

**The Smoke Rise Club
Architectural & Variance Design Guidelines**

**THE SMOKE RISE CLUB
ARCHITECTURAL & VARIANCE DESIGN GUIDELINES**

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The Smoke Rise Club

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INTRODUCTION:

The Smoke Rise community was established in 1946. Through the years the original developer enhanced the overall beauty and character of the community by establishing and maintaining high standards for design, construction and landscaping. Unlike so many developers, insistence that the land be kept in its natural state as far as possible was the goal for the Smoke Rise Club, Inc. Our goal is to continue employing those high standards, to protect the environment, and to increase the value of the investment made by our residents.

The objective of this document is to encourage and foster careful design of homes and the surrounding property in order to protect the environment, overall appearance, quality of life and the value of our residents' investments.

These guidelines are intended to help -Owners, architects, builders and designers develop projects that will fit within a defined architectural character. The property Owner is responsible for all work performed by those acting on their behalf. These Design Guidelines address architectural design issues for new homes, remodeling of or additions to existing homes, landscaping, pools, fences, sheds and any other types of construction or external modifications that may be undertaken.

These guidelines allow flexibility for creating unique homes or modifying existing homes or landscapes while maintaining the cohesive nature of the neighborhood and its commitment to quality and detail. Therefore, it is expected that each home will be unique, with features that distinguish it from surrounding homes while complimenting its site and surroundings. It has been determined that the Lots in Smoke Rise, including the Lot which you currently own, contain significant natural features which should be considered when designing a home and site improvement plan. The Architectural & Variance Committee ("AVC") suggests that you schedule a preliminary meeting to review conceptual architectural and engineering designs if your plans differ significantly from current neighboring designs. This will give you an opportunity to become familiar with the AVC's concerns regarding the development of your Lot in accordance with the guidelines while being careful to preserve the integrity of the Lot's natural features.

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INTRODUCTION continued:

Owners, Builders, Architects and Designers must also contact the appropriate governmental officials, including but not limited to Borough of Kinnelon and the Borough of Bloomingdale Building officials and Planning Board representatives, to obtain all pertinent zoning, building and safety requirements prior to commencing design or building efforts. Furthermore, approvals by the AVC with regard to any aspect of a home or property should not be assumed to certify that aspect as being in compliance with any such requirements or as being structurally sound or safe. The AVC review is intended to ensure, among other things, that the home meets the standards of appearance and style that have been established by our community and that the construction or design of the home does not impair the use or value of any other home in Smoke Rise. Approval by the AVC is not in lieu of obtaining all necessary permits or approvals from all governmental agencies having jurisdiction over the Lot.

The New Jersey legislature and courts have confirmed the authority of organizations like The Smoke Rise Club, Inc. to establish and enforce standards and interpretations that are in the interest of the community and are free from caprice, arbitrary action and prejudice. Questions sometimes arise concerning the interrelationship between these Design Guidelines and the zoning ordinances of the Borough of Kinnelon. Generally, the more restrictive applies. Hence, the fact that the Borough of Kinnelon's ordinances may permit a certain use, activity or structure, does not affect the Smoke Rise Club's ability to enforce more restrictive requirements and vice versa.

The Smoke Rise Club, Inc. Board of Governors has designated the AVC to exercise the aforementioned authority, establish standards and procedures, effect enforcement thereof, and furnish pertinent interpretation of the same, when required. This document has been prepared in accordance with this authority.

Any items or issues not addressed in the Smoke Rise Club, Inc. Governing Documents or the AVC Design Guidelines for this community are matters left to the discretionary judgment of the AVC acting in good faith on behalf of the best interests of the Club as a whole. The AVC may, at its discretion recommend to The Smoke Rise Club Board of Governors the amending of these AVC Guidelines from time to time for the purpose of more fully describing their original intent.

It should be noted that the provisions in these documents are "guidelines." This means that there may be instances when the guidelines will not be appropriate or adequate for the unique conditions affecting a particular LOT, and the AVC may be required to utilize discretion in applying the guidelines or make requests of the Lot Owners that are not specifically set forth in this document. Our guiding principles are to protect the environment, overall appearance, quality of life and value of our resident's investments. To the extent the AVC is required to introduce requirements not expressly set forth in this document to satisfy those principles, the AVC will do so.

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INTRODUCTION continued:

The AVC is responsible for the approval of all plans for original construction, structural modifications and other Lot improvements. Its purposes are to ensure that the ambience and quality of homes in Smoke Rise are maintained and that the work done is architecturally and aesthetically appropriate for the site involved.

Aesthetic judgments are, by their nature, subjective. The AVC will attempt to accommodate aesthetic principles that its members may not share with the applicant. Where, however, in the sole discretion of the AVC, those aesthetic principles jeopardize the objectives that the AVC is bound by, it will exercise its aesthetic judgment in a manner that furthers those objectives.

The AVC has the right to waive any of the requirements contained in this document on a case-by-case basis where, in the judgment of the AVC, the circumstances warrant a waiver. Please be aware that in regard to such a AVC waiver, or regarding any AVC decision in which discretion or best judgment is utilized, the decision of the AVC and any waiver or apparent precedent which results shall be applicable only to the particular issue and improvements which are the subject of the decision. Under no circumstance shall any decision be applicable or construed to be applicable to other applications. Accordingly, other applicants should not rely on such decisions to cover their own submission.

These guidelines, along with the provisions set forth in the Smoke Rise Property Owners' Association Declaration of Covenants and Restrictions and By-Laws, provide the authority for AVC review, evaluation, and approval of all plans and specifications for construction or modifications of any kind, including, but not limited to, new homes, additions, pools, fences, sheds, driveways and landscaping.

Copies of the Design Guidelines and Governing Documents of the Smoke Rise Club are available to non-residents at the Smoke Rise Club office during regular business hours at a cost of \$25.

