



FOREST HILLS GARDENS CORPORATION

ARCHITECTURE AND CONSTRUCTION PROCEDURES AND GUIDELINES

MAY 2002

FOREST HILLS GARDENS CORPORATION
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TABLE OF CONTENTS

Introduction	
History of Forest Hills Gardens	3
Covenants and Restrictions	3
Purpose of Procedures and Guidelines	3
Chapter 1	
Architecture Committee	4
Application Procedure	4
Criteria for Evaluation of Submissions	4
General Considerations	5
Permission to Proceed	5
Completion Bond/Escrow Account	6
Appeal Procedure	6
Enforcement of Covenants, Guidelines and Related Architectural Matters	6
Chapter 2	
Minor Additions or Alterations to Structures and Sites Defined	7
Review Procedures	7
Submission Requirements	7
Chapter 3	
Major New Construction Defined	8
Review Procedures	8
Submission Requirements	9
Chapter 4	
Filing Fees for Applications	10
Chapter 5	
General Guidelines for Design, Materials and Construction	11
General Information	11
(Materials, Matching Old Work, Painting, Replacement in Kind, New Technologies)	
Exterior Walls (Brick and Stone, Pointing, Stucco)	11
Roofing	12
Gutters, Leaders, Exposed Flashings	12
Windows and Window Replacements	12
(Introduction, Window Design, Special Windows, Storm Windows, Window Security Bars)	
Doors (Entry, Security, Garage)	16
Hardware	16
Awnings	16
Walks, Drives, Patios and Other Paving	16

Fences and Gates	16
Exterior Air-Conditioning Units	17
Antennas and Dishes	17
Signs	17
Exterior Lights	17
Sanitary Sewers	17
Dry Wells and Surface Draining	17
Oil Burner Intake or Fill Pipe	17
 Chapter 6	
Construction Guidelines	18
Hours of Work	18
Trees and Shrubs	18
Protection of Gutters and Storm Drains	18
Protection of Sidewalks and Curbs	18
Street, Sidewalk and Curbplot Openings	18
Dumpsters/Containers	19
Care of Grounds During Construction	19
Material Mixing	19
Excess Materials	19
Lights/Reflective Barricades	19
Signs	19
Restoration of Grass Plots	19
Landscaping	19
 Appendix	
Glossary	20

INTRODUCTION

Forest Hills Gardens is a wonderful place to live. It is unique in purpose, concept, and design. Great care was taken in planning, designing, and building this community. High standards were set. Eminent architects and landscape architects were used. No detail was considered unimportant. The results are all around us to see and enjoy. The combination of historical architectural styles, open landscaping and public and private parks has drawn people to Forest Hills Gardens for over 85 years.

Forest Hills Gardens' place in architectural history and in general history is well known. As one of the first and finest examples of the "Garden City Movement" in America, Forest Hills Gardens successfully combines high quality housing with large expanses of greenery. President Teddy Roosevelt delivered one of the most famous speeches of his career from the steps of Station Square. Adolph Weinman, whose sculptures grace many public and private buildings in New York City and Washington, lived and worked in Forest Hills Gardens - the War Memorial in Flagpole Park was designed by him. Also, Forest Hills Gardens is probably the only community in the world to have a tyface that was designed especially for it - Trajan Title.

Any one who has come down the stairs of the Long Island Railroad into Station Square, or who has walked out of the hustle and bustle of Austin Street under the Long Island Railroad trestles on Continental or Ascan Avenues, knows the feeling of wonder that this small-town, country-like gem exists in the middle of urban New York City.

Forest Hills Gardens is subject to the Covenants and Restrictions set forth in Declaration No. 3 (1913), which run with the land and are binding upon every property owner in Forest Hills Gardens. Declaration No. 3 provides that "No building, fence, wall or other structure shall be erected or maintained nor any change or alteration made therein unless the plans and specifications therefor showing the nature, kind, shape, height, material, color-scheme and location of such structure... shall have been submitted to, approved in writing by, and a copy thereof, as finally approved, lodged permanently with the Homes Company" (or the Forest Hills Gardens Corporation (the "FHGC") as its successor). The Covenants and Restrictions in Declaration No. 3 also provide for the right to abate or remove, at the expense of the property owner, any unauthorized construction or alteration (Article Fifteenth).

Ultimately however, the community's future depends on the willingness of each one of its residents to protect, preserve and maintain it.

The purpose of these Procedures and Guidelines is to help homeowners in this goal and to ensure that any new construction, additions or alterations to existing structures and sites in Forest Hills Gardens shall be in accordance with the FHGC's Covenants and Restrictions. These Procedures and Guidelines have been adopted by the Board of Directors of the FHGC. They have been developed to provide uniform and consistent standards by which all projects will be evaluated. These Procedures and Guidelines will govern the manner in which property owners seeking an architectural approval from the Board of Directors must proceed, and will guide the Architecture Committee and the Board of Directors in their actions and deliberations.

The importance of compliance with these Procedures and Guidelines cannot be over-stated. The value of our homes and the existence of Forest Hills Gardens, as we have known it, depend upon our cooperation in the maintenance of the architectural standards.

CHAPTER 1

ARCHITECTURE COMMITTEE

The process of review and approval of all exterior construction and alteration of homes within Forest Hills Gardens is overseen by the Architecture Committee which reports to the Board of Directors of the FHGC. This Committee is composed of a chairperson, appointed by the President of the Corporation, and other additional members appointed by the chairperson. The Board of Directors ratifies committee membership.

Whenever possible, the Committee will hold one regularly scheduled evening meeting each month. The chairperson may hold additional meetings or change the time of meetings as conditions warrant. Applicants seeking Architecture Committee review and approval may attend these meetings when specifically invited.

Projects which are reviewed by the Architecture Committee and which must receive an architectural approval from the Board of Directors fall into two major categories: (1) minor additions and/or alterations to structures and sites and (2) major new construction.

APPLICATION PROCEDURE

Any and all proposed changes to the exterior of the house or to structures or sites, must have written approval from the FHGC before work may commence. This pertains to new work as well as replacement work and painting.

Applications are available at the FHGC office and must be completed and signed and submitted four days before the scheduled FHGC Architecture Committee. The scope of the work may require construction drawings, samples, pictures or other specific information that will allow the Architecture Committee to fully evaluate the proposed work.

Applications are reviewed by the Architecture Committee. A member of the committee will contact the homeowner and a site visit will be made. If access to the property is not required, the homeowner may not be contacted during the review process.

