

# SHARON GARDENS

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*A Division of Kensico Cemetery*

## **RULES AND REGULATIONS**

Sharon Gardens is a Division of the Cemetery which was established in 1953 for members of the Jewish faith. The following Rules and Regulations apply to Sharon Gardens and are made for the benefit of the Cemetery and for the lot owners and are designed to limit the rights of lot owners for the benefit of all. It is not the purpose of the Cemetery to interfere with the wishes of its lot owners, but the following Rules and Regulations have been found essential for the protection of the rights of all lot owners.

With the approval of the State Cemetery Board of the State of New York, the Cemetery may, from time to time, revise these Rules and Regulations in order to make reasonable amendments and additions thereto. When any Rule or Regulation is found to be detrimental to the best interests of the lot owners or when new conditions necessitate the adoption of other or further Rules and Regulations, such additions and amendments will be made and will be applicable to all lot owners at the time of the additions and amendments and to all future lot owners.

The Cemetery gates are open every day between the hours of 8:30 A.M. and 4:30 P.M. except on Saturdays and Jewish Holidays when the gates are closed and except on January 1, Thanksgiving Day and December 25, when the gates are open from 8:30 A.M. to 3:00 P.M.

The usual Cemetery office hours are as follows: Monday through Friday from 9:00 A.M. until 5:00 P.M.; Saturday and Sunday and any Holiday, other than January 1, Thanksgiving Day and December 25, from 9:00 A.M. until 4:00 P.M. The office is closed on January 1, Thanksgiving Day and December 25.

## **GENERAL**

1. The use of the property in the Cemetery is restricted to the interment or inurnment of human remains only. Pet cremated remains may not be interred or inurned in the Cemetery.
2. All persons within the Cemetery grounds shall use only the paths, walks and roads.
3. Upon the death of a lot owner, an "Affidavit of Heirship" shall be filed with the Cemetery in form satisfactory to the Cemetery. Forms can be obtained and executed at the Cemetery office. A recording fee may be charged for filing each affidavit.
4. The Cemetery may rely on the affidavit of anyone who in its judgment is, or should be, acquainted with the necessary facts. No liability shall be attached to or be imposed upon the Cemetery because of any action taken or not taken in reliance on such affidavit.
5. The Cemetery reserves the right to encroach upon adjoining lots and graves when opening graves or erecting memorials.
6. Periodically, at the discretion of the Cemetery, flowers, wreaths, emblems, flags, temporary grave markers, etc., used at funerals or placed upon graves at other times, will be removed and no responsibility for their protection, maintenance or safekeeping will be assumed by the Cemetery. The Cemetery also does not assume any responsibility for the placement of temporary grave markers.

7. The Cemetery prohibits lot enclosures of any description.
8. Photographing, videotaping or filming in the Cemetery is not allowed unless approved by the Cemetery.
9. Schedules of all service charges which can be fixed in advance are posted at the Cemetery office. The Cemetery's schedule of service charges is submitted for approval by the State Cemetery Board, except those services for which the charge cannot be fixed in advance, as provided in §1509 (d) of the New York Not-For-Profit Corporation Law.
10. Unleashed dogs are not permitted on the Cemetery grounds.
11. Lot owners must contact the Cemetery office to schedule an unveiling service.
12. Alcoholic beverages and illegal substances, whether banned by local, state or federal law, may not be consumed on cemetery grounds.

