

FIELDSTON REGULATIONS

Compiled as of March 1, 2013 with a single addition of Parking #5 added February 2019

Over the years, the FPOA Board and membership have adopted a number of regulations intended to preserve Fieldston as a desirable place to live. In addition, certain New York City laws and rules specifically apply to Fieldston homeowners. The following is a compilation of a number of these rules and regulations in one convenient source.

Basic Principles

Many of these regulations stem from the following basic principles:

1. FPOA owns the streets of Fieldston (except for the former Goodridge Estates see below -- where each homeowner owns to the center line of the mapped street in front of the house, and in 1928 these homeowners contracted with FPOA for the upkeep of those streets).
2. FPOA owns a right-of-way extending from the curb over the sidewalk area and several feet into what most of us consider our front lawns. (Again, this does not apply to Goodridge Estates, where the streets are narrower and there are no sidewalks.)
3. FPOA owns the Delafield Pond and Park, between Livingston Avenue and Indian Road, and the traffic circles at Fieldston Road and 246 Street and at Delafield and Iselin Avenues (Harry Pilsner Circle).
4. FPOA has planted and owns the street trees along the curbs (again, except in Goodridge Estates), at the pond area and at the traffic circles.
5. FPOA owns the sewers under the streets (except for the area in northwest Fieldston where the sewers are owned by Riverdale Sanitation Corp.).
6. Fieldston is subject to the Riverdale Special Natural Area District (SNAD), a City zoning rule that governs the protection of natural features, including trees.
7. Almost every house in Fieldston is included in the Fieldston Historic District adopted in 2006 by the City's Landmarks Preservation Commission, whose rules generally require approval for significant alterations to homes and other buildings and certain landscape improvements.
8. The FPOA By-Laws allow the Board to adopt regulations for the preservation, improvement and betterment of Fieldston, including parking regulations. [Bylaws, Article II]

9. The By-Laws also permit the charging of assessments (dues) and penalties for late payment. [By-Laws, Article IV, Section 7] The right to collect dues and penalties has been uniformly upheld by the courts.

10. While FPOA's maintenance of the private nature of the streets helps preserve Fieldston as a desirable place to live, the homeowners also have responsibilities in this regard.

What is Goodridge Estates?

This is the area of Fieldston at the north ends of Delafield, Iselin and Grosvenor Avenues, and 250th St. from Grosvenor to Delafield, where the streets become noticeably narrower. It has no street trees or sidewalks and most of its homes do not connect to FPOA sewers. It was originally a separate development, until it merged with Fieldston in 1928.

A. Parking Rules

Fieldston's parking rules are authorized by the FPOA Certificate of Incorporation and By-Laws and were adopted for the safety of all homeowners. While they occasionally snare an innocent party, they serve to remove unauthorized visitors' cars from the streets, thus improving security by assuring that the patrol crew know that all parked cars have a reason to be there. They also keep non-members from using the streets as commuter or school parking. And they help keep the streets clear for access by our snow-plows and maintenance crew.

1. As the owner of the streets, FPOA does not permit parking by non-members. FPOA's right to bar parking was affirmed by the highest court in New York State, the Court of Appeals, in 1965, in the case of Fieldston Property Owners' Association, Inc. v. City of New York, 16 NY 2d 267. As permitted by this ruling, FPOA reserves the right to tow any vehicles not complying with the rules set forth below.

2. "All cars parked on any Fieldston street must be clearly identified either by a sticker issued by the Association affixed to the left side of the rear window or by a note in the front windshield stating the address in Fieldston being visited." [Board Resolution, May 2, 1996]

3. Stickers will be issued to homeowners and their family members residing in Fieldston upon request to the FPOA office. Parking stickers should not be given to non-residents, including family members living outside of Fieldston, or

housekeepers or other service providers. When they visit, they should use visitor cards.

4. All guests must display an FPOA visitor card in the windshield. These too are issued by Excel Security. If you can't find your cards, a written note on the windshield will suffice.

