
Appendix

R

Proposed Operating Restrictions
for West Lake Marine Club
(HOA Rules)

Residences at West Lake Marine Club Draft Environmental Impact Statement Appendix R

Preliminary Homeowners Association Rules

The Applicant is seeking land use approvals from the Town of Canandaigua Planning Board to develop the Residences at West Lake Marine Club (Project) on approximately 75.6 acres of land on the west shore of Canandaigua Lake. The Project is proposed to consist of 70 residences to be located on the inland side of West Lake Road. The West Lake Marine Club (Marine Club) will be located on an approximately 2 acre lakeside lot that is part of the current German Brothers Marina property and consists of approximately one half acre along the northern portion of the Project site's lakeshore on the east side of West Lake Road and the remainder is on the west side of West Lake Road.

Each homeowner will be a member of the Project's Homeowners Association (HOA). The HOA will own a large lot which winds through the interior of the Project site and down to the Johnson parcel waterfront. This HOA owned lot will include a trail system and other conserved lands that the HOA will commit to own and maintain by means of a conservation easement. On the separate Marine Club lot, the Applicant will be constructing the West Lake Marine Club, consisting of a Clubhouse, Pump House, parking, docks, and moorings. This lot will also be owned and operated by the HOA for the benefit of its members and their guests.

The Applicant proposes to include the following rules for HOA members in the Declaration of the HOA. This list of rules is not exclusive. Instead, it is presented to the Town of Canandaigua Planning Board to address certain issues that the board is considering as part of its review of the applications for land use approvals that the Project requires. If approved by the Planning Board, the following rules will be incorporated into the Declaration of the HOA, which will be included in the offering statement for the Project that will be filed with the New York State Attorney General, recorded with the County Clerk, and presented to each prospective purchaser as part of the Project offering plan. Each purchaser of a residence in the Project will be required to sign a purchase contract that states that the purchaser has received and reviewed the Declaration of the HOA and acknowledges that purchaser is taking title subject to the restrictions and prohibitions contained therein, including the HOA rules described below.

Marine Club

Use of the Marine Club facilities is restricted to HOA members and their invited guests. The Clubhouse will be available only for private gatherings of the members and their invited guests. Members and their guests using the Marine Club facilities shall follow the following rules:

- No parking along either side of West Lake Road in front of any Marine Club property.

- Use of the Clubhouse is restricted to the following hours 7 00a m till 11 00 p m Friday and Saturday and from 7 00 a m till 9 00 p m Sunday through Thursday during the regular boating season Hours of use will be reduced during the remainder of the year
- Activities allowed after 7 00 p m will be those that will not exceed background ambient noise levels at the Marine Club lot s property lines
- No bar or restaurant services will be permitted that would cause noise to be produced at a more consistent frequency
- All users of Marine Club facilities including the boat owners while on their watercraft within the Marine Club s docking and mooring facilities shall abide by a quiet time requiring all users to adhere to a no nuisance noise policy in the evening that requires all music devices engines generators etc to be shut off between the hours of 10 00 p m and 7 00 a m with the exception of noise related to the normal operation of bilge pumps halyards sheets and dock lines on the boats and anti icing dock bubblers during the wintertime
- Boaters shall avoid impeding the ability of others to use and enjoy the lake including observing a 5 mph no wake zone speed limit within the docking and mooring area obeying the instructions of the HOA s dock attendant regulating to the docking of boats to allow for increased mobility within the docking and mooring complex and lessen the chance for watercraft accidents obeying posted rules and the dock attendant s instructions to dock larger boats farther from the shore and smaller more agile watercraft to be docked closer to shore obeying the prohibition on boats entering or departing the the Marine Club facilities to or from the north or south within 100 feet of shore and confining access to and from the facilities to waters that are to the east of the facilities
- Boaters shall abide by boat noise restrictions in accord with NYS Navigation Law §44 which states
 - No person shall operate or give permission for the operation of any pleasure vessel in such a manner as to exceed a noise level of 90dB(A) when subjected to a stationary sound level test as prescribed by the Society of Automotive Engineers (SAE) J2005
 - No person shall operate a pleasure vessel in such a manner as to exceed a noise level of 75dB(A) as measured as specified in SAE J1970 provided that such measurement shall not preclude a stationary sound level test as prescribed by SAE J2005
 - The law also prohibits modifying boat muffler systems and establish penalties for violations of the above regulations