The Architecture Committee will respond, *in writing*, advising results of the review. The response will be approval, disapproval or a request for further information. No work may commence without *written approval* from the Architecture Committee.

CRITERIA FOR EVALUATION OF SUBMISSIONS TO THE ARCHITECTURE COMMITTEE

All changes to structure and sites will be evaluated by the FHGC Architecture Committee in terms of:

1. Conformity to provisions of the Covenants and Restrictions (Declaration No. 3);
2. Consistency and/or compatibility with adjoining or nearby structures, surfaces, and site conditions and with respect to nature and quality of design scale, materials and details;
3. Visual conformity to the high standards of architectural and site design of Forest Hills Gardens;
4. Preservation and maintenance of important buildings and building components which contribute to the historic character and design of Forest Hills Gardens; and
5. Long-term implications of proposed construction, additions, or alterations in terms of setting a precedent or example for comparable work in the future.

GENERAL CONSIDERATIONS

An existing condition is not a binding consideration on the Architecture Committee. The fact that work on a project has begun in no way exempts the owner from submitting plans, which will be subject to Architecture Committee review and approval. In the event that plans are either not submitted, or are disapproved by the Committee, the Board of Directors may require that the completed work be removed by the owner, and the site and any affected structures be brought back to their original or acceptable conditions at the homeowner's expense.

Claims of personal or financial hardship or exigency may not influence the Committee in its evaluation of a specific project, nor will they become the basis for a recommendation to the Board of Directors that it waive procedural requirements, standards, or criteria in the enforcement of the Covenants and Restrictions.

All applications must comply with the submission requirements before they will be reviewed by the Committee or by the Board of Directors. The unwillingness of an owner to secure professional services in the preparation of plans will not exempt the owner from the submission requirements indicated in these procedures.

When applicable, property owners must submit proof of property lines, such as an official survey map or comparable document. Unless approved by the FHGC, no work, wall, fence, or plantings may extend beyond the homeowner's property line and onto FHGC property.

All construction, whether major or minor, must comply with the Building Code of the City of New York and all applicable City, State and Federal regulations. The FHGC's review and permission to proceed with proposed construction and/or alteration is explicitly limited to rules, regulations and restrictions defined in Declaration No. 3 and architectural design and esthetic aspects of the proposed work. **Approval of design and permission to proceed with construction does not override or provide a substitute for compliance with governmental regulations having jurisdiction with respect to that work.** The FHGC is not responsible for implementation of governmental regulations and will not be responsible for any actions or failings relating to those regulations.

Compliance with the Building Code of the City of New York and other City, State and Federal governing regulations is mandatory and collateral to compliance with FHGC's rules and regulations, and does not imply or guarantee approval by the FHGC.

PERMISSION TO PROCEED WITH CONSTRUCTION

Upon final written approval by the Architecture Committee and/or Board of Directors of the FHGC of any proposed alteration or construction, whether major or minor, the FHGC office will issue written authorization to the property owner that the applicant may commence with construction or alteration. This authorization will be issued upon proof, if required, that a performance and/or completion bond has been secured or an escrow account has been established to guarantee completion of the project as approved.

No changes from the approved plans and specifications are to be made unless the approval of the Architecture Committee and/or Board of Directors of the FHGC has first been secured in writing.

Approval of plans when given is not assignable, but is personal to the owner submitting plans. Commencement of approved work must occur within one year from date of approval, or such approval will expire, unless extended in writing by the Board of Directors of the FHGC.

COMPLETION BOND/ESCROW ACCOUNT

All major construction and renovation projects will require the posting of a bond or establishment of an escrow account to ensure that approved projects will be completed on schedule, according to the approved plans and specifications, and in conformity with these Procedures and Guidelines of the FHGC. This undertaking will be for an amount equal to the cost of the construction project. The property owner must allow access to the property by the Forest Hills Gardens representatives to verify completion of the work according to the approved plans.

The Board of Directors of the FHGC also reserves the right to require a completion bond or escrow account for minor additions or alterations to structures or sites.

APPEAL PROCEDURE

If the applicant is not satisfied with the action taken by the Architecture Committee, the applicant may request, by writing to the President of the FHGC, that the submission be reviewed by the Board of Directors of the FHGC. The Board of Directors will honor the request for a review if the submission conforms to the submission requirements, and if no further review of the application by the Architecture Committee is pending.

ENFORCEMENT OF COVENANTS, GUIDELINES AND RELATED ARCHITECTURAL MATTERS

Compliance with FHGC Covenants, Guidelines and related architectural matters is required of all property owners as per Declaration No. 3. The members of the Architecture Committee and the Board of Directors will first attempt to help the homeowner effect the change requested. However, in the event that a homeowner does not follow procedure and makes a change that is not approved by the Architecture Committee, the Board of Directors is resolved to enforce compliance. The Board of Directors will exercise such options as may be available. Some of these options are: withholding of parking decals, Notice of Violation in the resident's file or property's title, legal suit, and the right of abatement.

CHAPTER 2

MINOR ADDITIONS OR ALTERATIONS TO STRUCTURES AND SITES

Replacements and minor additions or alterations to structures and sites shall include but not be limited to such items as:

1. Alterations in exterior building surfaces, including paint color, masonry repairs and re-pointing.
2. Alterations, replacements, additions or deletions of windows, doors, or other openings, including storm windows, storm doors and garage doors.
3. Security doors and window grilles and other security devices.
4. Alterations or additions to existing structures not requiring foundations or roofs, such as entrance enclosures, awnings, canopies, porch decks, patios, and exterior stairways.
5. New or altered or replaced paving for sidewalks, driveways and limousine walks.
6. Fences, walls, walks, and gates.
7. Signs.
8. Through-the-wall air conditioner units or any other exterior heating/ventilation/air-conditioning equipment.
9. Playground equipment, of a permanent or semi-permanent nature, such as basketball hoops and jungle gyms.
10. Exterior lighting.
11. Landscaping

REVIEW PROCEDURES

Insofar as practicable, minor construction or alterations will be reviewed by the Committee at its monthly meeting within four weeks after the submission of fully complete plans. Applicants will be notified of approval (or non-approval) within three weeks thereafter, or sooner whenever possible. Incomplete applications requiring additional information will delay review. *Work may not begin until the applicant receives written approval.* Action to be taken upon review can consist of:

1. Approval.
2. Approval conditional upon incorporation of specific changes. If the applicant refuses to make specified changes, approval will be rescinded.
3. Disapproval based on architectural considerations, which the applicant may remedy in a new submission.
4. Unconditional disapproval based on inappropriateness of proposed submission, under the terms of the FHGC covenants and restrictions.

