

# Legion Heights Homeowner's Association

Handbook for Homeowners

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## Forward

Welcome to the Legion Heights community and the Legion Heights Homeowners Association (HOA). The following is an introduction to our community and to the HOA, its purpose, composition and what you can expect of it and it of you.

As with most townhome or condominium communities, Legion Heights is governed by an HOA. Our HOA is composed of members of our community and any homeowner can become a member in either the governing board (Board of Directors) or committees that serve under the board. There is also a property management company, Crofton-Perdue Associates, that manages the contracted maintenance of the common grounds and exteriors of all homes.

It is important that you familiarize yourself with several governing documents that are the basis for all decisions made by the board and that impact our lives as a community.

These are:

1. The Offering Plan - Given to you by the seller of the unit. The Offering Plan is the document that identifies the sponsor's entire plan to sell the property. The sponsors are Ryan Homes and 104 Development (Frank Affronti, owner). The Offering Plan identifies the associated documents related to your membership in the HOA.
2. The Association (HOA) By-Laws - The document that governs how the board conducts the business of the HOA.
3. The Declaration - A document of Protective Covenants, Conditions, Restrictions, Easements, Charges and Liens originally generated by the Sponsor(s) in accordance with state law. It is approved by and recorded with the New York State Attorney General's office. This document defines the responsibilities of the Sponsor(s), the HOA and the Homeowner.

**Important:**

The subject of property restrictions within the Declaration that are placed on each homeowner within the Legion Heights Community has become a question asked by several homeowners. To add clarity to the language within the Declaration, a Restrictive Covenant has been adopted that should be referenced whenever a homeowner desires to make a change to the property's original features.

A partial summary is given here. "In order to ensure and maintain the beauty, integrity, desirability and visual contiguity of the Community, which includes Association Property, it is agreed that both the Sponsors and all homeowners will not install, construct, locate, place site or park, whether permanent or temporary, any structure or improvement (Excluding driveways and walkways) or any other item or items of personal property outside of any of the Townhomes without the approval of the Association".

Specific items that are restricted include but are not limited to: Fences, decks, patios, awnings, swing sets, pools, recreational vehicle, trailers, boats, or any unlicensed vehicle(s). Please refer to the variance procedure to obtain the required approval from the Association.

A copy of the complete Restrictive Covenant is available to all homeowners.

4. The Rules and Regulations - This document provides an easier reference to the terms and conditions stated within the Offering Plan and Declaration and gives definition to the responsibilities of the HOA and Homeowner. It is important that you read and become familiar with its contents.

In summary, we welcome you to our community. We believe that you chose to be here because of the

aesthetic of our homes and communal lands, and the quality of our lifestyle. Should you have any questions, please feel free to contact any board member or the Property Manager. All names and contact information are located on the Property Manager website, [Croftoninc.com](http://Croftoninc.com). Go to Communities, then Legion Heights.

## **Homeowner Addresses/Helpful Information**

A list of Homeowners and their addresses are now posted on the Homeowners' site. Many residents have left emergency phone numbers and/or keys with their neighbors in the event of an emergency, or while they may be away for any length of time. We suggest that all homeowners furnish the Property Manager with an emergency telephone contact, which will be kept in confidence in the event you may need to be contacted while you are away.

## **Miscellaneous**

Regular pick-up of garbage/recyclables is Monday morning (Tuesday morning if Monday is an observed Holiday). The City of Canandaigua requires use of clear or white plastic bags for refuse. We ask that homeowners place their refuse containers outside after 6:00 PM on the night before scheduled pick-up. Refuse containers should be taken indoors before 6:00 PM.

## **Keeping up with Board Actions**

In recent years, the Board of Directors has established several procedures to improve its communication with Homeowners and among Board members, and to make decisions from year-to-year consistent with past practice.

1) Board meeting agendas are posted on the Legion Heights Homeowners' website at least one week prior to each scheduled meeting date. Also, minutes of each meeting are posted following approval by the Board.

2) The Property Manager will send all communications electronically to Homeowners who have email accounts, and otherwise by regular mail.

3) In order to make voting for Board members more private, and more easily available to all Homeowners, the following instructions will be sent to Homeowners when ballots are issued: "At the \_\_\_\_ Annual Meeting of Homeowners, a total of \_\_\_\_ candidates shall be elected to the Board of Directors for a two-year term. Brief biographies of all candidates seeking election are included in this mailing.