Copies of the documents are available via mail by sending your request and check to:

***The Smoke Rise Club, Inc.
Attn: Architectural & Variance Committee
9 Perimeter Road
Kinnelon, NJ 07405***

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DEFINED TERMS:

1. **AVC:** Architectural & Variance Committee established under the Smoke Rise Property Owners' Association Declaration of Covenants and Restrictions and By-Laws to act on behalf of the Smoke Rise Club and its Residents.
2. **CORNER LOT:** A Lot at the junction of two (2) or more intersecting streets where the interior angle of the intersection does not exceed 135 degrees. Each corner Lot will be deemed to have two front yards, one side yard and one rear yard.
3. **DECLARATION:** Means the Smoke Rise Club, Inc. Declaration of Covenants and Restrictions dated September 29, 2006, and recorded October 3, 2006 in Book 20634, Page 1332, as the same may have been thereafter lawfully amended.
4. **DWELLING:** Means a structure intended for use and occupancy as a residence for a single family.
5. **FRONT YARD:** The area extending across the full width of a Lot line between the street line and the dwelling. (See definition of "Irregular Yard.")
6. **GOVERNING DOCUMENTS:** The Declaration, Smoke Rise Club Inc. Bylaws attached to the Declaration as Exhibit "B," the Certificate of Incorporation for the Smoke Rise Club, Inc. and the Rules and Regulations of the Smoke Rise Club, Inc.
7. **IRREGULAR YARD:** Each yard of an irregularly shaped Lot/dwelling shall be determined by placing a rectangle in said yard between the property line and the structure which rectangle shall be the depth required for the yard in that particular zone as defined in the Kinnelon zoning ordinance and the width of the structure on that side of the Lot measured by extending the lines of the structure.
8. **LAKE KINNELON EASEMENT:** Means the Body of water located within and owned by the Smoke Rise Club, Inc. No Lot Owner may erect any item, obstruct to any extend, or use in any way the fifty (50) foot strip of land surrounding the perimeter of the Lake owned by the Club, subject to the easements set forth in the Declaration, and all applicable local, state and federal ordinances, regulations and law.
9. **LOT:** Means an independent parcel of property upon which a Dwelling has been constructed or upon which a Dwelling may be constructed in accordance with all applicable law, or any individual parcel of property shown on a final subdivision map recorded in the Office of the Clerk of Morris County, which has been conveyed to an individual Owner.

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DEFINED TERMS continued:

10. **OWNER(S)/LOT OWNER:** Means one or more persons having fee simple title to a Lot, as shown on the records of the Morris County Clerk's office, but despite any applicable theory of mortgage, shall not mean or refer to any mortgagee unless and until the mortgagee has acquired title to any Lot following foreclosure proceedings or any proceeding in lieu of foreclosure, nor shall the term "Lot Owner" or "Owner" refer to any lessee or tenant of a Lot Owner.
11. **PROFESSIONAL CONSULTANTS:** Means architects, builders, designers, landscapers, contractors or other professionals assisting an Owner complete Work.
12. **REAR YARD:** The area extending across the full width of the Lot between the rear Lot line and the dwelling. (See definition of "Irregular Yard.")
13. **RESIDENT:** Means – an individual residing within the Smoke Rise community.
14. **SIDE YARD:** An open space extending from the front yard to the rear yard and lying between each side Lot line and the closest point of the dwelling. (See definition of "Irregular Yard.")
15. **SMOKE RISE CLUB:** Means the The Smoke Rise Club, Inc., including the Articles of Incorporation and Governing By-Laws.
16. **SMOKE RISE CLUB FINES:** see Amended Bylaws of The Smoke Rise Club, Inc.
17. **SMOKE RISE CLUB SETBACKS:** No structure shall be erected nearer to any Lot boundary than the limits established by the setbacks shown on any recorded subdivision plot, nor nearer than 50 feet from the front, side and rear lines of the Lot, whichever setback is greater.
18. **SMOKE RISE CLUB ROAD RIGHT-OF-WAY:** A strip of property parallel to the roadway extending from the edge of the macadam roadways to the property line(s), approximately 12 feet in width.
19. **WORK:** Means construction, demolition or modifications of any kind to a Dwelling or Lot, including, but not limited to, new homes, additions, pools, fences, sheds, driveways and landscaping.

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LIMITATION ON LIABILITY:

The standards and procedures established in these Design Guidelines are intended to provide a mechanism for maintaining and enhancing the overall aesthetics of the Smoke Rise Club, but neither the Smoke Rise Club nor the AVC shall bear any responsibility for ensuring structural integrity or soundness, or compliance with building codes and other governmental requirements, or ensuring that structures are located so as to avoid impairing view from or other negative impact on neighboring Lots.

Neither the Smoke Rise Club, the Board, the AVC nor any member of any of the foregoing shall be held liable for soil conditions, drainage problems or other general site work, nor for defects in any plans or specifications submitted, nor for any structural or other defects in Work done according to the approved plans, nor for any injury, damages or loss arising out of the manner, design or quality of approved construction on or modifications to any structure.

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ENFORCEMENT:

Any Work performed in violation of these Design Guidelines or in a manner inconsistent with the approved plans shall be deemed to be nonconforming. Upon written request from the Smoke Rise Club or the AVC, Owners shall, at their own cost and expense, remove any non-conforming structure or improvement and restore their property to substantially the same condition as existed prior to the non-conforming Work.

Should an Owner fail to remove and restore as required, the Smoke Rise Club or its designee shall have the right, but not the obligation, to enter the Lot, remove the violation and restore the property to substantially the same condition as previously existed at the Owner's expense, and any such action shall not be deemed a trespass. Upon demand, the Owner shall reimburse all costs incurred by any of the foregoing in exercising its rights under this Section. The Smoke Rise Club may assess any costs incurred in taking enforcement action under this Section, together with interest and maximum rate then allowed by law, against benefited Lot in the same manner as a Common Expense assessment. (See Article IX, Fiscal Management, Smoke Rise Club, Inc. Amended Bylaws). In the event of a continuing violation, the Smoke Rise Club, Inc. may deny access to Smoke Rise by any contractor performing work on the Owner's Lot until a written agreement concerning mitigation of the non-conforming work has been entered into.

Further, the AVC will grant no approval if any assessments, fees, or charges by the Smoke Rise Club, Inc. are delinquent. If any delinquency occurs during construction, access to contractors working on the Lot may be revoked until all assessments, fees and charges have been paid in full.

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OTHER CODES, LAWS, RULES AND ORDINANCES:

Approval of plans by the AVC does not eliminate the Owner's obligation to comply with existing laws, permitting procedures, ordinances, rules and regulations made by any Governmental Authorities, the Borough of Kinnelon or with any terms and conditions required under these documents, rules, regulations and/or guidelines of the Smoke Rise Club or any deed, lease, or mortgage.

Conversely, compliance with existing laws, regulations, ordinances, rules and directions of governmental authorities does not eliminate the Owner's obligations to comply with Smoke Rise Club's rules, regulations and policies. The following guidelines give an overview of the issues that need to be addressed when presenting an application to the AVC.

Plans must be submitted and approved by the AVC prior to submission to the Borough of Bloomingdale Construction Department (see note below). Issuance of a building permit by the Borough of Bloomingdale does not release an Owner from obtaining approval from the AVC in accordance with the Declaration and these Guidelines.

Owner(s) shall be subject to the more limiting or restrictive requirements of the Smoke Rise Club or any governmental entity having jurisdiction over the performance of any Work.