SUBMISSION REQUIREMENTS

The applicant must submit a signed and dated application form together with three copies of a sheet or set of drawings, fully dimensioned and drawn to scale by a competent draftsman, which will include:

1. Site plans.
2. Photographs of entire house and close ups of the area to be altered.
3. When appropriate, plans, elevations, sections, and details as required to evaluate the suitability of proposed alteration or addition, including relationship to existing structures and surfaces on site.
4. Samples, photographs, or accurate descriptions of materials as required to evaluate the suitability of proposed alterations or additions.
5. Product literature prepared by the manufacturer(s) of the prefabricated components of the proposed project (e.g. windows, fences, doors, grilles, etc.)

CHAPTER 3

MAJOR NEW CONSTRUCTION

Major new construction shall include but not be limited to:

1. New structures (residential or any other permitted use)
2. New garages or other ancillary structures
3. Additions or alterations to existing structures substantial enough to require foundations and/or roofs.

REVIEW PROCEDURES

The review procedure for major construction requires three steps, pre-application meeting, preliminary review and final review. Work may not begin until all steps are completed.

PRE-APPLICATION MEETING: the purpose of this meeting is to discuss the project design on a conceptual level as well as relevant planning requirements. Conceptual drawings may be shown. This meeting can help participants air and clarify concerns and ideas regarding the project.

PRELIMINARY REVIEW, insofar as practicable, will take approximately four weeks after submission of fully complete preliminary plans. Action to be taken upon preliminary review can consist of:

1. Preliminary approval with final approval subject to receipt and approval of final plans and posting of a bond or establishment of an escrow account (see Chapter 1).
2. Preliminary approval conditional upon incorporation of specified changes in final plans as well as posting of a bond or establishment of an escrow account (see Chapter 1).
3. Disapproval based on architectural considerations, which the applicant may attempt to remedy in a new submission.
4. Unconditional disapproval based on inappropriateness of proposed submission, under the terms of the FHGC covenants and restrictions.

FINAL REVIEW, insofar as practicable, will take place approximately two weeks after submission of a complete package of acceptable final plans, if there has been a consideration of the submission in the preliminary review. This package must include all necessary specifications, samples and product information. Action to be taken upon final review can consist of:

1. Final approval subject to posting of a bond or establishment of an escrow account (see Chapter 1).
2. Final approval conditional upon incorporation of specified changes in final plans and subject to posting of a performance bond or establishment of an escrow account (see Chapter 1). If the applicant refuses to make changes specified, approval will be rescinded.
3. Disapproval based on architectural considerations, which the applicant may remedy in a new submission.
4. Final approval, if given, must be upon plans signed and agreed to by both the applicant and the FHGC.

SUBMISSION REQUIREMENTS

For **PRELIMINARY REVIEW**, the applicant must submit a signed and dated application form together with three copies of a set of drawings, and/or other documents as appropriate, including:

1. An illustration and/or photograph of any existing structure(s) or conditions, in order to facilitate the evaluation of proposed alterations or additions.
2. Site plans at a scale no smaller than 1" = 10'-0" including all existing and contemplated site conditions, grade elevations, and planting. These plans must also show the relationship of proposed construction or alteration to parcel boundaries ("lot lines"), and to the nearest structures in adjacent parcels.
3. Adequately illustrated and dimensioned floor plans, elevations, and sections drawn to scale no smaller than 1/4" = 1'-0" indicating all surface materials, and showing relationship to adjoining or other structures on the same parcel.
4. Under special circumstances, a rendering or model may be required.
5. Payment of a non-refundable filing fee. (See Chapter 4).

For **FINAL REVIEW**, the applicant must submit three copies of a set of construction (working) drawings, signed and sealed by a licensed architect and/or engineer, which include:

1. Fully dimensioned floor plans, elevations, and sections drawn to a scale no smaller than 1/4" = 1'-0", identifying all materials, and showing relationship to adjoining or other structures on the same parcel.
2. Fully dimensioned roof plan at same scale as floor plans.
3. All exterior architectural details, fully dimensioned sections, elevations, and plans, at a scale no smaller than 1/2" = 1'-0".
4. Site plans at a scale no smaller than 1" = 10'-0" showing relationship of proposed construction or alteration to parcel boundaries ("lot lines").
5. For all visible exterior surfaces, actual samples of materials and color.
6. Product literature prepared by the manufacturer(s) of the prefabricated components of the proposed project (e.g. windows, fences, doors, grilles, etc.).
7. Under special circumstances, a rendering or model may be required.

CHAPTER 4

FILING FEES FOR APPLICATIONS

(Subject to change annually, but no less than the following listed fees)

Fees are used to cover FHGC expenses and work necessary to assure conformance to approved plans.

NEW HOUSE: \$10,000

- single family
- non-refundable
- if multiple houses are involved, each house must pay the fee individually

GARAGE OR MAJOR ADDITION:

square footage	fee
0 through 250	\$ 500
More than 250 but not more than 500	\$ 1,000
More than 500 but not more than 750	\$ 1,500
More than 750 but not more than 1,000	\$ 2,000
More than 1,000 but not more than 1,500	\$ 3,000
More than 1,500	\$ 5,000

MINOR ADDITION/ALTERATION: No fee

CHAPTER 5

GENERAL GUIDELINES FOR DESIGN, MATERIALS AND CONSTRUCTION

In preparing your submission, refer to the following items, if applicable. If you are unclear as to submission requirements, the Board will respond with any needed clarification. These guidelines are for your guidance only and applications will be evaluated on a case-by-case basis according to the Criteria set forth Chapter 1. In all matters of esthetics and style, as well as materials, the decisions of the Architecture Committee and the Board of Directors shall prevail.

DESIGN AND MATERIAL GUIDELINES

I. GENERAL INFORMATION

MATERIALS - In general, natural and traditional materials are to be used unless otherwise approved.

MATCHING OLD WORK - In case of an alteration, replacement or addition, where new materials and work are to match old, the Board of Directors of the FHGC is to be the judge as to whether the new materials and work are the best match obtainable, and the decision of the Board of Directors of the FHGC is to prevail.

PAINTING - Samples of colors for all exterior paint and stain are to be submitted and approved before commencing work. Many row and attached houses and groups of houses have approved exterior colors and palettes. Information about these colors may be obtained from the FHGC office and new paint must adhere to these palettes.

