

4/23/2010



1 Society Way, Lawrenceville, NJ 08648
Phone 609 896-9346 • FAX 609 896-4942

HIGH EFFICIENCY SYSTEMS IMPACTING COMMON ELEMENTS

This governs proposed installation of any so-called high efficiency or other heating, air conditioning or hot water equipment if its installation will affect any Common Element, particularly the notching or cutting of any supporting structures, the penetration of any walls, siding, or roof, the installation of any piping or other items through the roof or other structure of the building, or the moving or rerouting of any exterior equipment or piping, tubing, flues, etc. It also is required if your action will result in the non-use of builder-installed flues, chimney, or other such equipment.

If you are simply replacing existing equipment which will utilize the existing flue, tubing, etc., without affecting it in any way, you do not need to submit this application. Likewise, this does not apply to routine maintenance or repairs of existing equipment and systems.

We do not approve manufacturers or models.

There are penalties for non compliance, including fine, order to remove or restore, etc., so if there is any doubt whatsoever, READ THIS PACKAGE CAREFULLY or ask the Association staff in advance.

This Package Contains A Form and Information to Process Your Request:

- The resolution of the Board of Trustees establishing the policy.
- General Architectural Control Regulation for your background information.
- The Modification Request Form that must be submitted in advance.

SOCIETY HILL AT LAWRENCEVILLE CONDOMINIUM ASSOCIATION, INC.

Resolution # 2010-April-19

RESOLUTION ESTABLISHING AND RATIFYING REQUIREMENTS PERTAINING TO INSTALLATION OF HIGH EFFICIENCY FURNACES, AIR CONDITIONING, AND HOT WATER EQUIPMENT

WHEREAS, the Master Deed and Bylaws (the “Governing Documents”) empower the Board of Trustees with all duties necessary for the proper conduct and administration of the affairs of the Association and the operation and maintenance of the Development and to do or cause to be done all such other lawful acts and things that are not by law or by the Governing Documents directed or required to be done or exercised by members of the Association or Unit Owners; and

WHEREAS, Section 4.11 of the Bylaws provides that each member shall comply strictly with these Bylaws and with administrative rules and regulations adopted pursuant thereto as well as with the covenants, conditions and restrictions of the Master Deed and the deed to his or her own Unit; and

WHEREAS, Section 5.17 of the Master Deed and Section 4.01 of the Bylaws provide that, except under limited circumstances, each Unit Owner shall be responsible for, at his or her own expense, all of the maintenance, repair work, and replacements within his or her own Unit; and

WHEREAS, pursuant to Section 5.19 of the Master Deed, Sections 4.09 and 4.11 of the Bylaws, and the Association’s Rules and Regulations, no Unit Owner may place or store anything on the Common Elements, except as permitted by the Association; and

WHEREAS, the Association is responsible, except in certain circumstances, for the maintenance of the Common Elements, and has further established rules and regulations regarding actions that affect the Common Elements and the preservation of visual harmony, community appearance and enjoyment throughout the Condominium; and

WHEREAS, among other issues considered by the Association in determining whether modifications to the Common Elements are permitted is the efficiency of community maintenance and operation and the structural integrity and maintenance of the Common Elements; and

WHEREAS, several decades after the original construction of the residential buildings of the Association, new technologies have become commercially available, in particular regarding so-called high-efficiency heating, hot water, and air conditioning systems, some of which may not be compatible with the existing flue ducting and other mechanical systems within the buildings, and

WHEREAS, in response to inquiries for specific guidance, the Association has devised certain standards for the guidance of Unit Owners in determining whether such systems may be installed within their Units, and

WHEREAS, the Association desires to formally establish and ratify standards permitting and encouraging certain replacement systems in a manner provided that the installation that does not adversely impact the Common Elements, building structure, maintenance, community appearance, and other rights and obligations of the Association.

NOW, THEREFORE, the Board of Trustees does resolve as follows:

A. General Requirements

1. Unit Owners are free to select the brand and model of new furnaces, hot water heaters, and central air conditioning systems without prior Association approval, provided that they use the existing mechanical support equipment such as ducting, flues, chimney, and drainage lines, and do not intrude into Common Elements to any greater degree than the originally installed system, or, with respect to Limited Common Elements such as patios or planting beds, are located in a different location than the original system.

2. Any retrofitting of ducting, piping, flues, chimney, drainage lines or installation of new systems that affect the Common Elements, maintenance or appearance of the Common Elements, or which are needed to meet manufacturer requirements for so-called high efficiency systems, may only be performed upon prior submission to the Association of a Modification Request package, and approval thereof by the Association. The Request must fully describe all proposed work and materials, and state that all provisions of this resolution and any conditions applied to an approval will be complied with by the Unit Owner.