NOTE: CONSTRUCTION OFFICE NOTICE:

Effective October 1, 2008, all normal and customary business conducted by the Kinnelon Construction Department were transferred to the Borough of Bloomingdale Construction Department. This comes about as the result of a negotiated Shared Services Agreement.

Their office location and telephone number are listed below:

The Construction Department is located in a separate building adjacent to the Municipal Building at 101 Hamburg Turnpike, Bloomingdale. Parking is in the rear of the Municipal Building. Enter between the Municipal Building and the Bloomingdale Fireman's Hall. The telephone number is 973-838-7995.

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GENERAL DESIGN:

The design of the dwelling must be integrated with and conform to the site, **not the site modified to conform to the dwelling**. This policy includes, but is not limited to, the following rules:

1. All construction must be located a minimum of: 50 feet from the front, 50 feet from the rear and 50 feet from the side property lines. Back lots have a setback of 75 feet for side, rear and front yards. Any deviation from this requires a variance from the AVC and the Borough of Kinnelon (Board of Adjustment).
2. The home must be designed to match the existing natural grades of the site with as little earth grading as possible.
3. No natural rock walls will be altered in any manner unless access to the property could not be gained without some alteration of the wall(s).
4. The only trees that may be removed are those that are absolutely required to gain access to the site, are located in the footprint of the building envelope, driveway, septic field, well, swimming pool, or other approved improvement.
5. All tree removal will be subject the Smoke Rise Club Declaration section of the Bylaws and to review and permitting by the AVC and/or the Borough of Kinnelon Forester and be subject to the Borough of Kinnelon's Tree Ordinance. Tree removal will not be permitted within any Smoke Rise Club easements and/or right of way.
6. Exterior features may be incorporated to add interest and variation to the appearance are encouraged to be incorporated such as bay windows, decks, varying the height of roof lines, roof line with ridges in more than one direction, large roof overhangs, porches, covered entryways, offset chimneys, stairs, cantilevers, wing walls, natural stone, brick and natural woods, and so forth.
7. Landscaping should conform to the property. Whenever possible, native trees and shrubs to New Jersey should be used. Hedges and windscreens are considered acceptable forms of fencing. Berms, low natural rock walls and tree wells are suitable landscaping features.
8. All pools, tennis, or basketball courts must be constructed fifty feet back from any property line and any deviation requires a variance approval from the AVC.
9. No garages may be constructed separate from the residence and where possible, depending on the lot, the garage doors must not face the front of the property or main roadway. See Number 17 Garage under Definitions.

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GENERAL DESIGN continued:

10. No permanent fences with concrete footings, free standing walls, curbing or structures of any sort may be built on Smoke Rise Club property, including road right-of-ways (extending from the edge of the macadam roadways to property lines, or approximately a twelve foot strip parallel to the roadway).
11. Diverting waterways, creating ponds, disturbing wetlands is contrary to the concept of the Smoke Rise preserve and any such considerations require review by the Smoke Rise AVC, Smoke Rise Board of Governors, Borough of Kinnelon and other state and/or federal agencies.

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DURATION OF APPLICATION:

If construction does not commence on any Work for which approval has been granted within 12 months of such approval, such approval shall be deemed withdrawn, and it shall be necessary for the Owner to resubmit the plans for reconsideration in accordance with such Design Guidelines as are then in effect prior to commencing such work.

All Work shall be completed within 12 months of commencement (as evidenced by the date of the building permit, if any, for the Work, or otherwise upon the date of a actual commencement of the Work) or such greater or lesser period as may be specified in the notice of approval, unless completion is delayed due to causes beyond the reasonable control of the Owner, as determined in the sole discretion of the AVC.

In the case of a new dwelling, if the Owner fails to complete the Dwelling within the permitted time period, the Smoke Rise Club may deny access to the contractors, subcontractors or agents of the Owner to the Smoke Rise Club and the Smoke Rise Club shall be authorized to cause any incomplete structure to be demolished or completed, and all disturbed areas of the Lot to be graded and properly stabilized, all of which shall be at the sole cost and expense of the Owner and may be charged to the Owner and collected from the Owner in the same manner as Common Expenses. The Smoke Rise Club shall have no liability whatsoever to the Owner for demolishing or completing a structure in accordance with the terms of this paragraph and the commencement of construction of any improvement by an Owner or Owner's agent shall be an acknowledgment that the Owner releases the Smoke Rise Club from any such liability.

VARIANCES:

The AVC may, but shall not be required to, authorize variance from compliance with any of the provisions of the Design Guidelines when circumstances such as topography, natural obstructions, extreme hardship, or aesthetic or environmental considerations require, or when architectural merit warrants such variance, as it may determine in its sole discretion. Such variances shall be granted only when, in the sole judgment of they reviewing entity, unique circumstances exist, and no Owner shall have any right to demand or obtain a variance. No variance shall (i) be effective unless it is in writing, (ii) be contrary to the purposes of these Guidelines, or (iii) prevent a reviewing entity from denying a variance in other circumstances.

Note: Please see the Smoke Rise Declaration of Covenants and Restrictions Document Section 11.4.

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APPLICATION REQUIREMENTS:

In order to obtain a review of the application for the Work by the AVC, the Owner must be a Resident in Good Standing as defined within the Smoke Rise Club Governing Documents.

1. An applicant must submit the following information along with the appropriate AVC Project Application.
2. One copy of a current site plan prepared by a licensed surveyor. Site plan to indicate where the proposed project will be constructed or erected on the property.
3. Large-scale architectural drawings with an Architects Seal must be submitted, along with a file copy that is sized to 11 x 17 inches. **Note:** Preliminary drawings (those without Architect's Seal) may be submitted for consideration prior to formal submittal. (However, no application will be approved based on preliminary drawings or an incomplete application).
4. Building Information: Code Information, Living Area Square Footage, Total Volume Numbers and Lot and Block Numbers.
5. All exterior elevations shall include the relationship of the building's finished floor elevation to the proposed finished grade of the Lot on each elevation, including a roof plan, all decks and patios. Floor plans shall be submitted at a scale of no less than 1/8" equals 1'-0".
6. Provide with the drawings a schedule of finish exterior materials including, but not limited to, the following:
 - Roofing;
 - Masonry Style;
 - Siding;
 - Doors;
 - Windows;
 - Trim (window surrounds, fascia, soffits, and corner boards);
 - Gutters and leaders;
 - Walkway(s), and patio(s);
 - Decks, sunrooms or conservatory.
7. Proposed layout of driveway, septic, well, patios, decking, fencing, swimming pool, shed, oil tanks, heaters, propane tanks, filters, air conditioning condensers, gazebos, etc. shall be indicated on the site plan.