REPLACEMENT IN KIND OF EXISTING CONDITIONS - If existing conditions do not conform to the Architecture Guidelines and addenda, replacement must conform to the Guidelines or standards in use at the time of replacement or revision.

NEW TECHNOLOGIES - New materials, methods and devices for exterior use, which come upon the marketplace from time to time, shall be evaluated by the Board of Directors of the FHGC as to their appropriateness for use within Forest Hills Gardens.

II. EXTERIOR WALLS - The use of brick, stucco, stone aggregate and wood trim is generally considered appropriate for Gardens houses. All exterior walls and all gables shall be built of solid masonry to the height of the cornice for walls and to the highest point of roof for gables. The thickness of masonry walls shall conform to definition and requirement of the Department of Buildings of the City of New York. All framing of floor joists shall bear on the solid masonry walls for the complete exterior of the house. No construction known as "veneer construction" or "balloon construction" is permitted within Forest Hills Gardens.

The use of wood, metal or plastic siding is not generally appropriate for most Forest Hills Gardens houses and is not permitted unless specifically approved for limited use. Additions should be compatible with the primary structure.

BRICK AND STONE WORK - Samples of brick or stone shall be submitted to and approved by the Board of Directors of the FHGC *before ordering*. Once brick or stone work is to begin, a sample shall be laid up first and submitted to the Board of Directors of the FHGC for approval of color of mortar and method of laying to ensure a match with existing materials.

POINTING - New pointing must match the existing in color, texture and technique. Prior to commencing work, a test area at least 4 feet square must be prepared on the building surface for review by the Board of Directors. The final work on the building must match the approved test area.

STUCCO - A sample of the finish coat of stucco is to be submitted to and approved by the Board of Directors of the FHGC for color and texture before any work of stuccoing is started. A test area on the building wall may be required before approval will be considered.

III. ROOFING - All roofing shall be of red clay tiles. A sample of roof tile is to be submitted to and approved by the Board of Directors of the FHGC before ordering. No other roofing materials are acceptable for Gardens houses.

IV. GUTTERS, LEADERS AND EXPOSED FLASHINGS - The approved material for these purposes is copper. No other materials, such as vinyl or other metals, are acceptable unless otherwise approved by the Board of Directors of the FHGC.

V. WINDOWS AND WINDOW REPLACEMENTS

INTRODUCTION - Windows typically make up a substantial percent of the surface area of a home. As such, they are a crucial design element, one that often helps define a home's special character. When the windows of most Gardens homes were designed, aesthetics was the key, if not the only consideration. Window design is important in maintaining the unique character of Forest Hills Gardens. *Any window changes or replacements must be approved by the Board of Directors.*

Many of the windows in Forest Hills Gardens residences are between 60 and 85 years old and are in need of replacement. Within the last several years, many window manufacturers have begun offering quality products that accurately reproduce many historic and classic window styles without sacrificing energy efficiency or ease of maintenance. These guidelines will give homeowners an indication of which options are generally considered appropriate and inappropriate for Forest Hills Gardens. *These guidelines do not replace the requirement that homeowners must submit applications for replacement of windows to the Architecture Committee.*

WINDOW DESIGN - If the current windows are not original, research will be needed to determine what type of window was originally installed in the house. This may include contacting a prior owner or viewing a neighbor's house if part of a set or row. Early photographs of some houses are available in the FHGC office.

Unless otherwise approved, new windows must match the original windows being replaced in design, color and other visual qualities.

The key design elements of a window are:

1. Its composition (wood, metal);
2. The type of window (double hung, casement, fixed, awning (louver), bay, etc.);
3. The number of panes of glass, or lights, as well as their size (double-hung windows are designated by the number of lights in the upper and lower sash, such as six over six);
4. The width and design of the strips, or muntins, that separate the panes of glass;
5. The overall size of the windows, including sash, all frame dimensions, and rough openings;
6. The width and design of the vertical dividing members, or mullions, between adjacent windows;
7. Any decorative elements such as arched tops, or stained or leaded glass (see section on Special Windows).

It is not unusual for one home to have different types of windows. Unless otherwise approved, each type of window must be matched in kind.

Muntin width and profile must match exactly. Increasing muntin width too much causes a marked change in the window's historic appearance: a 1/4" increase on a 7/8" wide muntin increases the width of the muntin by about 28 percent, resulting in a noticeable change.

Acceptable Replacement Window Options (subject to approval):

1. Single glazed true divided light windows.
2. Windows with muntins permanently bonded to the interior and the exterior of a single light, double-glazed window. This process enables manufacturers to duplicate muntin profiles without increasing muntin widths. This is known as simulated divided light windows.

Unacceptable Replacement Window Options

1. Windows with muntins between the two layers of insulated glass.
2. Windows without muntins, if the original windows had muntins.

SPECIAL WINDOWS - New special windows must match the original windows in dimension, configuration, operation, details, materials, and finish. If you are unable to match special windows, seriously consider repairing, not replacing, windows with these elements.

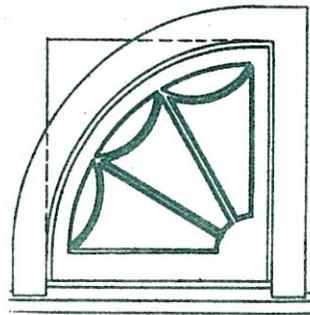
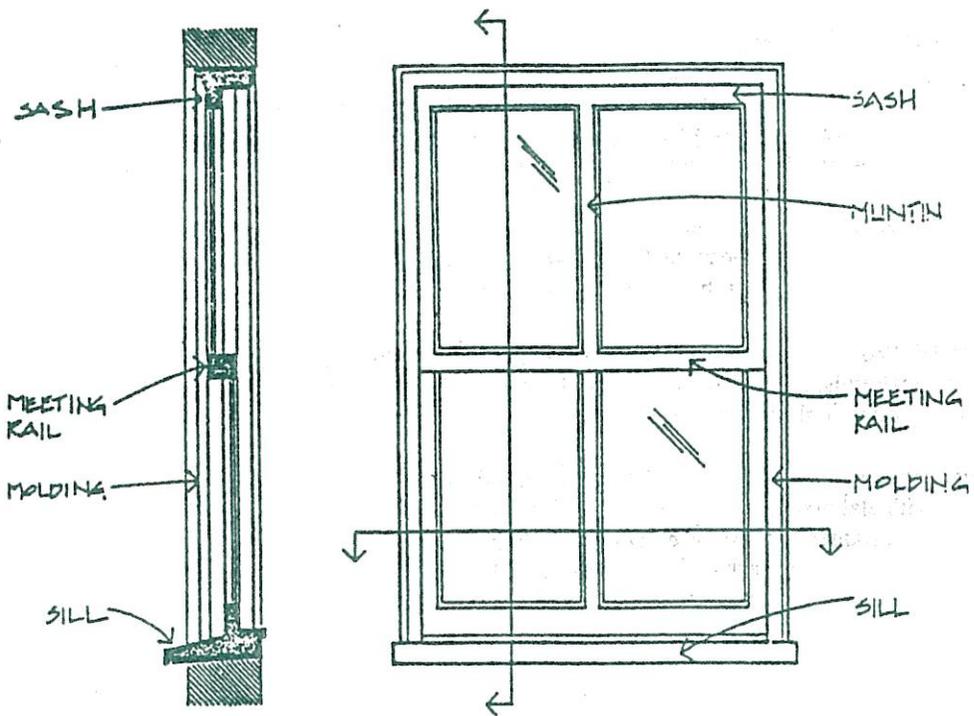
The term special windows shall generally mean, but is not limited to:

1. windows with elaborate muntin patterns, such as Palladian style, or curved muntins;
2. windows with stained, leaded, or other crafted glass;
3. non-rectangular window sash or frame shapes, such as round, oval, curved, or pointed;
4. bay, oriel, and bow windows.

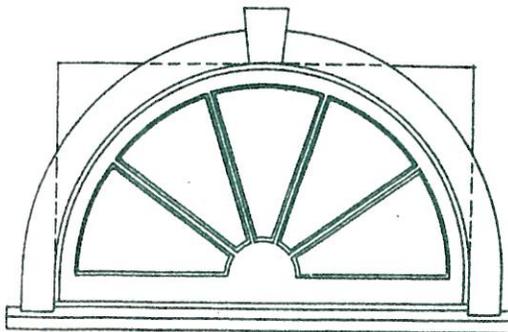
STORM WINDOWS - New window technology has eliminated the need for storm windows. Therefore, new replacement windows may not have exterior storm windows. However, exterior storm windows may be added to existing single-glazed windows providing they meet the following criteria. Exterior storm windows shall fit tightly within window openings without the need for subframes or fillers around the perimeter. The color of the frames of exterior storm windows (and of the screens, if any) shall match the color of the primary window frame. Clear, untinted glass only will be permitted. The storm sash shall be set as far back from the plane of the exterior wall surface as practicable. Muntins shall not be allowed. Meeting rails may be used in conjunction with double-hung windows and shall be placed in the same relative location as in the primary sash. Storm windows may be added to special windows provided that they are placed on the interior frame of the window.

WINDOW SECURITY BARS - Window security grilles and bars, decorative or otherwise, are always subject to approval, and will be reviewed on a case-by-case basis. Generally, exterior window grilles and bars are not permitted.