Use of Trails and Access to Marine Club

For the convenience of the residents and to reduce automobile traffic and parking within the Marine Club the HOA allows residents to walk bike or use their own individually purchased golf carts or similar electric vehicle to access the Marine Club facilities Golf carts or similar electric vehicles shall be restricted to access via parts of the Project s Road A and then to a paved trail within the HOA owned conservation lot from approximately the beginning of the loop part of Road A down the north side of the Project to the Club s parking lot The following rules and restrictions shall apply to use of the trails

- Pedestrians, electric golf carts/electric vehicles and bicycles only
- No ATV type vehicles may be used
- No internal combustion powered vehicles may be used
- The golf carts and bicycles will only be allowed on the trails to travel to and from the Marine Club Use of the trails by electric vehicles or bicycles for any other purpose is prohibited
- A 15 mph speed limit on trails
- 10 mph speed limit on golf carts/electric vehicles
- No golf cart/electric vehicle may proceed onto or across West Lake Road a county highway
- Golf carts/electric vehicles and bicycles shall be parked at a designated area adjacent to the trail near the Marine Club parking lot travel the rest of the way to the Marine Club facilities shall be accomplished by other means
- Residents shall use the Marine Club parking facility for their golf carts/electric vehicles and bicycles only during their use of the Marine Club no overnight parking is permitted
- The HOA maintains the right to prohibit or restrict the golf cart/electric vehicle and bicycle use of certain segments of the trails to maintain safety and preserve the condition of trails by means of posted instructions and consistent with the following factors
 - the trails are expected to be used primarily for pedestrian access and most will be constructed using a bark chip / lawn surface
 - those portions of the trail that may be subjected to more frequent golf cart/electric vehicle use will be constructed of vibration compacted stone dust and/or paved as shown on a drawing that is approved by the Planning Board
 - appropriate signage sight lines and clearing widths along the paths will be maintained to minimize the potential of accidents occurring between pedestrians and golf carts/electric vehicles and bicycles including locating the trails where a

minimum cleared area of at least 3' on each side of the path will be available for pedestrians to step out of the way of the golf carts/electric vehicles installing signage that indicate pedestrians bicycles and golf cart could be on the trails simultaneously and providing additional select clearing of undergrowth and low hanging branches to maintain sight lines around curves

Walkout Basements

Residences that have walk out basements that face the lake have a greater potential visual prominence as viewed from the lake and West Lake Road. In designing these residences a greater aesthetic emphasis will be placed on the lakeside of the house as it is the more visible side from West Lake Road and the Lake. The basement level facades facing the lake will be finished with architectural siding materials window and door treatments consistent with the upper floor(s) of the house. Most of the lots will be adequately screened via trees and other vegetation located in either the HOA owned open space or individual resident owned open space both of which will be preserved via conservation easements dedicated to the Town that will prohibit the HOA and residents from removing such trees or vegetation. Some lots may require the placement of additional evergreen shrubs or other vegetation to be located on the portion of the resident's lot that is not subject to the conservation easements described above. The developer will install such vegetation prior to offering the lot for sale.

The following HOA rules will apply to lots with walk out basements facing the lake as a means of mitigating potential adverse aesthetic impacts

- For those lots where the developer has placed additional evergreen shrubs or other vegetation the owner will be required to maintain the screening vegetation from ground surface to a height of no less than four feet
- All satellite or other telecommunications dishes installed in the rear yards or on the walls or roofs facing the rear yards must be consistent with current industry standards for DirecTV and DISH network services. Dishes may not be larger than the minimum required for these services
- No aboveground pools clotheslines gazebos utility sheds outdoor storage of lawn equipment or tools or tree houses shall be placed in the yards facing the Lake

Yard Maintenance

The Applicant intends to provide a naturalistic site incorporating environmental stewardship as the Project's signature feature. The HOA will implement an Integrated Pest Management (IPM) program on the conservation easement land that it manages. The intent of the IPM program is to minimize the application of pesticides and herbicides using spot treatment rather than overall application and non-chemical methods such as aeration to promote the health of the site's vegetation. The plant materials selected for those areas will be those with limited pest or disease problems. Proper plant selection watering and selective fertilization

techniques mulching and pruning will be key components to insect and disease control within the HOA owned areas. The HOA owned land will be subject to a conservation easement that among its various requirements will require implementation of the IPM plan and restrict use of pesticides to those applied by a NYSDEC certified pesticide applicator to maintain the IPM standards for HOA owned lands.

Fertilizer use in all private and common public areas will be limited to non phosphorus fertilizers. To enforce that requirement on lands owned by individual HOA members the HOA rules will prohibit the use of fertilizers containing phosphorus and require use of fertilizers with a value of zero on the P element of the NPK descriptor typically used for delineating the content of fertilizers.