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APPLICATION REQUIREMENTS continued:

8. All setbacks, right of ways and easements must be detailed on plans. Site constraints should be clearly indicated and limits of vegetation and other significant features shown.
9. It is suggested that photographs of the Lot and/or dwelling being developed or modified be submitted to the AVC along with the application. The photographs must represent the site prior to any disturbance of the Lot. They must contain sufficient detail to allow comparison of the site at various stages during construction. NOTE: if photographs are not submitted, the AVC will visit the property to take the pictures.
10. Photograph(s) of the style of fencing, shed, gazebo, decking, etc. are to be included in the application.
11. The AVC reserves the right to request a grading plan should the submitted project involve extensive grading. Grading in this instance means more than ¼ acre in addition to the area of the foundation and the traveled portion of the driveway. The detailed grading plan, which is not limited to setbacks of adjacent Lots, shall be submitted with contours at two-foot (2') intervals. Contours shall extend off-site far enough to show compatibility with adjacent properties. Proposed and/or existing retaining/rock walls must be clearly identified.
12. It is imperative that the drawings submitted to the AVC be accurate as to the Work that is to be performed. Inconsistency, incompleteness and inaccuracy shall be cause for rejection of an application by the AVC.
13. Revisions must be drawn and re-submitted before the AVC can issue a formal approval unless the nature of the revision is such that the AVC can accurately describe it in a letter of conditional approval.
14. Resident Notification should accompany the application. Proof of resident notification stating the type of Work to be performed by the Lot Owner is to be provided to each Lot Owner owning a Lot that is located within 200 feet from the Lot upon which the Work is performed. Note: this information can be obtained from the Smoke Rise Club office.

Submittal of the application shall be authorization to the AVC to make on-site inspections of the Lot where the proposed alteration/addition is to be completed and on-site observation of Work during construction to determine reasonable compliance with the approved submittal.

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RESIDENT NOTIFICATION:

For all projects, the applicant is required to give notice by Certified Mail or Hand Delivered Letter (indicating receipt by property Owner (“Resident”) to all property Owners within 200 feet of the applicant's property lines.

No email notification is allowed as of this writing.

Such notice must contain a clear and accurate description of the Work that is being applied for. The notice must also inform the receiver/resident that they may review the application and plans at the Smoke Rise Club business office and have 10 days from the date of the notice to provide any comments or objections to the AVC for consideration in the approval process.

The notice must provide that all comments are to be mailed directly to the AVC at the Smoke Rise Club office. If a resident raises an objection, the AVC will review the objection prior to approval. All plans for review will be available for viewing at The Smoke Rise Club office located at 9 Perimeter Road during business hours or at another time mutually agreeable with the requesting Resident and a member of the AVC.

For a sample of the Resident Notification, see the Appendix at the end of this document.

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SITE LOCATION:

When determining the exact location for the - dwelling, consideration should be given to the following:

1. Outstanding natural features of the property.
2. Mature, well shaped trees, rock out-croppings, and undulating or multi-tiered terrain; Protection of the environment is of paramount importance and, as such, primarily entails the preservation of natural rock formations and other scenic features;
3. Minimum clearing of trees;
4. Restoration of disturbed areas to their natural condition or to an enhanced state;
5. Protection of adjacent property by the execution of drainage control;
6. The design must be integrated with and conform to the site, not the site modified to conform to the dwelling.

This policy includes but is not limited to the following rules:

1. Site and home plans should be designed to avoid or, at the very least, minimize, blasting and/or rock removal. In addition to maintaining the natural appearance of the property, this approach reduces the risk of damage to nearby property and homes.
2. The home must be designed to match the existing natural grades of the site with as little earth grading as possible.
3. Natural rock walls or outcroppings shall not be altered in any manner unless access to the property could not be gained without some alteration of said wall(s) or outcroppings.
4. The only trees that may be removed are those that are absolutely required to gain access to the site, are located in the actual piece of property where the structure will be built, or must be removed to allow for the placement of utilities. Any trees removed contrary to this rule or without the approval of the AVC will result in a fine and will be replaced with a tree or trees of the same type and size at the expense of the Lot Owner.
5. The construction of large pads to make flat sites on sloping Lots is prohibited.
6. Cutting and filling will be blended into the adjacent ground levels through the use of terraces not more than four (4) feet in height, or as otherwise approved.

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SITE LOCATION continued:

7. Retaining walls will be of natural rock (mortared or rip rap), brick, or other materials that are approved by the AVC. All Retaining walls greater than 4 feet in height will require approval by the AVC, and a licensed engineer of the State of New Jersey must certify the design of the wall.

8. Walks, stairs, terraces, patios, exterior paved areas, fences, walls, etc. will be unobtrusive, natural in appearance, and an integral part of the architectural design of the overall project.

9. Driveways should be designed in a manner that takes advantage of the natural contours of the land so as to avoid or minimize blasting and/or rock removal. Home designs must accommodate this approach. You may not cause damage to any Smoke Rise road, right-of-way drainage, or other Smoke Rise property creating new driveways or repairing/paving existing driveways.

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SITE GRADING:

All grading, excavation, fill and site work shall be done only in accordance with the approved drawings. Such work shall be done so as to create a minimum disturbance on the site and surrounding properties. Owners should choose an appropriate plan to fit the basic slope of the site, and consider the use of retaining walls, or terraces to minimize grading.

1. No excavation may be done without prior written approval of the AVC.
2. All necessary permits for grading plans must be procured from the Borough of Kinnelon and/or the Borough of Bloomingdale.
3. All construction related debris and equipment must be cleared from easements and rights-of-ways at the close of each workday.
4. All disturbed areas shall be landscaped after construction is completed.
5. Surface drainage must not be altered or obstructed, except to reduce the amount of runoff onto adjacent Lots or to avoid water infiltration into the Dwelling to be constructed.
6. Surface runoff shall be dispersed or channeled in a manner to prevent erosion according to approved grading plans.
7. Excavation shall be done so as not to create drainage problems for abutting properties.
8. The plan shall call for the use of soil erosion and sediment control measures to prevent erosion of soil or the depositing of soil or sediment in streams, brooks or upon the common property.

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BLASTING:

Blasting and/or rock removal should be avoided or minimized in all site plans. However, in cases where blasting is unavoidable it will be approved subject to the Builder or its blasting contractor providing appropriate proofs of licensing to perform such work. In addition, insurance information must be provided to the The Smoke Rise Club, Inc. offices to maintain should any Smoke Rise resident complain of property damage as a result of blasting.

The blasting company will provide written notice of the proposed blasting to residents in close proximity to the blasting site **as required by applicable law**. The blasting company must also provide an opportunity for an insurance representative of the blasting company to inspect the condition of the homes with the residents, and provide dates when the blasting will occur.