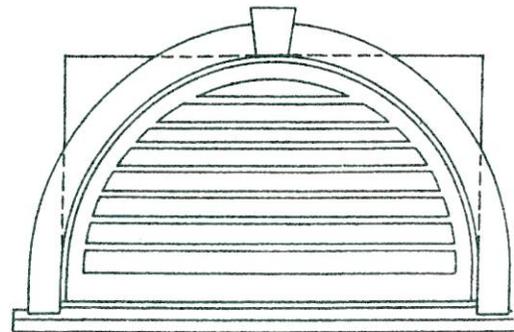
PARTS OF A DOUBLE-HUNG WINDOW



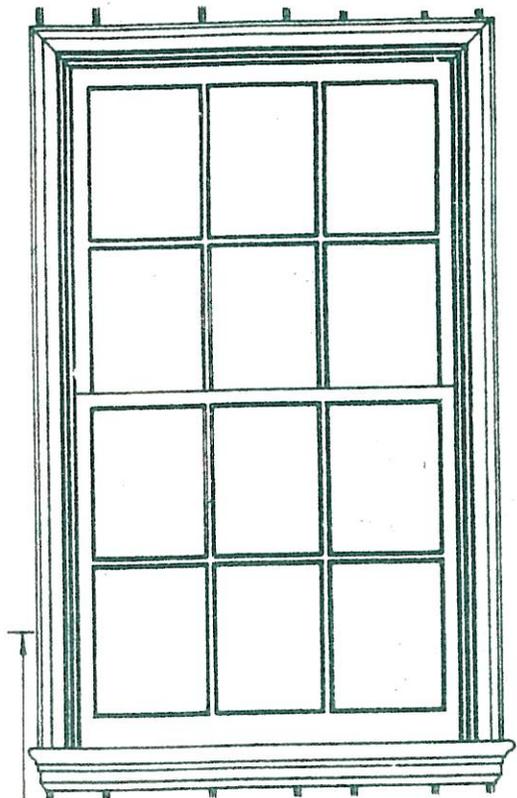
QUARTER ROUND WITH MUNTINS



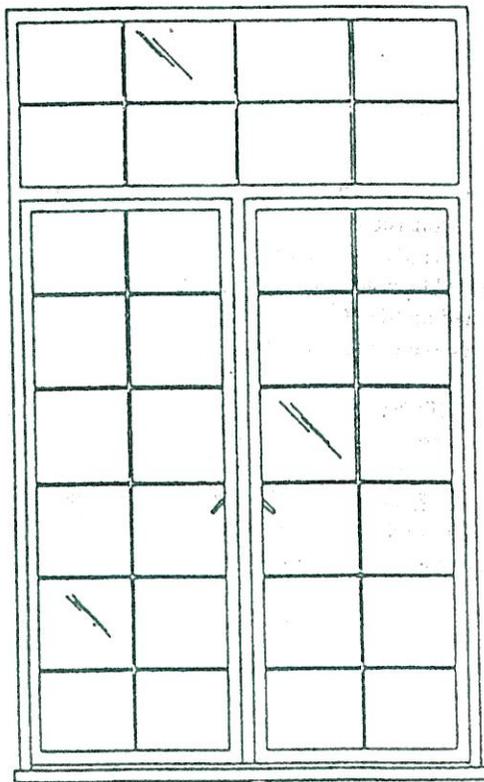
HALF ROUND WITH MUNTINS



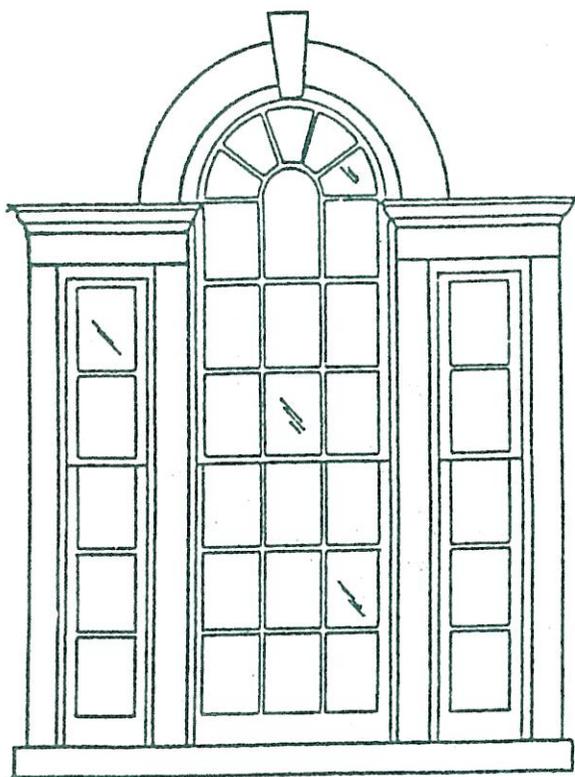
HALF-ROUND LOUVRE



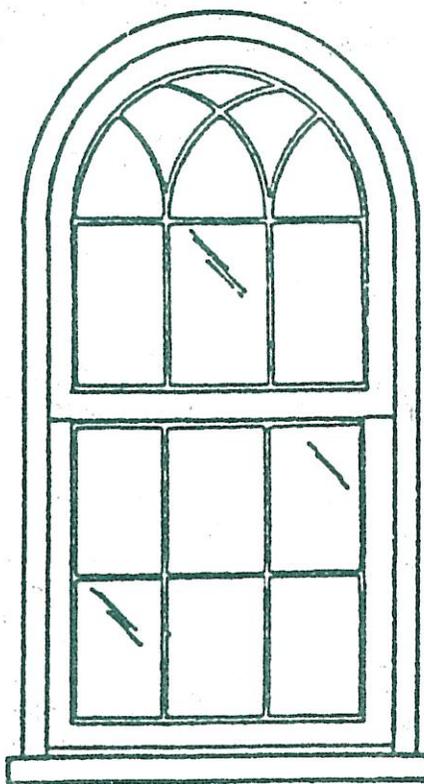
**DOUBLE HUNG
(6 OVER 6)**



CASEMENT



PALLADIAN



**ROUND HEADED WITH
CURVED MUNTINS**

VI. DOORS

ENTRY DOORS - The design of entry doors shall be of a panel type (including panel with divided lights) or other design consistent with styles found in traditional Gardens houses and shall be made of wood unless otherwise approved by the FHGC. Replacement doors must replicate the original if known and be consistent with other doors in the house. It should be noted that many original entry doors in the Gardens are all glass with divided lights. In the case of row and attached houses and groups of homes, consistency in design of entry doors is a significant architectural feature and must be preserved. Flush doors of any material are not permitted.

SECURITY DOORS - Homeowners should not propose heavily ornamented security doors and should select simple designs compatible with Gardens architectural styles.

GARAGE DOORS - Garage doors must be of wood panel type painted to match other exterior house trim, with or without windows. Appropriateness of design shall be judged on a case-by-case basis. Vinyl or metal garage doors are not acceptable.

VII. HARDWARE - Exterior hardware, such as mailboxes and light fixtures and hardware used on doors and shutters shall be of a type appropriate to the style of the building. Finishes should match or be compatible with exterior finishes found elsewhere on the building.

VIII. AWNINGS - Unless otherwise approved, awnings must be retractable fabric type and a sample of the proposed materials must be submitted for approval. Fixed metal, plastic or Fiberglass awnings are not permitted.

IX. WALKS, DRIVES, PATIOS AND OTHER PAVING - All concrete walks, sidewalks and drives are to be scrubbed pebble finish like the adjoining FHGC sidewalks. No other form of concrete paving is acceptable. Currently, a ready-mixed concrete is available for this purpose. The FHGC office can supply information upon request.

Other surfaces such as brick and stone may be approved when appropriate and compatible with existing walks, drives and buildings. Blacktop or asphalt paving is not permitted.

Plans for new walks and drives, patios or other paving must receive approval before laying, following the procedure for minor work. New or altered driveway aprons and limousine walks through the FHGC's curbplots may be made only with the permission of the FHGC. Subsequent maintenance of all new as well as existing such aprons and walks will be at the homeowner's sole expense. Permission for limousine walks and driveway aprons is not permanent and may be revoked by the FHGC.

Front paths, limousine walks, driveway aprons or any other paving adjacent to FHGC property must be installed and maintained at a proper elevation with respect to FHGC structures such as sidewalks, roads and curbs so as to eliminate any difference in elevation between these structures. This is necessary for proper drainage and prevention of tripping hazards.

Maintenance of driveway aprons and limousine walks is the responsibility of the homeowner. If driveway aprons are being replaced, New York City Department of Transportation code requires 7-inch thickness exposed aggregate concrete. All curbs must be 18 inches deep (to prevent frost damage). One 6-inch by ½-inch expansion joint must be allowed to separate driveway apron and driveway curb. Materials and suppliers can be obtained from the FHGC office. All driveway aprons must be scrubbed pebble finish like the adjoining sidewalks. Driveway or walkways on the homeowner's property should be pitched to the lawn area, not toward the street, whenever possible. Sidewalks should be minimum 4-inch scrubbed pebble finish. Soil base should be compacted mechanically. If there is a manhole in the area of the sidewalk in question, please notify the Forest Hills Gardens office for assistance.

X. FENCES AND GATES - Concern for open spaces shall be a factor influencing approval, which must be obtained for all installations of fences and gates. Appropriateness as to design, materials and location will be reviewed on a case-by-case basis.

However, in general, rear property line fences are limited to six feet, and lesser heights not to exceed five feet should be used along side lot lines. Front yard fencing is strongly discouraged. Fencing and railing of simple design may be used where approved. Chain link fences are not permitted. Gates should be selected to complement the house and garden and should avoid heavy decoration. Plantings may be required on the exterior side of the fence.

