

Mohawk Trails Homeowners Association

December 2017

This booklet, developed by your Board of Directors in accordance with the provisions of the Declaration and By-Laws, incorporates all the important standards, guidelines, procedures and helpful living tips in one handy location and provides valuable information for current and prospective homeowners and residents. Please take the time to review and become familiar with its contents and keep this Residents' Guide where you can refer to it in the future. If you need clarification of this material or additional information, please contact the Managing Agent.

The following standards and policies have been adopted to maintain the attractive appearance of our community, to protect property values, and to encourage cordial neighborly relations.

We take this opportunity to inform all members that, to preserve the aesthetic harmony of the community, *all exterior additions, alterations and changes are subject to Association review*. Please submit your plans using the enclosed Exterior Change Form (see Attachment section).

It is the responsibility of homeowners who rent a unit to provide a copy of this *Residents' Guide* to their tenants and to advise them of the need to comply with the standards of the community. Those owners who are in the process of marketing their home should provide a copy to their Realtor.

Your cooperation with the Board of Directors in the successful operation of the Mohawk Trails Homeowners Association community is appreciated. Thank you!

Sincerely,

Board of Directors

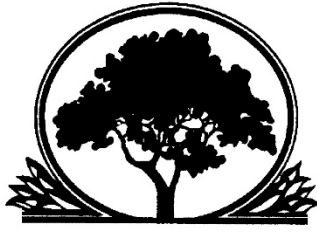
Mohawk Trails Homeowners Association

Resident's Guide

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Mohawk Trails Homeowners Association

COMMUNITY DESCRIPTION

Mohawk Trails Homeowners Association (The Association) is made up of 33 residences; 23 carriage homes are located on Nott Street East and 10 Mohawk Commons town homes are located on Balltown Road, Niskayuna.

The community was developed by Sheltertherm Builders between 1994 – 1996 and is located in the heart of the Town of Niskayuna, a predominantly residential community. In this vicinity lie the Town Hall, the County's Elizabeth Harriman Bean Branch Library, the Post Office, Niskayuna High School, banking, grocery, and retail establishments

The Association is serviced by the Town of Niskayuna and Schenectady County which provides police and fire protection, public water and sewer, public library, public schools and social services.

Each homeowner holds title in fee simple to their lot. Each homeowner becomes an automatic and mandatory member of The Association.

The Association community is operated and managed through a Board of Directors (The Board) elected by their fellow homeowners. A managing agent or management company provides financial, administrative and facilities management and maintenance services on behalf of The Association. An annual association fee funds landscaping and snow removal services, association insurance, management and administrative expenses.

PURPOSE

The Association was established under the applicable provisions of New York State Law to:

- safeguard the architectural integrity of the community to maintain property values, for the benefit of association members;
- provide services to maintain the grounds.

The Association acts as a mini-government that operates the community, establishes standards and policies, collects assessments and makes all necessary and relevant decisions.

GOVERNING LEGAL DOCUMENTS

The following documents govern the establishment and operation of MTHOA.

Offering Plan

The Offering Plan sets forth all the terms of the original offering by the Sponsor/Developer. It contains the Declaration, Deeds, By-Laws, Article of Incorporation, first year operating budget and other information as required by the Department of Law for your protection and to insure full disclosure of every element of the original purchaser's investment. This plan was filed by the developer and accepted by the Attorneys General Office of the Department of Law of the State of New York prior to conveyance of the first home.

Prospective purchasers should obtain a copy of the Offering Plan from the current unit owner, which contains, among other information:

- Declaration of Protective Covenants, Restrictions, Easements, Conditions, Charges and Liens
- By-Laws

The Association Offering Plan, information and files (including financials, meeting minutes, projects, etc) are available for viewing and/or reproduction at the Managing Agent's office during business hours.

Declaration of Protective Covenants, Restrictions, Easements, Conditions, Charges and Liens

This is the master deed and contains the rights and restrictions governing the use of the individual units and was recorded in the County Clerk's office prior to the first conveyance. The terms of the Declaration bind all present and future owners and mortgagees of the property. Although the important provisions of the Declaration are presented in this *Residents' Guide*, it is not intended to replace the Declaration and each current and prospective owner should carefully examine its contents.