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THE AVC REVIEW PROCESS:

The AVC meets on the last Tuesday of each month (this meeting is subject to change based on the availability of meeting room). Applicant must submit a complete application to the AVC according to the AVC Application Timetable published in the Smoke Rise Newsletter and/or on the Smoke Rise Club website: <http://www.smokerise-nj.com>.

The AVC shall, within 30 days after receipt of each submission of the plans, advise the Owner, in writing, at an address specified by such party at the time of submission, of (i) the approval of the plans, (ii) the disapproval of such plans, specifying the segments or features of the plans which are objectionable and suggestions, if any, for curing of such objections; or (iii) request additional information or more detailed plans to allow the AVC to render a decision. In the event the AVC fails to advise the submitting party by written notice within the time set forth above of either the approval or disapproval of the plans, or of the need for additional information or more detailed plans, the applicant may give the AVC written notice of such failure to respond, stating that unless the AVC responds within 14 days of receipt of such notice, approval shall be deemed granted. Upon such further failure, approval shall be deemed to have been given. If any time period stipulated herein would expire on a legal holiday, Saturday or Sunday, the time for response shall be deemed extended to the next business day. No approval granted by default shall be inconsistent with the Design Guidelines unless a variance has been granted pursuant to Paragraph 11.4(d) of the Smoke Rise Declaration of Covenants and Restrictions.

Upon conclusion of the review process, a letter of approval will be issued to the Owner that identifies each condition of approval. This approval letter will be required to be submitted by the Owner to the Borough of Bloomingdale Construction Department to obtain the necessary permits for the Work. The AVC Committee reserves for itself and/or its agents the right to enter onto the Lot at any time to perform inspections to ensure compliance with the conditions of approval issued by the AVC.

Appeal: If the applicant feels that his/her application was unfairly denied or is not satisfied with the conditions under which approval was given, the applicant is entitled to an appeal. A written request for an appeal should be addressed to the AVC. The applicant will be given an opportunity to present his/her application at a subsequent meeting of the AVC.

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DESIGN GUIDELINES AND DEFINITIONS:

1. **ADDITION/RENOVATION:** Any external improvements or construction to the original building structure. Any internal renovation to the dwelling that is not visible from the outside of the structure does not require approval by the AVC (kitchen remodel, etc).
2. **BASKETBALL BACKBOARDS/BASKETBALL COURTS:** Basketball backboards may be attached to the dwelling or garage. Freestanding units may be considered if located within 15 feet of the dwelling or garage and may be located on side or rear yards. The unit must be properly maintained, and the backboard and frame must be kept properly painted. Basketball courts must adhere to the 50-foot property setbacks. No basketball backboards may be placed on Smoke Rise Club property or roadway(s).
3. **BELGIAN BLOCK:** May only be used on resident internal driveway and may not be brought out onto the Smoke Rise Club right-of-way, curb line, roadway, interfere or change the drainage on that roadway or neighboring property(s).
4. **BUILDING ENVELOPE:** The exterior surface of a building's construction--the walls, windows, floors, roof, and floor.
5. **CARPORTS:** Freestanding Carports are not allowed.
6. **CHIMNEYS AND FLUES:** Flues that exit through the foundation, roof, or wall of the dwelling and run vertically up the exterior wall shall be totally enclosed.
7. **COLORS:** All house and outbuilding (shed/gazebo etc) are required to blend in with the natural environment in Smoke Rise.
8. **CONCRETE FOUNDATION/EXPOSURES:** Concrete block and poured reinforced concrete foundation walls are the acceptable building norm. In either case, a good plaster coat to obscure joint lines must be applied. When a dwelling is being built into a slope, stepping the masonry foundation wall down in order to minimize above grade exposure and framing the remainder of the basement level walls for siding material is required. In these instances, decorative stone or other masonry is required to mask the exposure.
9. **CONSTRUCTION:** Any disruption, change or alteration to an existing Lot or structure on a Lot. This includes any pre-construction activities and/or alterations, such as clearing of trees and grade alterations.

The Smoke Rise Club
Architectural & Variance Design Guidelines

DESIGN GUIDELINES AND DEFINITIONS continued:

10. **DECKS**: When planning decks, the Owner should consider the relationship and requirements of the rooms within the home, topography, adjacent homes and outdoor spaces, and the visibility of the understructure. The deck shall appear as if it were an extension of both the home and landscape. If the deck is directly visible from the roadway and adjacent residences, particular attention must be given to continuity of design of the deck and the home. All decks must comply with law regarding vertical railing requirements, railings, tread rise measurements etc. Decks must adhere to the 50-foot property setbacks.
11. **DEMOLITION**: Removal of a portion or of the entirety of a Dwelling. Approval from AVC and the Borough of Bloomingdale is required. Written notice by the Owner to the Residents of adjoining Lots is required for proceeding.
12. **DOG HOUSES**: Must not be located within the 50-foot setbacks and may not be visible from the street.
13. **DOG RUNS**: Not allowed.
14. **DOORS**: The front door will be specifically reviewed for aesthetic consistency with the dwelling. Interior planning can impact not only the location of the front door but also its overall size. A dwelling with a substantial front elevation should have a door and entryway appropriate in scale.
15. **DRIVEWAYS**: Driveways must adhere to the 50-foot side setback. Driveways should be constructed of suitable material such as asphalt, concrete, gravel or brick pavers. Driveway cuts (aprons) onto streets shall be limited to one (1) per Lot, unless otherwise approved by the AVC. The Owner must attempt to minimize earth cuts and fills and to limit the disturbance of natural vegetation. New driveways or repaved driveways must not interfere with or change road drainage. **Note**: see Belgian Block.
16. **EXCAVATION**: Any disturbance of the surface of the land (except temporarily for planting), which results in removal of earth or rock for a depth of more than eighteen inches (18") shall not be permitted without AVC approval.

The Smoke Rise Club Architectural & Variance Design Guidelines

DESIGN GUIDELINES AND DEFINITIONS continued:

17. **FENCES**: No permanent fences with concrete footings, freestanding walls, curbing or structures of any sort may be built on Smoke Rise Club property, including road right-of-ways.