Select no more than of the candidates listed below by marking the box next to the candidate's name selected. When you have finished, return the ballot, unsigned, by placing it in the small envelope marked 'Election Material.' Seal the Election Material envelope and mail it in the self-addressed stamped envelope to the Property Manager by no later than \_\_\_\_\_.

Thank you for your participation.”

4) The following committees have been formed by the Board: Landscaping, Revisions, Nominating, Architectural Standards, Activities, Welcoming, and Budget. There may be new committees formed in future, and some current committees will no longer be needed. We encourage Homeowners to let us know of your interest in any of these committees, as positions become available.

5. To prevent miscommunication among Board members and between Board members and the Property Manager, no Association business will be conducted without involvement of all Board Members. Any written or electronic communications will be copied to all Board Members and between Board members and the Property Manager.

## **Rules & Regulations**

The following areas address issues either not included in the documents referenced above, or to provide additional clarification:

- A. Landscaping
- B. Speed Limit/Parking
- C. Assessments
- D. Pets
- E. Signs & Flags
- F. Storm Doors
- G. Maintenance of Exterior Decks/Privacy Fencing
- H. Holiday Decorations
- I. Work Orders
- J. Enforcements/Fines

### **A. Landscaping**

Residents were attracted to Legion Heights because maintenance of outdoor areas is provided, freeing them from this responsibility. Residents also enjoy enhancing their grounds with flowers and other plantings. The Association supports and encourages homeowners’ involvement by approving additional plantings if they are in harmony with the overall ambience of the neighborhood.

#### **However, certain problems may occur:**

- It is difficult to define for contractors which areas are to be maintained by them and which are the responsibility of the homeowner. Specifying maintenance of some, but not all, areas could be expensive.
- Additional garden beds can create lawn mowing complications.

- As plants mature, maintenance requirements may increase.
- Specifications must ensure that maintenance expenses are not increased.
- Individual involvement may change due to decline of homeowner's health, interest or change of ownership.

Therefore, the following guidelines have been established for homeowners' gardening activities:

Trees:

Trees will be planted only at the direction of the HOA Board. The HOA is responsible for all trimming and mulching of trees.

The Hill:

Homeowners on the east border of the property need to protect the integrity of the hill to avoid erosion. The hill should remain planted with grass, or with other deer resistant ground covers and plants (Adopted 5/31/2022)

Shrubs:

The HOA is responsible for trimming and mulching all shrubs planted in front of, or on the sides of, all units. Shrubs will be trimmed to not be higher than half of the size of lower windowpanes. Shrubs along the side of the garage will be trimmed to be less than 6 ½ feet. If the homeowner wishes to plant additional shrubs in front of, or on the side of, their unit, approval must be obtained from the HOA's Board or designated Landscaping Committee. A list of suggested shrubs is on the HOA website. Trellises may be placed along the side of the garage but must not be higher than 6 feet.

All planted shrubs in the front of, or on the side of, units become property of the HOA. Watering of all shrubs is the responsibility of the Homeowner. Because the Association owns the landscaping and is responsible for its maintenance, it may determine to replace trees and shrubs as needed. Any Homeowner who requests retention of any plants scheduled to be replaced must do so in writing through a Variance request. If the request is granted, the individual Homeowner will be responsible for all maintenance of such plants.

Homeowners may plant shrubs behind their unit. Shrubs must be selected from the list of suggested shrubs on the HOA website and must be planted within 3 feet of the structure (house, deck or patio). The Homeowner is responsible for maintenance of the shrubs, including watering, mulching and trimming. Shrubs should not exceed 6 feet high.

Flowers:

Homeowners are responsible for planting, watering, and maintenance of all flowers. It is suggested that homeowners plant flowers that tend to be deer resistant. Flowers may be planted in front of, or on the sides of their unit in existing beds. Homeowners must obtain permission

from the HOA's Board or designated Landscaping Committee to create any new beds in front of, or on the side of, their unit. The HOA is responsible of mulching these beds.

Homeowners may plant flowers and/or vegetables behind their unit. Such beds behind the unit must extend no more than 3 feet from the structure (house, deck or patio). Homeowners are responsible for all maintenance of the beds behind their unit, including watering, mulching and bed cleanup). No plants should exceed 6' at maturity.

