

# **SUMMER WIND HOMEOWNERS' ASSOCIATION**

5 Cassidy Drive Saratoga Springs, New York 12866

## **COMMON PROPERTY TREE AND LIMB REMOVAL GUIDELINES**

Homeowner's property as referenced in this section is the portion of land that is not in the no-cut buffer, but subject to rules and restrictions as found in the HOA's governing documents. These documents - the declaration, bylaws and ASC rules and regulations - can be found on the HOA website.

- I. Tree or Limb from Common Property Falls onto Private Property**
  - a. The HOA will hire a contractor to cut and remove the fallen tree or limb from the private property.
  - b. The property owner may also choose to have any stumps ground and/or removed at their expense.
  - c. All work done on Common Property, whether contracted by the HOA or the homeowner, requires contractor's proof of insurance according to guidelines established by the HOA board of directors. Contact the president or treasurer for specific requirements before work begins.
  
- II. Tree or Limb from Private Property Falls on Common Property**
  - a. The Property owner is responsible for cutting and removing a fallen tree or limb within 45 days from the date of the occurrence.
  - b. Prior to any work being done on Common Property, the contractor obtained by the private property owner will provide to the Homeowners' Association documentation of liability insurance and workers compensation in an amount which is consistent with HOA Board requirements.
  
- III. Tree or Limb on Property Line between Common Property and Private Property**
  - a. The HOA and the private property owner shall share equally in the expense of cutting up a fallen tree or limb. The contractor will be chosen by the HOA and proof of insurance will be required prior to removal.
  - b. The HOA will share equally with the property owner in the cost of removing the tree or limb.
  - c. If the property owner wishes to have the stump ground and/or removed, they may do so at their expense.
  
- IV. Tree or Limb on Common Property Posing a Threat to Private Property**
  - a. The property owner is responsible for notifying the HOA of their concern that a Common Property tree or limb poses a threat to their property.

- b. The HOA will evaluate the potential of the threat and may hire a certified arborist also certified in tree risk assessment or forester to do so.
- c. If it is determined that a threat exists, the HOA will hire a contractor to cut down the tree or limb. If the property owner wishes to have the stump ground and/or removed, they may do so at their expense. The contractor obtained by the private property owner must provide to the HOA documentation of liability and workers compensation in an amount which is consistent with the HOA board requirements prior to removal.
- d. If the certified arborist or forester determines that the tree or limb does not pose a threat, the HOA may not cut down the tree.

## **NO CUT BUFFERS**

No cut buffers are property owned by the individual homeowner, but subject to deed restrictions that only allow removal of healthy vegetation under 5 inches in diameter, measured at breast height. The homeowner is responsible for all costs associated with maintaining the buffer on the homeowner's lot, and it is the responsibility of the HOA to enforce the preservation and maintenance of the no cut buffer requirements imposed on each homeowner within the no cut buffer. Homeowners desiring to remove vegetation from their lot that is within the buffer shall comply with the following:

- a. If the tree or vegetation is diseased, storm-damaged, dead, dying or poses an obvious safety threat it may be removed after obtaining Architectural Standards Committee (ASC) approval.
- b. A certified arborist or forester experienced in tree risk assessment may be hired at homeowner's expense to assess the tree. If it is determined that the tree poses no risk, the tree may not be removed.
- c. All other covenants and restrictions governing the use of private property as listed above in the Common Property section apply.

Common Property Section adopted November 2013

Revised by the Board of Directors July 12, 2018

Revised by the Board of Directors April 15, 2021