By-Laws

These set forth the policies and procedures for the operation of The Association including the formation and duties of The Board, meeting and voting guidelines, determination of fees and the requirements for amendment. Although The Board has ultimate and fiduciary responsibility for managing the community, the by-laws allow The Board to hire a professional property managing agent to assist in fulfilling its duties

ORGANIZATION AND FUNCTIONS

Board of Directors

The Board of Directors (The Board) governs the business and affairs of The Association. At The Association's annual meeting, members of The Board are elected by their fellow homeowners for a two-year term. The Board is assigned all the powers and duties necessary for the administration of the affairs of the community in accordance with the By-Laws and Declaration. Among other things, The Board is primarily responsible for setting the annual budget, levying The Association assessment, enforcing the architectural standards, hiring the managing agent, engaging contractors and obtaining insurance.

The Board communicates budget information, the adoption of policies, such as this *Resident's Guide*, and community matters through written communications and meetings. The Board meets quarterly.

Homeowners are welcome to attend meetings of The Board. Notwithstanding, The Board asks that requests to attend be made in advance because meetings are held in private homes and space is limited.

Operating Budget

The Association maintains an annual operating budget which covers expenses common to all members. These include lawn care, fertilization, management, office and administrative expenses, accounting costs, and Association property and liability insurance. An itemization of the proposed annual expenses are set forth in the operating budget schedule, which is provided each year to homeowners. Extra copies can be obtained from the managing agent.

Annual Meetings

The Association convenes an annual Homeowners meeting in December. An important part of your membership in The Association is to attend this annual meeting and to review communications from The Board. The agenda includes:

- presentation of the annual financial statement;
- election of members of the Board of Directors;
- presentation of the President's report (if applicable);

- presentation of the Managing Agent's report;
- an opportunity for members to raise questions and discuss issues
- transaction of other business as may come before the meeting.

Committees and Volunteers

The Mohawk Trails Homeowners Association relies on committees from time to time to ensure the effective operations of the community. Committees include: Architectural and Grounds, Nomination, Welcoming, and other committees, which may be established as the need arises. The success of any community association depends on the meaningful participation of its members. If you wish to participate on any committee or volunteer your services, knowledge or skills to The Association, please contact the managing agent or any member of The Board.

Property Managing Agent

The managing agent assists The Board and the Homeowners Association by providing financial and administrative management, facilities management, maintenance supervision, rules and regulation enforcement, and assistance and consulting services on a wide range of matters.

ASSOCIATION SERVICES

The Association provides homeowners with the services on the list below. All other services are the responsibility of individual homeowners, although The Association is available for advice and consultation. Association services include:

- ✓ Lawn/grounds mowing & maintenance
- ✓ Lawn fertilization
- ✓ Shrub trimming & removal

- ✓ Snow removal - Driveways & walkways
- ✓ Driveway sealing, maintenance & resurfacing
- ✓ Maintain entrance island light fixtures

- ✓ Architectural/aesthetic control & standards compliance
- ✓ Management services
- ✓ Accounting services



EXPLANATION OF ASSOCIATION SERVICES

The Association is responsible for providing selected services to its members, including but not limited to those listed below. While the service level has remained consistent since the community's inception, it is subject to adjustment by resolution of The Board.

Lawn Care and Grounds Maintenance

The Association contracts with an independent professional service company for the care and maintenance of the lawn and grounds areas. Services include weekly (7-10 day cycle) mowing, spring and fall clean-up, professional lawn fertilization program, shrub trimming, and other services as may be directed by The Board.

Snow Removal Services

The Association contracts for snow removal services for the driveway and walkway areas for accumulations of two or more inches, in a single storm, or as otherwise directed.

During a typical snow storm an initial plowing will "open up" the driving lanes allowing for early morning departure (and/or early afternoon return). A second (return) plowing in the late

morning/afternoon will clear snow from driving and parking areas. Walkways will be cleared after the accumulation has ended.

In the event of minor accumulations, clearing typically will occur at the end of the storm, conditions permitting.

Resident cooperation, by maximizing garage use and otherwise moving vehicles to allow for the unrestricted access and plowing of all asphalt areas is a necessary prerequisite to the successful clearing and removal of snow. Your courtesy and cooperation is required and appreciated and is beneficial to providing safe driving and parking for you and your neighbors during the winter season.

Please take note that the application of de-icing materials (rock salt) is not included in The Associations winter service agreement.

You will find it beneficial to keep a supply of ice melt and small shovel convenient to alleviate troublesome conditions, such as wind drifted walkways, etc.



Insurance

The Association's insurance policy provides coverage for:

- Association property and liability
- Directors and officer's liability
- Fidelity bond coverage

The Association's insurance *does not* cover any building components or personal property supplied or installed by the owner or resident. Upon request, owners must provide The Association with proof of adequate homeowners' insurance coverage for their homes. Unit owners and residents should contact their provider to secure homeowner insurance coverage for their own protection.