## **B. Speed Limit/Parking**

Midlakes Drive is a private road; owned and maintained by the Legion Heights Homeowners Association.

Parking on Midlakes Drive is limited because of the width of the roadways. Therefore, there will be:

- No parking in front of fire hydrants or driveways.
- No parking within 10 feet of corners or mailboxes.
- In order to keep roadways open, no cars are to be parked directly across the street from a car already parked.
- No parking on the grass.
- All motor/non-motorized vehicles, RV's, boats, snowmobiles, etc. are to be stored in homeowner's garage.
- Outside storage of commercial or recreational vehicles, camper bodies, boats or trailers for more than one 72-hour consecutive period per month is prohibited.
- Association provided parking spaces are to be used for visitors only, and then for not more than 72 consecutive hours.

## **C. Assessments**

The By-Laws provide for charging of monthly assessments of each Homeowner's property, for purposes of maintaining Association property and legal requirements. In 2019, the Board of Directors adopted the following, to conform with the terms of the Declaration, and to prevent confusion on the part of Homeowners: Delinquent charges for late submission of Maintenance Assessment fees will not exceed ten percent (10%) of the Maintenance Assessment fee per month. Monthly fees must be submitted to the Property Manager no later than the fifteenth day of each month. If a fee is not paid by that date, a delinquent charge of 10% will be collected. If the delinquent charge is not paid within ninety (90) days, a lien on the Homeowner's property may be applied.

## **D. Pets**

No more than two common domesticated pets may be kept in one unit.

In accordance with the City of Canandaigua leash law, pets must be leashed at all times.

Pet owners are responsible for promptly cleaning up all outside pet droppings including those adjacent to the owner's residence. The droppings are to be disposed of at the owner's residence.

Pet owners must not allow their pets to urinate on shrubs. Pet owners are responsible for any damage caused by their pets.

#### **E. Signs & Flags**

An approved variance request must be secured before erecting any temporary sign or flag. The homeowner should specify the **type, size, placement, timeframe for posting, and text**, on the variance request. Only one exterior sign will be permitted. It must be placed along the sidewalk side of the garage door, in front of the garage wall. Only one interior sign, placed in a window that is visible from the street, will be permitted. Signs must not exceed 1 ½ x 2 feet in size. Also, refer to the Declaration Section 10.01 for additional requirements.

No flags other than the standard American Flag are permitted in public view: The following rules apply to the display of the standard American Flag:

1. The flag must be no larger than 3' x 5'
2. The Flag must be mounted on a pole less than 7 ft. in length.
3. Flag mounting and mounting hardware must be non-corrosive.
4. The free end must not be higher than 11 ft.
5. All rules governing the flying of a standard American flag be adhered to.
6. Theme banners for holidays are permitted and are classified as "Holiday decorations." Banners cannot be placed on common property.

#### **F. Doors and Windows**

Replacing doors and windows will require a variance, and there will be requirements regarding color.

#### **Specification for the Replacement of any garage door within the Legion Heights community**

1. Wayne Dalton double garage door, model 9100 or equivalent; Color - white or almond
2. 16 ft. x 7 ft. Or sized to fit opening.
3. Window design - Clear
4. Window placement - Top section only.
5. Must be professionally installed by a fully licensed and insured contractor.
6. Trim color surrounding the door must be kept as original.
7. Variance request is required

## **G. Maintenance of Exterior Decks/Privacy Walls/Patios**

Maintenance of exterior decking, including attached privacy walls is the responsibility of the homeowner.

The homeowner may maintain pressure treated or composite exterior decking and privacy walls with a clear wood finish or cedar tone new look wood finish.

For exterior services not provided by the Association, including but not limited to snow removal from individual walkways, deck staining, and window washing, we suggest group contracts for individual Homeowners. Although there will be no Board involvement, any Homeowner may propose a group contract through publication in the Newsletter, but only with an insured provider of the service.

### **The following relates to decks and patios for units developed after 2020:**

Some homeowners may wish to have a deck (other than the option offered by Ryan Homes) or a patio constructed on their site. The following guidelines must be followed to obtain approval of the Architectural Standards Committee, prior to any action taken to obtain or construct a deck or patio.