### **INTERMENT**

- 1.a. No interments are permitted on Saturdays or Jewish Holidays.
- 1.b. Although the Cemetery office is closed on January 1, Thanksgiving Day and December 25, the Cemetery will do its best to accommodate interments for religious reasons on these Holidays upon special request of a lot owner, except if such interment is impossible due to the physical condition of the gravesite or the unavailability of grave digger personnel. The fee for the interment on one of these three days will be the current approved interment charge in effect plus whatever identifiable, additional, extra costs are incurred, consistent with §1509 (d) of the New York Not-For-Profit Corporation Law. If more than one interment is made, the additional extra costs incurred will be allocated among the interments.
- 1.c. On Holidays, other than January 1, Thanksgiving Day and December 25, the Cemetery office is open with a limited staff. Burials are permitted on these other Holidays, which are not Jewish Holidays, upon special request of a lot owner, except if such interment is impossible due to the physical condition of the gravesite or the unavailability of grave digger personnel. The fee for the interment is the current approved interment cost. The Cemetery publishes a list of Holidays at the beginning of each year. The list is available to funeral directors and lot owners.
- 1.d. The Cemetery requests that all interments to be made on a Holiday, in accordance with items 1.b or 1.c above, be scheduled to take place before 12:00 noon. If the Cemetery determines that it is impossible for the interment to take place, the funeral director will be notified no later than 10:30 A.M. of the Holiday.
2. Before an interment is made, an authorization designating the number of the grave to be used must be signed by the lot owner(s) and filed at the Cemetery office.
3. Orders for interments will be accepted over the telephone but they must be confirmed prior to interment. The Cemetery assumes no responsibility for errors in accepting orders over the telephone.
4. Weather and terrain permitting, a tent, chairs, artificial grass, a lowering device and other incidental equipment will be furnished to the limit of availability and used exclusively by the Cemetery in making interments. All of these facilities are provided at no extra charge. A large tent is available upon request, for which an extra charge will be made.
5. One regular interment or four interments of cremated remains are permitted in each grave.
6. The number and location of any ground burials, to be made in lots on which a mausoleum is situated, must be approved by the Cemetery's Superintendent of Grounds.

7. All entombments (except cremated remains) in the Kensico Mausoleum, private mausoleums or any structure above ground must be in metal lined boxes, hermetically sealed by fire, or other sealed container approved by the Cemetery.

8. When remains are temporarily entombed in the Kensico Mausoleum, a mausoleum crypt rental agreement provided by the Cemetery must be executed and deposit made.

9. Funerals arriving after 3:00 P.M. may be subject to an approved overtime charge.

10. All human remains to be interred in the ground at the Cemetery shall be encased in an outside rigid container, which is so constructed as to withstand hazards associated with methods of transportation to the Cemetery, as provided by §13.1 of the Sanitary Code adopted by the New York State Department of Health.

## **MEMORIAL**

When the term "memorial" is used in these Rules and Regulations, it is understood to include mausoleums, monuments, markers, corner posts, sarcophagi, benches, ledger stones and any other similar embellishment. The Cemetery contains Sections or Areas with established Restrictions related to memorials. Those Restrictions are set forth in the Sales Agreement entered into and Deed issued with respect to each lot located in such Section or Area. The following rules apply with respect to all Sections or Areas within Sharon Gardens except to the extent that they are superseded by Section or Area Restrictions. These rules may be adjusted by the Cemetery in appropriate circumstances.

1. No permit will be issued for setting any memorial or for the construction or erection of any memorial on a lot unless a deed for such lot has been issued.

2. Memorials must not encroach upon the space allocated for interments.

3. An upright monument is permitted only on lots which are determined by the Cemetery to be of sufficient size and only on lots located in specified sections of Sharon Gardens. An upright monument will not be permitted on any lot designated as a flush memorial lot. Each lot owner is advised to contact the Cemetery before making arrangements for the installation of a monument.

4. All grave markers must be flush with the turf and on a single grave shall not exceed 2 feet in length, 1 foot in width and 4 inches in thickness. Companion markers are allowed on two or more graves but such markers shall have a maximum length of 50% of the rear line of the graves (except for sections developed before 1985, the maximum length is 60% of the rear line), a width of 1 foot and thickness of 4 inches, provided that, if the length of the marker exceeds 4 feet, the thickness must be 6 inches.

a. Foot markers are not permitted in addition to a monument in certain sections of Sharon Gardens. The Cemetery should be consulted before a foot marker is ordered in conjunction with a monument. Raised lettering is not permitted on granite markers.

b. Raised foot markers are not permitted except on lots with previously existing raised foot markers. The Cemetery, at the request of the lot owner, will lower said markers at its expense so that future installations of markers will be flush and uniform.