Gates across driveways are not generally permitted, but an acceptable alternative is available, contact the FHGC office for details.

XI. EXTERIOR AIR-CONDITIONING UNITS - Specifications and location of all such proposed units along with any appropriate screening must be submitted for approval. Large HVAC condensing units may have considerable noise impact upon neighboring houses and design measures may be needed to minimize this problem.

Central A/C, ductless split A/C units and individual A/C units in existing windows are preferred to through-the-wall installations since they do not require irreversible alteration to the building. Through-the-wall installations must be carefully designed to minimize alteration of the building facade.

XII. ANTENNAS AND DISHES - The use of exterior antennas other than the traditional UHF/VHF antennas, whether receiving or broadcasting, as well as satellite dishes must be reviewed and approved by the FHGC with regard to their design and placement, which must be as inconspicuous as possible. Satellite dishes should not exceed 18 inches.

XIII. SIGNS - Permanent signs must be approved both as to location and as to the appropriateness of typeface, design and color. Temporary signs, such as "For Sale" and construction advertising, are not permitted.

XIV. EXTERIOR LIGHTS - Plans for all exterior lighting, whether for ornamental or security purposes, must be submitted for approval. Unless otherwise approved, use of exterior electrical conduits is not permitted. Where such conduits are deemed by the Architecture Committee absolutely necessary and approved, they must be painted to blend with surrounding materials. In addition, they must be hidden behind plantings or new plantings must be planted to hide them whenever possible.

XV. SANITARY SEWERS - The plumbing contractor shall apply at the office of the FHGC for location of sewer spurs. Sewer connection, if needed, shall be made subject to payment of a separate fee for opening of the street and shall take place under supervision of the Board of Directors of the FHGC, whose office shall be notified when connections are ready to be made. No other form of cutting into street sewers will be allowed. If there is no spur where needed, a "Y" must be installed.

XVI. DRY WELLS AND SURFACE DRAINING - No dry wells or part thereof will be permitted on FHGC property. All leaders shall be connected to dry wells. No roof or other surface drainage may drain on to any FHGC property. No roof or other surface drainage connections of any sort shall be made to the sanitary or storm sewer systems within Forest Hills Gardens.

XVII. OIL BURNER INTAKE OR FILL PIPE - Oil burner intake or fill pipes must be placed well inside the property line. No intake or fill pipe will be permitted on FHGC property.

CHAPTER 6

CONSTRUCTION GUIDELINES

These regulations do not replace any New York City Building Department codes or approvals that may be needed. All construction, whether major or minor, must comply with the Building Code of the City of New York and all applicable City, State and Federal regulations. FHGC review and permission to proceed with proposed construction and/or alteration is explicitly limited to rules, regulations and restrictions defined in Declaration No. 3, and architectural design and esthetic aspects of the proposed work and approval of design and permission to proceed with construction does not override or provide a substitute for compliance with governmental regulations having jurisdiction for that work. FHGC is not responsible for implementation of governmental regulations and will not be responsible for any actions or failings relating to those regulations.

Compliance with Building Code of the City of New York and other applicable City, State and Federal governing regulations is mandatory and collateral to compliance with FHGC's rules and regulations, but it does not imply or guarantee approval by the FHGC.

When appropriate, be sure to check with utility companies about locations of utility lines prior to performing any work.

HOURS OF WORK - Approved work may take place during the hours of 7:00 a.m. to 6:00 p.m. weekdays. Work may take place on Saturdays from 10:00 a.m. to 4:00 p.m., except for major construction requiring the use of earthmoving equipment and cement work. No exterior construction or alterations of any kind may take place on Sunday without special permission from the FHGC, at its discretion, upon proof of extenuating circumstances. Excessive noise levels are to be avoided at all times.

TREES AND SHRUBS - All shrubs and trees in and adjoining the property are to be adequately protected before any excavating or building starts.

Homeowners may not plant new trees or perform other landscaping in the FHGC curb plots, parks or other the FHGC property without written permission from the FHGC. The FHGC reserves the right to remove any such unauthorized plantings without notice or compensation to homeowners.

PROTECTION OF GUTTERS AND STORM DRAINS - Gutters and drains to storm sewers must be kept clear of building materials and debris. All openings to storm drains must be covered to prevent dirt from washing into the sewer. Unused mortar, concrete and other construction debris shall not be disposed of in storm drains.

PROTECTION OF SIDEWALKS AND CURBS - Heavy planks shall be placed over sidewalks and curbs to form a runway for trucks driving into the lot. Owners will replace all damaged flags in sidewalks and all damaged curbs to the satisfaction of the FHGC. If this repair is not made within a reasonable time, not to exceed 30 days following completion of work, the FHGC will make the repair at the homeowner's expense. Damage to curb-plots must be corrected in a like manner.

STREET, SIDEWALK AND CURB PLOT OPENINGS - Streets, sidewalks and curbplots belonging to the FHGC may not be opened or altered for any reason by homeowners' contractors or by utilities services without a permit from the FHGC and payment of a fee to the FHGC. Fee schedules and permit applications are available at the FHGC office.

Upon completion of the necessary work, the opening must be repaired in a timely fashion at the expense of the homeowner or utility according to standards in effect and set forth by the Corporation at the time of opening. Details are available at the Corporation's office.

DUMPSTERS/CONTAINERS - Dumpsters and demolition containers should be placed in the homeowner's driveway when possible. A permit from the FHGC is required for placing any type of dumpster or demolition containers on the street. A fee for this permit is payable to the FHGC. Wood planks or plywood must be placed under the wheels of containers or dumpsters to prevent damage to the streets. Reflective tape, cones, or barricades should be placed around dumpsters/containers. The permit, which is required for the placement of all dumpsters/containers on Gardens streets, is valid for 15 days. Thereafter the dumpster must be removed or another application made upon payment of another fee.

CARE OF GROUNDS DURING CONSTRUCTION - While construction is in progress, the contractor is responsible for keeping the site free from all paper, bottles, scraps of materials, etc. There should be no stockpiling of broken concrete or demolition materials in the street. No building materials should be left in the street for more than 24 hours. The FHGC office should be notified of any unusual circumstances, which make it necessary to leave materials in the street for more than 24 hours. Barricades should surround any materials left in the street by the contractor. Sidewalks must be kept clear at all times.

MATERIAL MIXING - No mortar, concrete, epoxies, paints, or other materials shall be mixed on sidewalks or on streets.

