory Grove Village Condominium.

**HOA Fees.** Common charges of the Association paid by Unit Owners each month.

**Homeowners Association.** Hickory Grove Village Condominium.

**Property.** The Hickory Grove Condominium community, including common-ownership portions and the 76 separately-owned Units on Hickory Grove Lane and Blossom Wood Lane.

**Property Manager.** The managing agent hired by the Board of Managers to manage the affairs of the Hickory Grove Village Condominium. The Property Manager generally has these responsibilities as delegated by the Board:

- Collect the HOA Fee
- Disburse funds on behalf of the Association
- Maintain the books of the HOA, including the copies of the Declaration, By-Laws, meeting minutes, contracts, and financial reports
- Draft an annual budget for the Board's use in determining the HOA Fee
- Assist in the selection of contractors to be used for maintenance and repairs.
- Oversee the hired contractors, including the landscaping, sprinkler system, and snow removal companies.
- Provide access to the books of the Association during business hours to Unit Owners upon reasonable notice.

Harmon Home Realty, Inc. is the Property Manager. Mike Harmon can be reached at 716-675-9056 for snow removal, lawn care, and other Association management issues.
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**Sponsor.** Marrano/Marc Equity Corporation, which established the Hickory Grove Village Condominium in 2006, built each of the 76 Units.

**Unit.** Each of the 76 houses-and-lots intended to be individually owned within the Hickory Grove Village community.

**Unit Owner.** The person, persons, or entity having ownership interest in a Unit through a deed.