Architectural Control and Standards Compliance

With the assistance of the Managing Agent, The Board strives to maintain the architectural integrity and continued attractive appearance of the community by assuring homeowner compliance with established guidelines. Adherence to these architectural and related standards is deemed necessary to preserve and maintain the property values of community members. No changes to the exterior of the building or the grounds may be undertaken until the design and location of the changes are approved in writing by The Association. (See page 12 for more specific information), In furtherance of these standards periodic inspection of exteriors will be conducted and deficiencies reported to the respective homeowners and The Board.

Failure to Comply with Association Rules and Regulations

Failure of a homeowner, or their tenant, guest or invitee for whom they are responsible for, to comply with any Association rule or regulation will result in a written notification of the specific problem or infraction, including the timeframe to rectify the nonconformance. Failure to respond to this notice may result in addition of fees and costs to the homeowner. If legal action is required, the homeowner will be responsible for all costs incurred,

including reasonable attorney fees.

HOMEOWNER RESPONSIBILITIES

Homeowners Association Fee

Each homeowner is required to pay an association assessment fee, which funds the operation of The Association. The Board establishes this fee based on adoption of an annual operating budget that runs from January 1 to December 31. Payments should be remitted in accordance with the billing statement instructions. Fees not received in a timely manner are subject to late charges, interest penalties and all other applicable costs of collection. For your convenience, payments may be remitted electronically via electronic funds transfer. Prompt payment of the assessment ensures both the efficient operation and attractive appearance of the community.

Building/Property Maintenance and Repair

All exterior maintenance shall be regularly performed so that the exterior projects a reasonably well-maintained appearance and orderly condition so the same meets the approval of The Board and/or its authorized representative. Maintenance shall consist of, but not be limited to painting, wood repair, lampposts and light fixtures, building and gutter cleaning as well as all other necessary and desirable services.

Fireplaces

All wood burning fireplaces should be inspected and cleaned on a regular basis for the protection of the attached homes and safety of the residents.

Patios and Decks

Each owner is responsible for the maintenance of the unit's patio or desk, which should be neat and orderly at all times. It should *not* be used as a storage area. Any changes in design, construction or other improvements require the advance written consent of The Association.

Insurance

Owners are responsible for obtaining homeowner insurance, which provides protection for the replacement of the structure as well as any improvements to the initial construction. Coverage should also provide for all personal furnishings and possessions. Contact your provider to secure homeowner insurance coverage (Policy type = HO3) for your protection and benefit.

Other Related Cost, Fees and Charges

Homeowner transgressions can create legal fees, professional inspection fees, court filing and related expenses which shall become the obligation of the responsible owner and shall constitute a personal obligation of such member and shall be collectible in the same manner as assessments.

GUIDE TO ARCHITECTURAL STANDARDS

Introduction

The following standards, derived from the provisions of the *Declaration* and *By-Laws*, govern the appearance of the community and detail the changes and improvements owners may make to their property. They are *not* intended to unduly hamper or restrict residents, but to preserve property values.

This guide is up to date and accurate at time of its printing and distribution. However, these standards may be modified or rescinded when necessary. Such changes will be communicated to owners as the circumstances require.

The Board recognizes that not every resident will agree with every established regulation, however all residents are required to comply with these guidelines. Lack of compliance will lead to penalty and/or fines imposed by the Board.

Making Additions and Alterations to Your Property

The unit owner may make any alterations or improvements to the *interior* of the home without approval of The Board of Directors, providing that such alterations or improvements do not affect the structural integrity or exterior appearance of the building.

No changes to the exterior of the building or the grounds may be undertaken until the design and location of the changes are approved in writing by The Association. Owners must submit one set of plans (including landscaping changes), plus a building permit application, if applicable, to The Association at least thirty (30) days prior to the date the owner needs a decision. Permission to make such alterations will be granted in writing after proper review by the Board.

Approval Required Items

Approval is required to add or change any of the following:

- Light fixtures
- Front, storm, patio and garage doors
- Windows
- Rain gutters
- Decks and patios
- Wood, gas, or pellet stoves
- Shrub plantings and landscape changes
- Sunrooms
- Outdoor hot tubs or Jacuzzis
- TV satellite dishes
- Solar Panels
- All exterior additions, changes, alterations and repair

Unapproved Items

No approval will be granted for the following, which are not permitted in Mohawk Trails:

- Tool sheds or outdoor storage units

- Jungle gyms, swing sets and playgrounds
- Permanently installed sandboxes
- Permanent basketball hoops (Moveable hoops must be stored in garage when not in use.)
- Animal pens and houses
- Clotheslines
- Short-wave radio antenna
- Bug Zappers
- Swimming pools (above or in-ground)
- Plastic covering on the outside of windows and doors
- Objectionable window displays.
- Fences
- Vehicle, boats and trailer storage (see page 20)

HOW TO REQUEST AN EXTERIOR/ARCHITECTURAL CHANGE

Submit an Application

Individuals applying for change should submit written plans to The Association, care of the managing agent, using the Application for Change Form (Attachment A) in this Residents Guide. This form is also available on the HOA website, please plan in advance and allow 30 days for completion of the application procedure.