5. All memorial work must be either of approved quality stone or standard bronze.

6. Slate, sandstone, iron, wood, artificial stone and marble are not permitted.

7. Where a base and die stone are used, they must be of the same material, kind and quality. The sides and ends of all bases must be left in the natural rock finish. The Cemetery is not responsible for damage to bases or dies.
8. All monuments on a rectangular or square lot must be set on the rear line of the lot. The Cemetery shall have the right to adjust any monument in order to bring it into line in accordance with this requirement.
9. Monuments must not exceed the following relative dimensions:
  - a. Maximum width not to exceed 60% of the width of the lot. For sections developed after 1984, the maximum width shall not exceed 50% of the width of the lot.
  - b. Maximum depth not to exceed 10% of the depth of the lot.
  - c. Maximum height not to exceed 3'6." For sections developed prior to 1984, the maximum height should not exceed 4'6".
10. Foundations for all memorials are built by the Cemetery. The charge for installing foundations shall be at the rate approved by the State Cemetery Board and in effect at the time the work is performed.
11. All memorial work must have the surface next to the foundation dressed off sufficiently true to allow every part to be in contact with the foundation, and must be set in a solid bed of mortar. The use of spawls between the base stone and foundation or any other defective workmanship in the base stone will not be permitted. Any monument over 6 feet in width needs at least 2 dowels between base and die. All joints in memorials, if cut with carborundum or polished shall have the joint roughened to provide a good mortar bond.
12. If it is necessary to remove a memorial or foundation to open or reopen a grave for interment, the cost of removing and replacing will be charged to the lot owner.
13. Platforms or walks leading to a memorial will only be allowed by special permission and must terminate 5 feet back of the sod line on avenues and 6 inches back of the sod line on walks.
14. If any memorial is substantially damaged or defaced, or falls into disrepair or dilapidation so as to create a dangerous condition, the Cemetery shall proceed with respect to the repair or removal of such memorial as provided in Sections 1510 (h) and 1510-a of the New York Not-For-Profit Corporation Law.
15. All monuments and markers must show lot information. **For Monuments:** The section, lot number and code must be inscribed on the right top of the base. **For Footstones:** The section, lot code and grave number must be inscribed on the lower right corner.
16. A mausoleum or a sarcophagus or a ledger stone may be erected only on lots which are approved for such structures by the Cemetery.
17. Plans for the erection of a mausoleum, sarcophagus or ledger stone will not be approved until satisfactory provisions have been made for the endowed care of the structure. The amount of the endowment will be determined by the Cemetery and will depend on the size and design of the building.
18. Standard bronze shall be used for door and door frames, sash and sash frames, grilles, rosettes, dowels, anchors, etc.
19. A duplicate key to the mausoleum must be left at the Cemetery office.

## PLANTING

Persons interested in planting or any gardening work must submit a plan outlining the proposed work for approval by the Cemetery. If planting is poorly chosen, is planted in the wrong location, or lacks proper maintenance, it detracts from the individual lot and also from all nearby lots. Cutting grass is extremely costly and yet most essential in maintaining a beautiful cemetery. Grave cover plantings and some others also increase mowing costs not only for individual lots but for entire sections of the Cemetery. Therefore, to protect the interests of all lot owners, the Cemetery has established Restrictions related to planting in certain Sections or Areas and issued the general rules below. The Section or Area Restrictions are set forth in the Sales Agreement entered into and Deed issued with respect to each lot located in such Section/Area. The following rules apply with respect to all Sections or Areas in Sharon Gardens, except to the extent that they are superseded by Section or Area Restrictions. These rules may be adjusted by the Cemetery in appropriate circumstances.

