



Legal Update from BHVA BOD – Tram TRO

On Friday April 1, 2021, the BHVA BOD filed a request for relief in the form of a temporary restraining order (TRO) against FEI beginning construction of an unapproved tram on the cliff of the BHV waterfront.

The TRO hearing was set to be heard in Hon. J. Scott Odorisi's Court on April 7th at 3 PM.

At 10:25 AM the morning of the hearing, FEI's counsel wrote to the Court requesting that BHVA's TRO be denied because: "FEI has not taken any steps to begin tram construction and does not intend to do so until the necessary Environmental Committee approvals are obtained."

That afternoon, the TRO hearing with Judge Odorisi took approximately 15 minutes. Upon consideration, Judge Odorisi accepted FEI's counsel assertions that FEI would follow BHVA's administrative process for the tram application, but he denied the TRO request *without prejudice*, allowing BHVA to move for this TRO again, should it become necessary.

The BHVA BOD is pleased that FEI has represented to the Court that it intends to follow the same administrative process each lot owner at BHV is obligated to follow - at least with regard to its tram application. Unfortunately, it took the threat of a TRO from the Court to get this simple assurance from this BHV lot-owner.

We are also pleased to report that the trees and other vegetation on the cliff below the waterfront parking garage remain as they were.

The BHVA BOD remains committed to our community's goal of preserving its shared private waterfront amenities, rights of access and enjoyment through oversight and enforcement of its governing documents, rules and regulations.

Kind Regards,
BHVA BOD

Environmental Committee letter in response to Tram Application linked here:

https://d3c66e32-8e9f-4cea-ab14-ca64372e173b.filesusr.com/ugd/29af32_344bf0cef4bd4aaa9064b6940cbc418a.pdf

Docket linked here:

<https://iapps.courts.state.ny.us/nyscef/DocumentList?docketId=yLrh0cBf6/YGS504yLDc3g==&display=all&courtType=Ontario%20County%20Supreme%20Court&resultsPageNum=1>

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