5. Guests can only park in front of the house they are visiting and all guest passes, whether preprinted or handwritten, must show the address of the house they are visiting. (Adopted by Board Resolution February 20, 2019)

6. If you are having many guests, contactors, etc., notify the office at Robert E. Hill (718-884-2200) or Excel Security (212-239-8086), at least one day in advance.

7. Park your cars and those of guests in your driveway to the extent possible.

8. Do not assume the patrol crews know that an un-stickered car is yours. There are often new or substitute patrol officers who will follow the rules by the book and have un-stickered cars towed as required.

9. Per the By-Laws, parking privileges are reserved to members in good standing. Homeowners who are in arrears in their FPOA dues are subject to having their parking privileges revoked. [By-Laws, Article III, Section 2 and Board Resolution, Jan. 28, 2009]

B. Sidewalks [Board Resolutions, Sept. 14, 1993 and Mar. 26, 2002]

1. "Sidewalk maintenance is the responsibility of the homeowner." This is because the FPOA never built the sidewalk. Each homeowner was allowed to put in a sidewalk (or not), and each therefore is responsible for its upkeep. (This, by the way, is the same rule the City of New York has for sidewalks on public City streets.)

2. "Maintenance shall include, but not be limited to, the removal of ice and snow and any other hazards in a timely fashion" as may be required by New York City law "as well as any sidewalk repair." While our streets are private, we cannot guarantee that NYC Sanitation will not issue snow removal summonses.

3. "The roots of FPOA trees may not be cut." (This includes during routine gardening as well as part of sidewalk repairs.) "It is the homeowner's responsibility to inform gardeners of this point. The homeowner will be held responsible for any damage that occurs to the trees."

4. "If the roots of FPOA trees interfere with the homeowner's sidewalk maintenance, the homeowner should notify the FPOA's managing agent. The agent will arrange for an arborist to evaluate the situation and to recommend a course of

action. The arborist's action must be approved by the Board of Directors before it can be implemented."

5. "Homeowners may not make curb cuts without the approval of the Board of Directors to ensure that no FPOA tree roots will be damaged."

C. Trees

1. Only FPOA has the right to prune, maintain, remove and plant trees along its curbside right-of-way and its park and traffic circles.

2. Homeowners are not permitted to prune or remove FPOA street trees. We have a dedicated arborist whose job includes monitoring the trees on a regular basis to determine their health and what maintenance is required. If you report a problem with an FPOA tree to the FPOA office at Robert E. Hill, the arborist will examine it and recommend a professional course of action.

3. See Sidewalk Rules 3 and 4 above regarding cutting of FPOA tree roots.

4. Removal of homeowners' private trees is governed by the City's SNAD regulations (see below).

D. Quality of Life

1. "No homeowner shall permit the use of power equipment, including but not limited to lawnmowers, leaf blowers and construction equipment and other similar noisy machinery on Saturdays, Sundays or legal holidays by anyone other than the homeowner or members of the homeowner's immediate family, except in the case of snow removal or other emergency." [Board Resolution, May 2, 1996]

2. "No homeowner shall permit the use of power equipment, including but not limited to lawnmowers, leaf blowers and construction equipment and other similar noisy machinery on weekdays before 8:00 a.m. or after 5:00 p.m. by anyone other than the homeowner or members of the homeowner's immediate family, except in the case of snow removal or other emergency." [Board Resolution, May 2, 1996]

3. "Garbage and refuse shall not be put outside for pick-up earlier than the evening before a scheduled pick-up by the Department of Sanitation. After pick-up, all empty containers shall be put away the same day as the pick-up. (If a religious holiday conflicts with the homeowner's ability to conform to this regulation or to regulation 4 below, the Association encourages the homeowner to obtain the assistance of a neighbor or friend.)" [Board Resolution, May 2, 1996]

