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DEEDS

Woodscape Homeowners' Association
Policies and Regulations 3/15/96

I. Introduction:

The Woodscape Homeowners' Association is a not for profit corporation formed by the development's builder, Rosen-Michaels, Inc. to "provide for maintenance, preservation and architectural control of certain real property located in the Woodscape Subdivision" according to the Association's Certificate of Incorporation filed in 1983 (Section 3). The Certificate went on to state that "the affairs of this Association shall be managed by a Board of not less than three (3) Directors" (Section 9).

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The By-Laws of the Association (also implemented in 1983) again asserts that the affairs of the Association shall be managed by a Board of Directors (Article IV, Section 1). The By-Laws go on to enumerate the powers and duties of the Board in Article VII. Specifically, Section 1.(a) states that the Board has the power to "adopt and publish rules and regulations governing the use of the property and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof".

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Finally, Rosen-Michaels filed a Declaration of Covenants and Restrictions with the County of Albany covering each unit in Woodscape which places certain restrictions and requirements on any and all purchasers of homes in Woodscape. The Declaration further gave Rosen-Micheals and its successor, the Homeowners' Association, the power to abate and remove any violation of the restrictions (Paragraphs 15 and 16) and to amend the restrictions (Paragraph 18). The Declaration also states that failure to enforce any of the restrictions in one instance does not constitute a waiver of the right to do so thereafter.

Historically, the Homeowners' Association Board of Directors has used the Declaration of Covenants and Restrictions as its guide and authority on what is allowable in Woodscape. However, in many instances, the Declaration has proven to be ill suited for that purpose because of imprecise or unclear language or because it failed to foresee new and different circumstances than existed in 1983. For these reasons the 1995/96 Board of Directors as empowered by article VII of the By-Laws is issuing the following statement of Policies and Regulations. It is not the Board's intent to increase its own powers or the restrictions on the membership. Rather, we want to state more precisely what the requirements on homeowners are, and be able to better react to new circumstances.

II. Policies of the Board of Directors of the Woodscape Homeowners' Association:

- A. The overall goal of the Board of Directors is to maintain Woodscape as a desirable place to live. This goal is best accomplished with a maximum of homeowner cooperation and a minimum of intrusiveness on the part of the Board.
- B. Board members in making their decisions on items before the Board should strive to maintain a high level of objectivity and avoid imposing their personal preferences on others.

III. Regulations:

The regulations listed below are grouped by subject area. For subject areas mentioned in the Declaration of Covenants and Restrictions and this document, this document takes precedent. Any area covered in the Declaration but not here remains in effect as stated in the Declaration.

A. House Exterior - Single Family Homes:

Any major changes to the appearance of the exterior of a home in Woodscape must be approved in advance in writing by the Board of Directors.

1. Major changes include but are not limited to:
 - a. Color of the house proper, trim or doors (see #4 below).
 - b. Siding.
 - c. Windows.
 - d. Additions.
 - e. Decks or porches.
2. Minor decorative changes such as light fixtures, name plates, shutters, planters, etc., need not be approved in advance.
3. If in doubt, consult with any Board member as to whether Board approval is needed.
4. Unless advance Board approval is obtained, houses must be restrained in the original colors with semi-transparent stain and trim around garage doors, windows or replacement windows must be repainted in the original colors.

B. House Exterior - Townhouses:

The regulations regarding the Woodscape Townhouse units differ somewhat because the townhouses are attached contiguous units and must be uniform in stain, trim, windows and doors. Deviations from this standard directly and negatively affect the value of the attached neighbors' property and the Woodscape Development as a whole. Variations in landscaping are permitted for those home owners who wish to express their individuality.

1. Townhouses must be restrained in the original colors with semi-transparent stain. Trim around garage doors, windows or replacement windows must be repainted in the original colors. Front doors and storm doors of contiguous townhouse units must be uniform in color.
2. Any change in shading or color of Woodscape Townhouses must be agreed upon by each owner in that contiguous group in writing and be approved by Homeowners' Association Board of Directors in advance in writing, and all units must be restrained at the same time.

3. When it becomes necessary to replace roofing, the replacement roofing shingles must be of the same variety, texture, and color as the original shingles. If a good match is not possible and it becomes necessary to make a change, the change must be approved in advance in writing by the Homeowners' Association Board of Directors and agreed upon by each townhouse owner in that contiguous group in writing, and all units should have their roofing replaced at the same time.
4. Any major changes or additions to the exterior of a townhouse must be approved in advance in writing by the Homeowners' Association Board of Directors. Major changes include but are not limited to:
 - a. Replacement windows
 - b. Additions
 - c. Decks or porches (permitted in the rear of townhouses only)
 - d. Any structure that attaches directly to a townhouse unit
 - e. Window shutters.

In considering any major change to the exterior of Woodscape Townhouses, the Board will pay particular attention to maintaining the uniform and coordinated appearance of all the townhouses in a contiguous unit.

5. Minor decorative changes such as light fixtures, name plates, planters, window boxes (which must be stained to match the exterior), need not be approved in advance. Window shutters are considered a major change since they drastically change the appearance of the exterior

NOTE: Single Family Houses or Townhouses who have been restained a different color than the original color without Board approval must revert to the original color the next time the house is restained. Board approval must be obtained to restain the house with any color other than the original.