1. A permit from the Cemetery Office is required before anyone may install planting. Planting installed without such permit is subject to removal without notice.
2. Planting will be permitted as follows:
  - a. One evergreen may be planted on each side of the memorial on two and four grave lots. The Cemetery will provide a list of suggested evergreens upon request.
  - b. Planting in addition to one evergreen on each side of the memorial will be permitted on larger lots subject to the approval of the Cemetery. An application shall be filed with the Cemetery describing the planting requested. If planting is requested in addition to one evergreen on each side of the memorial, a plan shall be prepared and filed with the application indicating the planting requested and the location on the lot.
3. Planting is not allowed which limits access by mowing and excavating equipment used by Kensico. A diagram is available at the Cemetery Office indicating space requirements for such equipment and Cemetery staff will be available to provide advice regarding space requirements.
4. Permits will not be issued for grave cover plantings, mounds, corner plantings, enclosure plantings and winter grave blankets, except as provided in Rule #5.
5. On those lots where there is an existing grave cover planting under care, additional grave cover plantings will be permitted only for the graves of the original lot owner, his or her spouse, their children and their parents, provided that such plantings match the existing planting and are under care as provided in Rule #6.
6. Provision for care must be made before a permit will be issued. This may be done by providing a bequest or endowment for future care or by a deposit to cover removal of the planting in the event that care is discontinued. Information in regard to the amount of bequest and endowment or the fee for annual care and the required removal deposit will be furnished by the Cemetery Office upon request.
7. Certain sections of Sharon Gardens have been specially landscaped and no individual planting is permitted.
8. No planting is permitted on a single grave lot.
9. Florists and gardeners who are in the business of planting, care, the sale of wreaths, floral tributes, etc., must have a permit and file written notice with the Cemetery before the commencement of any such work. All planting and embellishment of a temporary nature including wreaths, floral tributes and other temporary embellishments must be removed by the florist or gardener or, in the alternative, by the lot owner. All such embellishments provided for the winter months must be removed before March 1 in each year: all other temporary embellishments within 15 days of date of delivery. Artificial flowers are permitted only in the months of December through February and

must be removed before March 1. In the event of failure to remove as aforesaid, the Cemetery will remove at lot owner's expense.

10. Planting may be removed only with the permission of the Cemetery. Any tree removal shall be done by the Cemetery in order to prevent damage to the monuments and plots of adjacent lot owners and for safety. The cost of tree removal is payable by the lot owner and shall be reasonable and proper under the circumstances and equal to or lower than the same type service performed by outside gardeners or tree removal companies.

11. Any planting in a lot which, in the opinion of the Cemetery, becomes unsightly, overgrown or dangerous may be removed, repaired or corrected by the Cemetery at its own cost and expense after 15 days notice by certified mail to the lot owner at his or her last known address. In the event of such removal, correction or repair, the Cemetery within 20 days shall notify the lot owner of such action by certified mail, at his or her last known address.

12. Care of lot as used herein means care by the Cemetery or by a florist, gardener, or others under contract with or employed by the lot owners and with a permit.

### **CONTRACTORS AND OTHER OUTSIDE WORKERS**

1. All work done in the Cemetery must be completed safely and competently, utilizing strictly quality materials and workmanship, and all work must be in conformance with these Rules and Regulations, and is subject to inspection by the Cemetery. Outside contractors, gardeners and any others failing to comply with this provision, shall be excluded from work within the grounds by order of the Cemetery.