3. In the event that a manufacturer requirement or resulting state or municipal code requirement with respect to said manufacturer requirement for a particular Unit Owner-desired system is inconsistent with the terms of this resolution, and other manufacturer brands or models are available that are consistent and provide reasonably effective service, then the Association may require the Unit Owner to select another manufacturer brand or model. Specifically, the Unit Owner may make product selection, but any resulting impact on existing structure, mechanical systems or exterior appearance, and installation affecting any Common Element, will also be subject to this resolution. To avoid unnecessary expense of removal or modification, Unit Owners are urged to make sure that the proposed installation is acceptable to both the Association and, as applicable, local code authorities before entering into a contract for the installation of a system. Unit Owners are further encouraged to discuss these requirements with the Association before submitting the formal Modification Request.

4. Prior to any installation of a system, the Unit Owner must obtain any required governmental permits and provide copies thereof to the Association. Upon approval

of the Modification Request, the installation of any such system shall be subject to reasonable inspection by the Association, as well as by government code authorities.

5. Any ductwork, air conditioner tubing, flues, condensation drainage lines, or other such systems which require routing through any interior area exposed outside of original walls of a Unit other than in the furnace closet, shall be enclosed in framing and sheetrock, finished and painted to at least original builder grade standards. No exposed systems will be allowed, including within interior or outside closets of any type.

6. No supporting structural elements shall be removed, notched, or weakened in any way without prior approval and certification from a licensed architect or engineer that structural integrity has not been impaired. Sheetrock and exterior siding may be penetrated as necessary to allow passage of piping, subject to overall provisions of this resolution.

7. Any sheetrock, sheathing, siding or other Common Elements feature allowed to be penetrated or affected by virtue of an approval pursuant to this resolution shall be cut only to the minimum extent necessary for the penetration, and restored in a workmanlike manner that is weather proof, vermin-resistant, and consistent with existing appearance. The Unit Owner shall bear the full cost of both installation and any future maintenance or added costs to the Association which might ensue from this new installation and, as a condition of approval, the Unit Owner shall agree to indemnify the Association against any such costs or adverse impact of said installation on the Common Elements.

B. Furnace and Hot Water Heater Exterior Systems

1. No flue pipes may penetrate through any building's front or side wall, nor shall any penetrate a firewall to pass through another Unit.

2. Flue and fresh air pipes which extend out of the building into the air are not permitted. Terminations should be made by means of a device such as a vent termination kit known as Bayvent200B (or similar equivalent), with either a single concentric connection or use of two singles. This shall not extend out from the rear wall by more than its own depth, shall be of a color reasonably compatible with the vinyl siding, and shall be installed in a workmanlike fashion.

3. For those townhomes such as models designated in the Master Deed as 300A, 300B or 600, having a rear first story roof above a rear storage closet, a concentric flue may be extended in a vertical direction through that roof, provided that it shall not extend more than two feet, unless required by government code to be taller, and in no case taller than three feet above the roof surface. This shall be installed with proper flashing and caulking, and shall be subject to the same provisions regarding restoration and maintenance provided in Section A.7 above.

4. An exhaust flue for a high efficiency hot water heater may utilize a protruding pipe with a quarter bend, provided that its total exposed length of the pipe is no more than one foot outside of the siding, and that it not extend at any point more than six inches out from the siding.

5. Any condensation drain required shall be properly tied into the existing Unit's plumbing system in accordance with applicable government code, and shall not be installed in any manner that will allow moisture to impact the building structure, nor be connected to the air conditioner drain.

C. Air Conditioner Replacement

1. In the event that the new air conditioner equipment located outside the building requires new or different tubing, this tubing must be installed following the route of the existing tubing, all exterior visible parts of which shall then be removed in a manner which does not detrimentally affect the Common Elements.

2. In the event that a different location for the outside air conditioner unit is deemed advisable to provide an easier routing of the new tubing, the Association will consider a request for a different location, evaluating, among other things, the appearance, practicality, and impact on neighbors. In no case will the new location be allowed outside of the rear patio area for a townhome, or outside of the planting area of a garden apartment. In no case will tubing be allowed to be installed in a more visible exterior manner than the original, and should enter the building structure at the earliest feasible point.

D. Maintenance of Systems

1. Any equipment or systems of the nature described in the resolution which serve one Unit, including new or existing ducting, piping and chimneys, are the responsibility of the Unit Owner to maintain. Failure to do so may lead to the Association taking remedial action at the Unit Owner's expense.