- All fencing facing all roadways must be decorative in nature.
- Metal/Iron/Aluminum fencing should be black or bronze in color.
- No green or aluminum color chain link fence is allowed.
- “Deer” or “Snow” fencing is not an acceptable style of fencing for the property. This fencing may **ONLY** be used around a plant or tree and must be black in color.
- No fencing can be secured in any manner to existing trees (as posts) on the property.
- The “finished” side of the fence must face the neighbor’s side.
- Fence must be located behind the front setback of the home.
- Fence height can be no greater than 6 feet in height. Any fence greater than 6 feet in height will require approval for a variance from the AVC and will require a variance from the Borough of Kinnelon.
- Uniform Construction Code for a fence surrounding a pool requires a minimum of 4 feet in height with self-closing gate latches and vertical members in the fence must not be greater than four inches apart.
- Side property line set back must be one foot.
- All fences must be set back at least 20 feet from the rear property line.
- No invisible or visible fencing is allowed that emits an audible electronic sound when intruded upon.

18. **FENCES (“COMPOUND”)**: A Resolution passed on March 26, 1990 by the Smoke Rise Club Board states: “Because the concept of constructing a fence to create a “compound” is wholly inappropriate to the purpose of the Smoke Rise Reservation, where naturally wooded borders, boundaries and breaks are used to preserve the privacy and beauty of residential property, be it resolved by the Smoke Rise Board of Governors that Smoke Rise Club Members/residents shall not build “stockade” or “institutional “ type fence structures that are constructed parallel to front property lines of an acreage plot, requiring main gates across driveways for access, with the intent that the residence will be completely enclosed in a compound, totally isolated and separated from surrounding Lots.”

**The Smoke Rise Club
Architectural & Variance Design Guidelines**

DESIGN GUIDELINES AND DEFINITIONS continued:

19. **FILL**: Any addition of rock or earth materials to the surface of the land that increases the previous elevation of such surface by more than eighteen inches (18"). See the Morris County Soil Conservation website:
[http://www.mcscd.org/index_files/Soil Act.pdf](http://www.mcscd.org/index_files/Soil_Act.pdf).
20. **FLAGPOLES**: Shall be permitted with a maximum height of 20 feet. Flagpole must be located outside of the Smoke Rise Club's 50-foot setback and must be set back a minimum of 50 feet from any property line. NOTE: Lighting of flagpoles at night on private residences is not permitted so your flag(s) must be lowered each evening.
21. **GARAGE**: No garages may be constructed separate from the residence. Garage doors shall open to the side or rear yards unless site conditions require front-yard access. NOTE: the Borough of Kinnelon Ordinances limit the number of garages to a total of four if the property is over 60,000 square feet and to three garages if the property is less than 60,000 square feet.
22. **GAZEBO**: All Gazebo size, placement and design shall require approval by the AVC. Only one Gazebo will be allowed on any Lot. Gazebo placement must adhere to the 50-foot property setbacks.
23. **GATES/PIERS**: Gates and Piers designed for driveways are subject to the same height and setback requirements as fencing. Under no circumstance will a driveway gate be attached to any adjacent fencing.
24. **GREENHOUSES/SOLAR ROOMS/CONSERVATORY**: Construction of such rooms must be consistent with the style of and proportional with the size of the home and attached to it. The framing and other materials must blend with the colors of the home. In all cases these rooms shall not be freestanding.
25. **IMPROVEMENTS**: Include, but are not limited to, buildings, roads, driveways, parking areas, fences, retaining walls, swimming pools, sheds, stairs, decks, hedges, windbreaks, pools, and other structures of any type or kind.

**The Smoke Rise Club
Architectural & Variance Design Guidelines**

DESIGN GUIDELINES AND DEFINITIONS continued:

26. **LANDSCAPING:** A master plan for landscaping is required even if planting is to be undertaken in stages. It is strongly recommended that plantings be arranged in clusters or groups rather than in straight lines to give a natural effect. Unnatural material such as plastic fencing, artificial flowers and painted rocks are not allowed.

When having mulch or other bulk materials delivered, please have items placed on your own property, and not on the Smoke Rise Club roadways or right of ways. No trees or shrubbery shall be planted or maintained upon any portion of any Resident's Lot that lies within the Smoke Rise Club right of way, abutting a curve or corner of intersecting streets. For landscape screening, the following criteria are required at time of planting:

- All landscaping must adhere to the 50-foot Smoke Rise Club side setbacks and front setbacks regarding Smoke Rise road easements.
- Plants must be fast growing evergreen material and of a density to provide immediate screening.
- Material must be a minimum of 2/3 the height of the object to be screened, or 4' tall, whichever is greater.
- The requirement for submitting a landscaping plan also applies when a Resident is significantly altering the landscaping on any portion of a yard.
- Significant alteration of landscaping is defined as a major change to any of the landscaping features on the Lot and its plantings.
- Any alteration that diminishes 25 percent or more of the existing vegetation, or adds 25 percent or more to the existing vegetation, of any landscaped feature will be considered a "significant alteration," whether such addition or diminution occurs in one year or over a period of two or more years.

The Smoke Rise Club
Architectural & Variance Design Guidelines

DESIGN GUIDELINES AND DEFINITIONS continued:

27. **LEADER DRAINS/ GENERAL DRAINAGE**: The leader drain must be discharged in a fashion that controls the runoff onto neighboring and common properties and further, does not cause erosion. Exposed gutters and downspouts shall be colored to blend in with the surface to which they are attached. The Borough of Kinnelon/Bloomingtondale must approve subterranean leader systems.

- Drainage in general: All run-off must be handled by adequately sloping all roofs and outdoor areas to positively direct water away from buildings. Connect all roof drains to an approved storm water drainage system.
- The natural flow of water from one property to another prior to the uphill home being built may continue to flow in the same direction after the home is built only if (1) there is no diversion or channeling which results in the water flow being concentrated in one area and (2) there is no substantial construction on the uphill Lot resulting in increased rates of surface run-off.
- If a detrimental change in the natural pattern of drainage on the uphill Lot has occurred, the uphill property Owner is responsible for interception and piping or directing surface water to natural drainage areas or the storm water drainage system.
- The downhill property Owner is responsible for providing proper drainage for water flow that occurs in accordance with natural drainage patterns that existed prior to construction.
- Due to the inherent difficulty in accurately predicting post-construction water flow from a Lot, changes in water flow may not be discovered until well after the construction is completed. In such cases, if it is determined that the Lot is generating an additional flow or intensity of storm water across an adjacent property, in excess of what existed prior to construction, the Owner, at the
- Owner's expense, will undertake all measures necessary to abate the excess flow of storm water.

28. **LIGHTING**: Lights should be aesthetically planned for each location. Low voltage lighting is required for all exterior lighting. Exterior lighting should not illuminate any adjacent property or public open space. This pertains to patio, deck, pool, driveway and other property related lighting. Lights shall be located and aimed so the filament glare is not visible from any adjacent properties and/or streets. The maximum permissible luminary mounting height shall not exceed 15 feet above ground level.