C. Fences:

Installation of all fencing must be approved in advance in writing in advance by the Board. In general, to be approved, fencing must meet the following standards:

1. The fencing must be attractive and compatible with the style of Woodscape. In general, wooden fences best meet this criteria.
2. The height of the fence should not exceed 6 feet in the back of lot, and five feet on the sides of the lot up to a line even with the front of the house.
3. Fences in front of the house must be less than four feet in height and must be of a construction that does not unduly block the view of the house or the view up and down the street.
4. Chicken wire fences, snow fences, plastic mesh fences, and barbed or razor wire fences are prohibited.
5. Chain link fences are allowed only in areas not visible from the street and for special reasons, such as the topography of the lot.
6. Stone or masonry fences will be considered on a case by case basis.
7. Wood fences must be stained to match the house.
8. Crossbeams on stockade fences must face inwards.
9. Positioning of the fence relative to the property line is the homeowner's responsibility. Approval of a fence proposal by the Board in no way gives the requestor permission to encroach on a neighbor's property or the common areas. Fences on Townhouse lots can not infringe on the ten foot easement which exists on the side and rear of Townhouse lots for the movement of lawn mower equipment and maintenance and fire protection.

D. Pools:

1. All above-ground, (except "kiddie" pools, those less than 3 feet high and 15 feet in diameter) and in-ground pools must be approved by the Board of Directors.
2. All pools and outdoor hot tubs/jacuzzies must be to the rear of the house.

3. Any fencing required by town/county/state rules for pools must be approved by the Board of Directors also.
4. The view of above ground pools from the street must be obscured by fencing or landscaping.
- E. Other Structures/Installations:
 1. All sheds and out buildings must be approved in advance in writing by the Board of Directors. Such structures must:
 - a. Have wood siding stained to match the house.
 - b. Be located behind the house.
 - c. Have a peaked roof not higher than 12 feet.
 - d. For single family house lots be no more than 240 square feet.
 - e. For townhouse lots, be no more than 150 square feet.
 - f. Have its long side no greater than twice the length of the short side.
 2. Exterior radio and television antennas must be mounted on the rear of the house, and be less than 6 feet in height.
 3. Satellite dishes must be approved by the Board of Directors in advance in writing. The satellite dishes must be three feet in diameter or less and if possible be located to the rear of the house. They must be as unobtrusive as possible through positioning and/or landscaping.
 4. Gazebos must be approved in advance in writing by the Board of Directors.
 5. Basketball poles/backboards should be located adjacent to the driveway or in the rear of the house. Placement of the pole adjacent to the street must be approved by the Board of Directors.
 6. Playsets (swings, slides, clubhouses, etc.) must be placed to the rear of the house and be neatly constructed. The Board reserves the right to require parents to remove any treehouses or playhouse/shacks constructed by their children if the structures are unduly obtrusive or unattractive.
 7. No commercial items may be stored anywhere in Woodscape except within the house. This means not in driveways, in yards, on the street, or in the common areas. Items covered by this

include but are not limited to:

- a. Commercial vehicles as distinguished by identifying signage.
- b. Hoists, lifts or other mechanical items.
- c. Equipment used in a business such as landscaping items.
8. Solar energy collectors must be approved in advance in writing by the Board of Directors. They must be unobtrusive and mounted on the rear of a house. The fact that such positioning would substantially reduce or eliminate the effectiveness of the solar energy collector is not grounds for waiver of this standard.

F. Signs:

No signs are allowed in Woodscape except as follows:

1. Official state, town or Homeowners Association signs.
2. House "for sale" signs placed on the property in question. Signs directing prospective customers to the house may be placed in the common areas only for the day of the open house.
3. Small political signs may be placed on the homeowner's own yard in reasonable number. They must be removed by the weekend following the election day. Under no circumstances may political signs be placed in the common areas.
4. Garage/yard sale signs or signs directing people to an event at a house may be placed on the property or in the common areas up to two days before the event and must be removed by the end of the following day.
5. The Board of Directors reserves the right to require removal of any of the above type signs if they are excessive in size or number or are offensive in nature.

Signs not meeting the above standards will be removed at the expense of the responsible party.

G. Maintenance of Premises:

All homeowners will be expected to maintain the exterior of their home and their yard in a manner that will not detract from the neighborhood.

1. Lawns must be mowed regularly during the growing season. Lawns not mowed by the homeowner will be mowed by a contractor

chosen by the Board of Directors, and the homeowner will be billed for the cost. Failure to pay will result in a lien being placed on the property.

- 2. All trash containers must be kept in the rear of the house or in the garage when not curbside for pickup. They may be curbside on the night before and the day of pickup.
- 3. Recreational vehicles (such as but not limited to motorhomes, pop-up campers, all terrain vehicles/atv's, and motorboats) and trailers may not be stored on premises unless they are kept in the garage. They also may not be kept in the street or in the common areas. A grace period of two weeks is allowed for driveway storage for loading, unloading and cleaning of recreational vehicles.
- 4. Lamppost lights must be lit during nighttime hours. Homeowners are expected to keep a lamppost light in working order.

Woodscape Homeowners' Association

John Delahanty

by John Delahanty, President

State of New York
County of Albany
Sworn to before me
this 21st day of
March, 1996.

COUNTY OF ALBANY)

Recorded in DEEDS
As Shown Herein and
Examined

THOMAS G. CLINGAN
ALBANY COUNTY CLERK

Madonna Brown

MADONNA BROWN
Notary Public, State of New York
Qualified in Albany County
Reg. No. 4617697
Commission Expires December 31, 1996

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Realty Assets
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