EXCESS MATERIALS - All debris is to be frequently hauled away from the premises and the site kept as neatly as possible. All excess materials must be removed upon completion of construction (or sooner whenever possible). The FHGC's General Superintendent should be notified when excavation will be done.

Clean topsoil, shrubs and large bushes may be given to the FHGC for replanting in parks instead of being discarded.

LIGHTS/REFLECTIVE BARRICADES - Night lights and reflective barricades must be maintained around all materials that encroach upon streets, parking spaces, or any place where passage of pedestrians or cars is impeded.

SIGNS - No signs, with the exception of those required by New York City Building Code, shall be erected on or about the building during construction or afterwards without the written approval of the Board of Directors of the FHGC. Contractor advertising is specifically prohibited.

RESTORATION OF GRASS PLOTS - Upon completion of construction work, the homeowner, and not the FHGC, will be held liable for the condition of the grass between the sidewalk and the curb. All grass that has been damaged must be re-seeded and the curb plot kept watered by the owner until the grass has had a proper start.

Work of any other sort on curb plots must be approved by the Upkeep Committee of the FHGC.

LANDSCAPING - A plan for proposed major planting/landscaping of a property, giving names and number of shrubs proposed, shall be submitted to and approved by the Board of Directors of the FHGC before walks and drives are laid.

Special consideration must be given to the placement of new trees and shrubs so that they will not encroach on to sidewalks or other FHGC property or have the potential of growing in to FHGC property at a future time. All branches of trees, which overhang sidewalks, must be maintained so that they are kept at least 8 feet above sidewalks, roads, etc. This height requirement becomes 10 feet if near a street light or sign.

Appendix A. - Glossary

"Color" shall mean the sensible perception of hue, value and saturation characteristics of surfaces. In the event of disagreement, the Munsell system of color identification shall govern.

"Configuration" shall mean the number, shape, organization and relationship of panes (lights) of glass, sash, frame, muntins, or tracery.

"Covenants and Restrictions" The Sage Foundation Homes Company, which developed Forest Hills Gardens, created a means of ensuring the architectural integrity of the community. This was by a series of covenants and restrictions, which were put into effect in 1913.

"Declaration No.# 3" The Sage Foundation Company, in 1913, executed and recorded an indenture, Declaration No. 3, which imposed restrictions on land in Forest Hills Gardens; specifically, it authorizes FHGC to enforce FHGC's right to approve or disapprove alterations.

"Details" shall mean the dimensions and contours of both the stationary and moveable portions of a window, and moldings.

"Fenestration" shall mean the arrangement, proportion and design of windows in a building.

"Finish" shall mean the visual characteristics, including color, texture and reflectivity, of all exterior materials.

"Frame" shall mean the material, usually glass, that fills spaces between sash members (rails, stiles and muntins), commonly referred to as panes or lights.

"Head" shall mean the upper horizontal part of a window frame or window opening.

"Jamb" shall mean the side rails of a window frame or window opening, as distinct from head and sill.

"Light" shall mean a pane of glass; a window, or a compartment of a window.

"Match" shall mean either an exact or an approximate replication. If not an exact replication, the approximate replication shall be so designed as to achieve a suitable, harmonious and balanced result.

"Materials" shall mean the substances used to fabricate windows.

"Meeting rail" shall mean a sash rail in a double-hung window designed to interlock with an adjacent sash rail.

"Member" shall mean a component part of a window.

"Molding" shall mean a piece of trim that introduces varieties of outline or curved contours in edges or surfaces as on window jambs and heads. Moldings are generally divided into three categories: rectilinear, curved and composite-curved.

"Mullion" shall mean a vertical primary framing member that separates paired or multiple windows within a single opening.

"Muntin" shall mean the tertiary framing member that subdivides the sash into individual panes, light or panels; lead "comes" are often used in stained glass windows. {Note: Grids placed between two sheets of glass are not considered muntins.}

"Operation" shall mean the manner in which a window unit opens, closes, locks, or functions; e.g., casement, double-hung, etc. If non-operable, a window unit (such as a side light) is identified as "fixed."

"Original windows" shall mean:

- (1) windows installed at time of construction of the building; or if information on windows installed at the time of construction is unavailable:
- (2) windows of a type installed at time of construction of similar buildings in similar periods and styles; or
- (3) windows, which have been changed subsequent to designation pursuant to a permit or decision, issued by the FHGC.

"Panning" shall mean an applied material, usually metal, that covers the front (exterior) surface of an existing window frame or mullion.

"Parting strip" shall mean the small member, usually wood and usually removable, that separates the upper and lower sash pockets in the jamb of a double-hung window.

"Permit" shall mean any permit issued by the FHGC.

"Principal or primary facade" shall mean:

- (1) a facade facing a street or a public thoroughfare that is not necessarily a municipally dedicated space, such as a mews or court; or
- (2) a facade that does not face a street or a public thoroughfare or mews or court but that possesses significant architectural features.

"Rail" shall mean a horizontal sash member.

"Restoration" shall mean the process of returning, as nearly as possible, a building or any of its parts to its original form and condition.

"Sash" shall mean the secondary part of a window, which holds the glazing in place; may be operable or fixed; usually constructed of horizontal and vertical members; sash may be subdivided with muntins.

"Secondary facade" shall mean a facade that does not face a public thoroughfare or mews or court.

"Significant architectural feature" shall mean an architectural component of a building that contributes to its special historic, cultural and aesthetic character.

"Sill" shall mean the lower horizontal part of a window frame or window opening; also the accessory member, which extends as a weather barrier from frame to outside face of wall.

"Special windows" shall mean:

- (1) Those windows in which the complexity of the muntin pattern or the molding profiles is one of the characteristics of the style and age of the building; or
- (2) Windows having one or more of the following or similar attributes, including but not limited to:
 - (i) Bay or oriel window
 - (ii) Curved glass
 - (iii) Multi-pane sash, i.e., 12 or more panes in a single sash in which a typical pane does not exceed 30 square inches of open (glazed) area
 - (iv) Stained or otherwise crafted glazing for artistic effect.
 - (v) Highly decorated (carved or otherwise embellished) sash or frame
 - (vi) Non-rectilinear sash or frame.

"Stile" shall mean a vertical sash member.

"Story" shall be defined as a habitable floor level including a basement but not including a cellar.

Approved April 13, 2000
Board of Directors,
FHGC

This document shall take effect on May 1, 2002 and shall supersede all previous documents published by the Forest Hills Gardens Corporation of the same or similar nature