29. **OUTBUILDINGS**: No outbuildings, with the exception of Storage Sheds or Gazebo's as outlined in these Design Guidelines, shall be erected or maintained on any Lot.

The Smoke Rise Club
Architectural & Variance Design Guidelines

DESIGN GUIDELINES AND DEFINITIONS continued:

30. **PADDLEBOARD COURTS:** Must not be constructed within the 50-foot setback from any portion of the property line. Paddleboard Courts can only be constructed in the rear yard of the Lot. All Paddleboard Courts must have approval from the Borough of Bloomingdale and comply with impervious coverage requirements. Paddleboard Courts constructed on private residences may not be illuminated during the evening.
31. **PLAY EQUIPMENT:** All play equipment including, without limitation, plastic toddlers' play equipment, swing sets, sliding boards, trampolines, apparatus that contains a net and all equipment that is expressly used for play use, shall be located in the rear yard and set back at least 50 feet from any adjoining Lot. When it is not reasonably practicable to locate playground equipment in the rear yard, a Lot Owner must apply for a variance to the AVC. Without approval of a variance, no playground equipment may be located other than in the rear yard. Equipment should be inconspicuously located (rear yard preferred). Natural wood play equipment is recommended; however, metal and/or plastic play equipment may be used. Equipment must be maintained and removed when no longer needed.
32. **PATIOS/SWIMMING POOL SURROUNDS AND WALKWAYS:** Brick/or other stone pavers, bluestone and stamped concrete are permitted. The AVC will approve all other materials on a case-by-case basis. Patio and swimming pool surround approval is subject to size, location and percentage of impervious cover. No macadam surfacing is allowed.
33. **PORTABLE POOL:** Any above-surface type of swimming pool constructed of canvas, rubber, plastic or other material, not designed or intended to be stationary or permanently fixed but designed and intended to be removed and stored. All portable pools can only be erected in the rear yard of the Lot and must adhere to the 50-foot property setbacks.
34. **PROPANE TANKS:** All propane tank utilized for a swimming pool must be located within the fenced area and not visible from the street. All propane tanks of 250 gallons and greater must either be buried or landscaped using bushes, fencing or rock walls that hide the tank from view on a year round basis. With new construction or major renovation, all propane tanks should be buried.
35. **ROOF-REPLACEMENT:** No metal roofs are allowed at this time. Replacement or repair to an existing roof does not require AVC application, only advisement to the Smoke Rise Club office.

**The Smoke Rise Club
Architectural & Variance Design Guidelines**

DESIGN GUIDELINES AND DEFINITIONS continued:

36. **SEPTIC**: Abandoned or unused septic sites or perc or soil log test holes must be returned by the Owner to a natural state equivalent to the original surrounding terrain.

37. **SHEDS (STORAGE/UTILTY)**: Storage sheds must conform with the following guidelines:

- Sheds must be no greater than 120 square feet (10 feet x 12 feet);
- Sheds must not be placed within the 50-foot property line set back;
- Sheds must not be placed on the driveway;
- Sheds must be located to the rear of the side of the existing residence;
- Sheds must be landscaped;
- Sheds must be painted or stained to blend in with the surroundings.
- Only one (1) shed is allowed on a Lot.

38. **SIDING**: Siding is allowed in the following materials: wood/stucco/natural or artificial stone/vinyl. Residing in the same material **does not** require AVC application, only advisement to the Smoke Rise Club office.

39. **SOLAR COLLECTORS/SOLAR PANELS/OTHER SOLAR**: Will only be approved where they do not materially detract from the appearance of the dwelling. In addition, any solar collectors installed must blend with the color of the roof shingles and may only be installed on the non-street side of the roof. As of January 2008, solar collectors/panels will not be allowed to be located anywhere on a Lot other than on a roof.

40. **SWIMMING POOLS**: Any private pool, having a depth of more than 18 inches below the level of the surrounding land, or any above-surface pool having a depth of more than 18 inches, and in each case a surface area exceeding 100 square feet, designed, used and maintained for swimming by an individual for use by members of their household and guests and located on the same Lot as the Dwelling to which it is an accessory. Swimming pools can only be constructed in the rear of the Lot and must adhere to the 50-foot setbacks.

41. **TEMPORARY BUILDING/TENT**: No tent(s) or temporary building(s) may be erected or maintained upon any Lot, except for tents temporarily erected for lawn parties or similar functions, provided such tent(s) are erected for not more than three (3) days.

**The Smoke Rise Club
Architectural & Variance Design Guidelines**

DESIGN GUIDELINES AND DEFINITIONS continued:

42. **TENNIS COURTS**: Must not be constructed within the 50-foot property setbacks. All Tennis Courts must have approval from the Borough of Bloomingdale and comply with impervious coverage requirements. Tennis Courts constructed on private residences may not be illuminated during the evening.
43. **TREE HOUSES**: The building of a tree house must have the approval of the AVC. Tree houses must not be constructed within the 50-foot property setbacks. The building of a Tree House must not be the cause of death to a tree or trees.
44. **TREE REMOVAL**: No tree having a diameter of four inches or more, as measured 48 inches from the adjoining ground, and within 25 feet of an adjoining Lot or within 25 feet of any road may be removed without written permission of the AVC. The foregoing restriction shall, except in the case of an emergency, apply to a tree claimed to be dead or dying in addition to live trees. **NOTE:** all tree removal is subject to the Borough of Kinnelon's Tree Ordinance and supercedes the Smoke Rise Club Tree Removal regulations where they differ.
45. **VARIANCES**: The AVC may, but shall not be required to, authorize variance from compliance with any of the provisions of the Design Guidelines when circumstances such as topography, natural obstructions, extreme hardship, or aesthetic or environmental considerations require, or when architectural merit warrants such variance, as it may determine in its sole discretion. See Smoke Rise Declaration of Covenants and Restrictions 11.4 (d).
46. **WALLS**: Retaining or decorative walls may not be located within any Smoke Rise Club, Inc. right-of-way, on any common property, or within the 50-foot property setbacks. They are to be constructed of natural rock, brick, cultured stone or other material approved by AVC. Retaining walls greater than 4 feet in height will require approval. Decorative screening may be required to shield these walls.
47. **WINDMILLS/OTHER WIND MACHINES/TURBINES**: Machines that are powered by the energy of the wind and is used for generating electricity. No windmills/other wind machines/turbines are allowed as of January 2008.

The Smoke Rise Club
Architectural & Variance Design Guidelines

FIELD CHANGES:

While it is the intent of the AVC that all improvements be constructed exactly per the approved plans, it is recognized that occasionally a revision must be made "in the field" in response to certain existing conditions which may have been unforeseen at the time of approval.