2. Any systems or equipment, such as chimneys and piping, that are no longer needed to service the Unit, provided that they serve only that Unit, shall be removed by the Unit Owner.

D. Enforcement; Penalties

Unit Owners are urged to plan ahead for maintenance and replacement of their mechanical systems, and to allow adequate time for submission and review of the Modification Request.

Failure to comply with provisions of this resolution shall result in a fine of up to \$250, plus any administrative charges incurred by the Association because of said failure, as well as responsibility of the Unit Owner to remove, at his or her own expense, anything that was installed without approval or in violation of terms of this resolution or approval. In the

event that the Association deems it necessary to perform corrective work in this regard, upon failure of the Unit Owner to do so upon proper notice, the full cost of doing so shall be levied on the affected Unit, including direct and administrative costs.

The provisions of the preceding paragraph shall be deemed to be an amendment to Appendix A, Standard Schedules of Penalties for Violations, of Resolution # 2010-February-16-1.

E. Implementation

The property manager, in consultation with the Board, shall assemble a Modification Request Package with necessary information and forms, and shall maintain records of requests, actions, and inspections.

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SOCIETY HILL AT LAWRENCEVILLE CONDOMINIUM ASSOCIATION, INC.

ARCHITECTURAL CONTROL COMMITTEE

(The functions of this former committee are in full effect but are now administered by the Board of Trustees; any reference to the Committee is now deemed to mean the Board. These are general rules for background. The specific requirements for Hi-Efficiency installations impacting the Common Elements are a specific implementation of this general rule.)

RULES AND REGULATIONS

1. Unit owners shall NOT at any time make any structural additions, alterations or improvements in or to the units or make any changes, additions, alterations or improvements to the common elements without the prior written consent of the Architectural Control Committee and/or the Board of Trustees. The common elements constitute everything outside of the sheetrock in your unit as well as all bearing walls within your unit.
2. Unit owners must submit a written request to the Architectural Control Committee and/or the Board of Trustees specifying the exact nature of the change and the anticipated impact or effect of the change of the common elements. Requests should be mailed to Society Hill at Lawrenceville Condominium Association, 1 Society Way, Lawrenceville, NJ 08648 or completed at the Association website.
3. Unit owners must include with their written request all available pertinent information including but not limited to the name and addresses of proposed contractors or a statement that the owner will be doing the work himself, proof of availability of appropriate permits when permits are required, and any sketches, drawings, designs or blueprints.
4. Unit owners must also submit a signed copy of an agreement to hold the Association harmless for any damage to his/her unit caused by any change, addition, alterations or improvement in the unit or the common elements. The agreement, copy attached hereto, also renders the unit owner responsible for all claims, demands, actions or causes of action of every nature and character whatsoever in law of equity for loss, damage or injury to any and all persons or property arising out of the making of such alterations, additions and/or improvements, to their unit or the common

elements. When the work is being performed by a contractor, an insurance certificate showing liability coverage for personal and property damages is also required.

5. The Architectural Control Committee and/or the Board of Trustees shall review all requests and provide a written decision either approving or disapproving the request and stating any limitations or conditions on approval. Every effort will be made to render a decision on written requests within two (2) weeks of receipt by the Architectural Control Committee and/or the Board of Trustees. If additional information or extensive investigation is required to reach a decision, the committee reserves the right to extend the response time, and will so notify you.
6. Unit owners must retain the written approval as proof of authority to make the change, alteration, addition or improvement as requested.
7. The Architectural Control Committee and/or the Board of Trustees shall have the right to request a good faith deposit with each request submitted. The amount of this deposit is dependent on the nature of the request, and will be determined by the Architectural Control Committee and/or the Board of Trustees. This deposit will be held, and will be returned interest free when the Committee and/or Board determines that all regulations have been adhered to and no damage has been done to the common elements.
8. Unless otherwise stated in the specific "Regulations Agreement," all projects must be completed within thirty (30) days of the agreed upon project start date. Unit owners must return the "Notification of Completion" to notify the Committee and/or the Board that the project is complete and ready for inspection. Requests are subject for reapproval by the Committee and/or the Board after the agreed upon timeframe.
9. Dependent upon the nature of the alteration, unit owners may also be required to submit a signed, notarized "Restrictive Covenant." This document will inform future buyers of the particular unit that the alteration to the common elements was performed by the unit owner, that the Association will not be responsible to maintain it, and that if the unit owner fails to maintain it, the Association has an easement to do so and will assess the cost against the unit. The document will be filed in the county records.
10. No lights may be installed on or above the common elements. This applies to all types of lighting and covers both permanently installed and temporary (removable) lighting. Requests that include patio lights will be denied.