4. "Recyclables shall not be put outside for pick-up earlier than the evening before a scheduled pick-up by the Department of Sanitation. After pick-up, or in the event that there is no pick-up on a scheduled day, all containers shall be put away the same day as the scheduled pick-up." [Board Resolution, May 2, 1996]
5. "No homeowner shall permit snow, leaves or other debris to be removed from the homeowner's property and placed on any Fieldston street." [Board Resolution, May 2, 1996] It is not the job of the FPOA crew to remove private debris. This would interfere with their already heavy workload. NYC Sanitation will remove properly bagged leaves. Other garden debris should be removed by you or your gardener, if you have one.
6. "No commercial sign may be placed on any member's property in such a way that such sign is visible from anywhere outside the property." [Board Resolution, May 2, 1996]
7. "In the event any homeowner desires to use his or her property for a tag sale, auction, real estate 'open house' or the like, then such homeowner shall contact the FPOA Board of Directors at least ten days prior to such event to obtain a permit for such tag sale, auction or the like and such homeowner shall arrange with Security to hire and pay for the security personnel to manage traffic control." [Board Resolution, Dec. 1998]
8. Running rainwater or sump water onto the streets through pipes is not permitted. This puts wear on the streets and causes hazardous icing conditions. It may also violate the NYC Building Code. A drywell is recommended.
9. If a homeowner desires to allow a film, TV or video production company to film at or around his or her home, the homeowner must obtain permission from the FPOA. Any such permission is within the full discretion of the FPOA and, if given, will be subject, among other things, to a shooting fee, insurance requirements, time and day limits and parking restrictions.

E. Special Natural Area District (SNAD)

The Riverdale SNAD is a special zoning district overlay that provides added protections for an area's natural features, without changing or altering the requirements of the underlying zoning. In most cases, a development, site alteration, or enlargement must be reviewed by the Department of City Planning to evaluate impacts on natural features. The SNAD was mapped in Riverdale in 1975 and revised in 2005 and covers approximately one-half of Bronx Community District 8, including Fieldston. Two other SNADs are mapped in Staten Island and one is mapped in Queens. These regulations increase the level of protection of

natural features. The natural features include rock outcrops, geologic deposits, steep slopes, existing natural topography, topsoil, aquatic features, botanic environments and trees of 6-inch caliper or greater in size.

FPOA cannot advise on the interpretation of SNAD rules. All questions about tree removal and site alterations that impact the natural features listed above should be addressed to the Bronx Office of the City Planning Commission.

Generally, however,

1. Removal of healthy trees of 6-inch caliper or greater size requires authorization by the City Planning Commission.
2. A tree of 6-inch caliper or greater size that is dead, diseased, or potentially hazardous to property or person may be removed provided a certified arborist provides written documentation of the tree's condition and justifying its removal. The City Planning Commission has stated that its approval must then be given after an appointment with the Bronx office of the Department of Buildings:

Werner Defoe, Borough Commissioner

NYC Department of Buildings

Address: 1932 Arthur Avenue, Room 508, Bronx, NY 10457

Email: wdefoe@buildinas.nyc.gov

Phone: (718)579-6931

F. Landmarks Rules

The Fieldston Historic District was designated a New York City historic district by the Landmarks Preservation Commission on January 10, 2006. As a result, the Commission must approve work on, or modifications to, buildings, other improvements, such as fences and paving, and landscape improvements within the boundaries of the historic district. All but a handful of Fieldston homes are in the historic district. More information about the Fieldston Historic District can be found in the designation report, which is available on the Commission's website at www.nyc.gov/landmarks.

While major renovations and additions require approval by the full Landmarks Commission, which is a significant undertaking, more routine matters can be approved by the Commission staff in an expedited manner. Please contact the Commission directly with any questions about their requirements. They can be reached at info@lpc.nyc.gov or (212) 669-7817..

In addition, please notify FPOA of any work on your property that requires Landmarks permission at the same time as you notify Landmarks. This is important to assure no property of the FPOA is affected and no FPOA rules are violated.