- 1) Any deck that has a roof integral to the main roof must be the same in style and construction to the deck roofs supplied by Ryan, as seen on many of our townhomes.
- 2) Homeowner is responsible for the deck roof and any adjacent unit roof that was altered to install the deck roof.
- 3) A variance must be requested, and should include a complete description of the intended construction, including materials of construction for decks must compliment the unit in color and materials. Deck floors may be composite or wood but must compliment the home in color.
- 4) All decks and patios are restricted to a 12 x 12 foot size or smaller
- 5) A building permit is required by the City of Canandaigua prior to any construction.
- 6) Conformity to the established architecture is required.
- 7) Privacy walls for either decks or patios must be no higher than 6 feet. For decks, they must match the materials of deck construction. For patios, they must compliment the color(s) of the house. Privacy walls must be attached to the deck or patio.
- 8) All expenses connected to construction and maintenance of a deck or patio are the responsibility of the homeowner. (Adopted 7/20/2022)

## **H. Other**

Safety Railings: These are in some cases a necessary addition to the front stoop of your unit. A variance must be requested, and you must adhere to the following requirements, including required use of black wrought iron, with professional installation by Residential Railing Company or a contractor of your choosing; all costs are the responsibility of the Homeowner; height requirements and other construction details will be uniform to meet industry standards and codes throughout the community and to preserve the current aesthetic in architectural design.



An estimate for this product has been provided by Residential Railing and is available from any board member. It is subject to change depending on material(s)' availability and whether you wish to have a black painted or black powder costed surface. See HandCraftedWroughtIron.com (Adopted 5/31/2022).

Exterminator Issues: If there are exterminator issues created on the exterior of any unit, the Association will address the issue by providing re-treatment in accordance with any current contract with a vendor. If the issue is created by invasion within the unit, the individual Homeowner will be responsible for resolving the issue. All questions and concerns regarding post-treatment for barrier control should be submitted to the Property Manager for resolution. (Adopted by the Board of Directors 2/13/2020).

Holiday Decorations: The City of Canandaigua encourages decorating the exterior of grounds surrounding townhomes

in the spirit of good taste and the season. The Legion Heights Homeowners Association also encourages such. Decorations that are not free standing may be placed without a variance request. Free standing decorations will require a variance request before installation.

Many homeowners have enjoyed decorating exterior trees with clear mini-lights. This is encouraged and will not require a variance request.

Holiday decorations may be installed starting the Friday after Thanksgiving and must be removed within a reasonable time. Care should be given to minimize exterior damage with nail holes. Nails should not be placed in siding; clips that slide under the siding must be used. Extreme care shall be given to electrical safety with decorations.

## **I. Work Orders**

Contact the Property Manager or submit a work order if you require Association assistance with respect to your specific unit. If you have concerns about Association property or another Homeowner, contact a Board member.

## **J. Enforcements**

The Property Manager/Board of Directors reserve the right to deal with issues on an individual basis as they occur, as well as to determine time frames for corrective actions.

Homeowner should contact the Manager if there any questions/concerns relative to the interpretation and/or adherence to the Rules & Regulations. The Manager will bring questions/concerns to the attention of the Board of Directors, which will determine if there is, in fact, a violation. If the Board of Directors determines that there is a violation, solution(s) and a time frame for corrective action will be established.

The following should be used only as a guide:

- Violations relating to vehicles – 24 hours for corrective action.
- Violations relating to animals – 14 days for corrective action.
- Violations relating to architecture – 30 days for corrective action.

The Manager will inform the homeowner by telephone AND letter as to the violation as well as the recommended solution(s) and a time frame for correction. If the homeowner is not amenable to the recommendation, the homeowner may request the opportunity to discuss such at the next Board of Directors meeting.

If there is no resolution with the Manager/Board of Directors, the Manager will notify the homeowner by letter, formally stating the specific violation and necessary correction(s), along with the specified time frame for correction.

If the recommended correction has not been realized by the specified time frame, a \$50.00 fine will be imposed. If the correction is not realized within 14 days after the \$50.00 fine has been imposed, a daily fine of \$5.00 will be levied until the correction is made. If the fine is not paid within 30 days, the Manager will see that it be filed as a lien against the responsible homeowner's property.

The Manager will be responsible for the collection of fines. All fines received will be deposited in the account of the Legion Heights Homeowners Association.