AT LAWRENCEVILLE
Condominium Association, Inc.

1 Society Way, Lawrenceville, New Jersey 08648
Phone: (609) 896-9346 Fax: (609) 896-4942
www.SHLtoday.org Email: info@SHLtoday.org

MODIFICATION REQUEST FORM
HIGH EFFICIENCY SYSTEMS IMPACTING COMMON ELEMENTS

To the Board of Trustees:

In accordance with the Governing Documents of Society Hill at Lawrenceville Condominium Association, Inc., and in particular, Resolution # 2010-April-19 ("Resolution Establishing and Ratifying Requirements Pertaining to Installation of High Efficiency Furnaces, Air Conditioning, and Hot Water Equipment"), as may be amended, I hereby apply for permission to make the following modifications to the premises in order to accommodate the specified equipment:

Date of Request: _____
Unit Address: _____
Owner Name and Address: _____
Home Phone: _____
Cell Phone: _____
E-Mail: _____

Installation of:
 Furnace Air Conditioner Hot Water Heater Other (specify)

Make and Model # _____
(Except as provided for in the Resolution, Association approval will not extend to make or model)

Check all areas that the modification/alteration will change:

General Common Element Exterior Appearance
 Limited Common Element Structural Component of Unit
 Landscaping

Installer Name, Address, Phone, E-Mail: _____

Insurance Carrier: _____

Describe on the next sheet or on a signed and dated attachment what will be installed, including a plan depicting the routing of any piping, ducting, tubing, drain lines, or relocation or removal of equipment or supporting systems. Include a clear depiction of how any piping or other items on the exterior of the unit or common elements will appear or be changed from that currently installed, including dimensions. Also provide a list of sizes and materials to be used.

I acknowledge that the Association must approve my request BEFORE any work can commence.

I certify that:

1. I have received, read, understand, and the installation will fully comply with all provisions of the Association's policy as stated in Resolution # 2010-April-19, as may have been amended, that I have provided a copy of the Resolution and this application to my installer, and that any installation made that is inconsistent with this application as approved shall be subject to removal and full restoration at my expense.
2. If any common elements of any nature, other than exterior siding and its underlying sheathing which do not perform any load-bearing or structure stiffening function, are to be cut, notched, penetrated, or impaired, a copy of a licensed engineer or architect's certification, or certification of another professional acceptable to the Association, that the structural integrity of the common elements will not be impaired is attached.
3. Any exposed piping or tubing will be enclosed as required by the resolution.
4. If this installation results in an existing chimney pipe or associated ducting no longer being needed, I accept full responsibility for its removal and restoration of any affected common elements at my expense, subject to the Association's oversight.
5. I accept that any installation made pursuant to an approval of this request will be completed as described, and maintained in good order, particularly that any exterior equipment or changes affecting the common elements will be maintained in good appearance and order, and that any additional costs incurred by the Association due to the installation or with future maintenance of affected common elements such as but not limited to exterior siding, shall be my responsibility to pay for or reimburse the Association for any such expense.

6. All applicable codes and regulations will be followed and all necessary permits will be obtained at my expense. Further, I understand that, should any regulatory agency require, at any time in the future, modifications to be made, the modifications will be completed at my expense.
7. I understand that it is my responsibility to provide insurance for the installation, and provide the Association with a copy upon request.
8. I agree to hold harmless the Association, its agents, its representatives and its employees, as well as the Association, for property damage or personal injury as a result of the above installation.
9. I understand that the Association has the right to record a notice of modification in the chain of title to my unit.
10. I agree to notify the Association at least two business days before any authorized work is to be performed, and to allow an Association representative to monitor the work and to conduct a post-completion inspection.
11. If approved, the installation must be completed within ninety days of approval date. If the installation is not completed within the ninety day time period, then re-submission of a new Modification Request Form to the Board for consideration is necessary before I proceed with the installation.
12. I agree that these conditions apply to my unit's property, and that they are binding on any future owner, and that I shall disclose these requirements to any future owner, who in turn will be similarly bound.

Signed: _____
 Printed Name: _____
 Address: _____

 Date: _____

Witness: _____
 Witness Printed Name _____

ACTION BY THE ASSOCIATION:

- Approved as Submitted
- Approved Subject to Attached Requirements
- Disapproved as Incomplete or Non Complying

NOTES OF CONDITION OR CLARIFICATION:

Society Hill at Lawrenceville Condominium Association, Inc.

BY: _____
 Property Manager

DATE: _____