Any external alteration to or deviation from an approved plan must be submitted to the AVC for approval prior to commencement of construction of the element to be altered.

This rule applies to all external changes - even those that have been approved, directed or recommended by the Borough of Kinnelon/Borough of Bloomingdale or other governmental authorities(s). The AVC will not unreasonably delay the progress of construction in such circumstances.

With regard to field changes, the Governor and/or the Chairperson of the AVC have the authority to approve minor changes. Minor changes are defined as those field changes that are minimal in nature and that, if approved, would not alter the impact, character or architecture of the approved plans in any appreciable manner.

The Smoke Rise Club
Architectural & Variance Design Guidelines

CONSTRUCTION ETIQUETTE:

These rules of "Construction Etiquette" have been adopted by the The Smoke Rise Club and the AVC and are designed to protect the rights of all residents to ensure the enjoyment of their property while your construction takes place. Your neighbors are entitled to as much peace, quiet and orderliness as the construction process allows. Accordingly, it is essential that you and your Professional Consultants strictly comply with the following. Failure to do so may result in a suspension of your approval to proceed and/or in a hearing before the Judicial Committee, which has authority to impose fines or other sanctions.

1. Construction materials, supplies, equipment, tools and other such items shall be stored on the Lot on which construction is taking place and must be contained in one area and not strewn about the lot. No construction materials, supplies, equipment, tools and/or other such items may be stored or kept on the street, Smoke Rise Right of Way, or any other Lot (even with the Lot Owner's consent). Such materials, supplies, equipment, etc. must be removed if construction on the site is suspended for more than one month.
2. Dumpsters must obtain approval from the AVC prior to delivery and must be placed inside the boundary of the Lot without encroaching on the Smoke Rise Club's right of way. Dumpsters must be promptly emptied and removed when full.
3. The Professional Consultant or designee must inspect the job site at the end of each business day to eliminate loose debris from lying around the site or from being blown to neighboring properties.
4. Construction vehicles and/or equipment may not be left in the street overnight. Heavy equipment with treads should not come into contact with the road surface. The use of 2x12" planks to protect the road is recommended. Any scarring or impressions left in the road surface by equipment is cause for a fine in an amount to be determined by the Judicial Committee. In addition, the Owner will be responsible for repairing the damage.
5. Loud music playing is not allowed in the course of construction. If in the opinion of the Smoke Rise Club or the AVC or a club manager or his/her designee, the playing of any music or the use of any radio or sound amplification device disturbs the peace of any other property Owner, the use of any such equipment shall cease.
6. No Professional Consultant signs of any kind may be displayed on the site in any manner (no in-ground signs/posters in windows, etc).

The Smoke Rise Club
Architectural & Variance Design Guidelines

CONSTRUCTION ETIQUETTE continued:

8. All construction sites will be subject to inspection by the AVC at any time. Rule violations will be reported to the applicant in writing and by phone, if possible. Except in the case of emergency, twenty-four (24) hours will be provided as a "cure" period from the time such notice is received.
9. As used in this sentence the word 'emergency' means any hazard creating an imminent peril to human safety or to property. In the case of an emergency, or the failure of the applicant to cure any violation within 24 hours, the AVC may undertake to cure a violation, the cost of which will be borne by the Owner. If the Owner does not pay these costs within seven days of receipt of notice of the cost, it will be treated in the same manner as a delinquency on a common expense assessment and will be collected accordingly.
10. Construction hours must coincide with the hours of operation established by the Smoke Rise Club:
 - There will be no entry of construction vehicles, materials or personnel before eight (8) A.M. Monday through Saturday.
 - There will be no entry of construction vehicles, materials or personnel after six (6) P.M. Monday through Saturday.
 - No contractors/workers are allowed to work on any construction site in Smoke Rise on Sundays.
 - No contractors/workers are allowed to drop off or pick up construction related vehicles or equipment on any construction site in Smoke Rise on Sundays. (All queries relating to this notation must be brought to the attention of the Governor of the AVC).
 - No contractors/workers are allowed to work on any construction site in Smoke Rise on the following Holidays: Christmas, New Year's Day, Memorial Day, Fourth of July, Labor Day and Thanksgiving.
11. Material shall not be stored so as to block or partially block Smoke Rise Club right-of-ways or obstruct visibility of vehicular traffic.
12. Large deliveries of materials that could cause the blocking of Smoke Rise Club roadways must have prior approval from Smoke Rise Club Security.
13. Silt barriers/bales of hay shall be installed where required by the Borough of Bloomingdale Building Department, Soil Conservation District, and the AVC or by the Smoke Rise Club.

**The Smoke Rise Club
Architectural & Variance Design Guidelines**

CONCLUSION:

These Guidelines do not modify any requirement of the Declaration and in the case of any inconsistency that may exist between Guidelines and Declaration; the requirements of the Declaration shall prevail.

The Smoke Rise Club Board of Governor's and the AVC reserve the right to modify these Design Guidelines at any time except that such modifications shall not apply retroactively to previously approved applications.

**The Smoke Rise Club
Architectural & Variance Design Guidelines**

APPENDIX RESIDENT NOTIFICATION SAMPLE LETTER

DATE

CERTIFIED MAIL

PROPERTY ABUTTER RESIDENT NAME AND ADDRESS

**RE: YOUR PROJECT INFORMATION
(IE, SMITH AT 100 NORTH ROAD FENCE INSTALLATION)**

DEAR ABUTTER NAME:

WE ARE THE **(YOUR NAME HERE)** RESIDING AT **(YOUR ADDRESS)**.

WE ARE PLANNING TO **(BRIEF DESCRIPTION OF YOUR PROJECT)**.
PLEASE FIND AN ATTACHED SITE SURVEY SHOWING THE LOCATION OF
THE PROPOSED PROJECT.

WE WOULD BE HAPPY TO REVIEW THESE PLANS WITH YOU PERSONALLY
OR ANSWER ANY QUESTIONS YOU MIGHT HAVE WITH REGARD TO HOW
OUR PROJECT WILL AFFECT THE NEIGHBORHOOD.

PLEASE NOTE THAT OUR PROPOSED PLANS WILL BE AVAILABLE FOR
VIEWING AT THE SMOKE RISE CLUB OFFICE. YOU HAVE 10 DAYS FROM
THE DATE OF THIS LETTER TO SUBMIT ANY COMMENTS IN WRITING
REGARDING THIS PROJECT TO THE ARCHITECTURAL & VARIANCE
COMMITTEE WITH A COPY TO OURSELVES.

SINCERELY,

YOUR NAME

**CC: SMOKE RISE CLUB AVC
ATTACHMENT: SITE SURVEY AND ASSOCIATED PROJECT DETAILS**