2. No outside contractor shall be permitted to install, set or repair a memorial unless such outside contractor is engaged in such work as a primary activity of the outside contractor's business. In addition, the Cemetery may, from time to time, establish further rules and specifications governing the work within the Cemetery's grounds that may reasonably be performed by persons other than Cemetery employees. Such further rules and specifications may include, but are not necessarily limited to, the following requirements:

- a. That the person or persons doing the work possess a reasonable degree of experience and expertise in performing such work;
- b. That work be performed at such reasonable times as the Cemetery designates;
- c. That evidence of proper worker's compensation and liability insurance coverage be provided. The Cemetery will not be liable for any injuries that may occur during the course of any outside contractor's work within the Cemetery;
- d. That the contractor comply with any specifications for the types of material, site clean-up, and such other reasonable rules and specifications, as the Cemetery may, from time to time, determine, to protect the character of the Cemetery as an institution of the highest quality.

3. Before performing work of any nature upon a lot, the contractor or other outside worker shall present a written order signed by the owner or owners or their successors in interest of the lot or grave, as his authority for the same. The approval of the Cemetery must also be obtained and a permit secured before commencing the work or bringing any material onto the grounds. Such permit shall be shown whenever demanded by any employee of the Cemetery. In addition, before erecting any kind of memorial, the contractor shall complete and file the Cemetery Memorial and Foundation Application, which shall include a sketch drawn on the Application showing the design and plan of the work and shall show sizes, kind of material, inscriptions, and location of proposed memorial on the lot. The Cemetery may also require the contractor to provide a blueprint with respect to a memorial.

4. The Cemetery may reject any plan or design for a memorial which on account of size, design, kind or quality of stone or workmanship is unsuited to the lot on which it is to be placed. To avoid making unnecessary plans and to save expense and disappointments, the Cemetery should be consulted in advance so that the contractor may know what improvements will be allowed on a particular lot.

5. All contractors approved to construct any memorial work will do their utmost to complete the work in a timely manner. When submitting plans for approval, an estimated time of completion must be provided. If, in the sole opinion of the Cemetery, the period of work will cause an extended worksite, the Cemetery may require that a fence, type, size and style to be determined, be erected to mask the site during construction. Any materials, supplies, electric, water, or other site materials that are used by the contractor, will be billed, at actual cost. If the contractor fails to pay for such materials within 30 days of the invoice, the Cemetery may suspend work within three (3) days of notification to the lot owner and contractor in writing.

6. The Cemetery, without prior notice, may inspect the site, type, style of all materials, and workmanship at any time it sees fit. If, in the sole opinion of the Cemetery, the original plans are not being adhered to, the Cemetery may cause all work to stop, and notify the lot owner and contractor in writing within three (3) days of such suspension of work.

7. When work is suspended pursuant to these Rules and Regulations, or for any other reason, all material must be confined to the lot or removed to such place as the Cemetery may direct. Work may not resume without the written approval of the Cemetery.

8. Contractors and lot owners will be held responsible for work that in the sole opinion of the Cemetery is incomplete or imperfect. The lot owner and contractor will be required to bring work up to the standard required by the Cemetery. If the Cemetery is required to fix the problem, the lot owner will be invoiced for such work, and no other work may take place until such charges are paid.

9. While a service of interment is being conducted, all work of any description which is near enough to disturb, either by noise or otherwise, shall stop. Workmen shall not loiter in the vicinity of the interment.

10. The Cemetery is not responsible for repair, maintenance or replacement of any monument, marker, private mausoleum, or planting that is stolen, damaged or destroyed by any cause whatsoever during the course of work being performed on said lot by a contractor.

11. All equipment of a contractor and any refuse material must be removed immediately from lots and graves. If not so removed, then the Cemetery will charge a fee for the removal of the equipment or refuse.

12. If any contractor erecting a memorial of any kind or description on a lot damages the grass area, the Cemetery shall make such restoration as in its judgment is necessary and the contractor shall reimburse the Cemetery for the cost of such restoration.

These RULES AND REGULATIONS were adopted by the Board of Directors of the Cemetery as of March 31, 2017 and approved by the New York State Cemetery Board on June 9, 2017.

New York State Division of Cemeteries Website: <https://dos.ny.gov/cemetery-disclosures-and-information>