Application Review Criteria

The Association evaluates all submission on the individual merits of each application based on numerous factors:

- | | |
|--|---|
| ✓ <u>Validity of Concept.</u> | Must be sound and appropriate to its surroundings. |
| ✓ <u>Design Compatibility.</u> | Must be compatible with the architectural characteristics of the applicant's home, adjoining home and the general neighborhood setting. |
| ✓ <u>Location/Impact of Neighbors.</u> | Must favorably blend with the landscape, structures and the general neighborhood. |
| ✓ <u>Scale.</u> | Size should relate and be favorably proportional to adjacent structures and its surroundings. |
| ✓ <u>Color.</u> | Color may be used to soften or intensify visual impact. Generally speaking, colors should be similar to that of existing and surrounding structures, etc. |
| ✓ <u>Materials.</u> | Uniformity is established by the use of the same or compatible materials. |
| ✓ <u>Other Criteria.</u> | Any other matter in the judgment and sole discretion of The Association which is inharmonious or incompatible with the overall community. |

- ✓ Workmanship. The quality of work should be equal to or exceed that which predominately exists at the community. Only experienced, competent and insured personnel shall complete work. Poor practices can be visually objectionable and create safety hazards.
- ✓ Timing Approvals. Approvals, when granted, are issued contingent on all work being completed in a maximum period of six (6) months, and shall automatically expire after said period

If the initial submission includes all the information and detail sufficient to make an evaluation, the owner will receive a written response, typically within 30 days. If a response has not been received after 30 days the applicant must contact The Association to determine the status of their application.

Compliance and Enforcement of Standards

Each owner, resident and guest is legally bound to comply with the established standards and regulations promulgated for the benefit of the community and its members. The Board of Directors is mandated to judiciously enforce these standards.

The violation of any Rules or Regulations adopted by The Board, or breach of any provision(s) of the By-Laws or Declaration, shall give The Board, or Authorized Agent, the right, in addition to any other rights set forth in these By-Laws or Declaration:

- (i) to enter any Lot, including the exterior of a Home but in no event shall there be any entry into the interior of a Home, in which, or as to which, such violation or breach exists and to summarily abate and remove, at the expense of the defaulting Owner or Tenant, any structure, thing or condition that may exist therein contrary to the intent and meaning of the provisions hereof, and the Board of Directors and Agent, shall not be deemed guilty or liable in any manner of trespass; or,
- (ii) to enjoin, abate and remedy by appropriate legal proceedings, either at law or in equity, the continuance of any such breach; or,
- (iii) to establish monetary and non-monetary penalties, the amount and/or severity of which shall be reasonably related to the violation and to the aim of deterring similar future violations by the same or any other person.

After imposition of such penalty, The Board shall afford the Unit Owner and/or the alleged violator whom the Owner is responsible for, an opportunity to appear and be heard, after which The Board shall render a final decision which shall be binding.

If after thirty (30) days written notice of any such violation or breach has been given to The Board by one or more Owners, and The Board has failed to take any action to remedy such violation or breach, then one or more aggrieved Owners shall have the right to enjoin, abate or remedy the continuance of any such breach by appropriate legal proceedings at law or in equity. Prior to exercising such rights, The Board shall, if reasonably possible, notify the Owner, of the Lot or Lots, involved and provide a reasonable amount of time for the cure of such violation or breach.

All rights, remedies and privileges granted to The Board and to aggrieved Owners herein shall not be deemed to constitute an election of remedies nor shall it preclude the party thus exercising such right or rights from exercising such other and additional rights, remedies or privileges as may be granted by the Declaration, these By-Laws, the Rules and Regulations, or that exist at law or in equity.

Obligation and Lien for Cost of Enforcement

If The Association, or an Owner, brings an action to extinguish a violation or otherwise enforce the provisions of this Declaration, the By-Laws or Rules and Regulations promulgated hereunder or there under, the costs of such action, including reasonable attorney, management and all other fees. If such violator is (i) an Owner; or (ii) any family member, tenant, guest or invitee of the Owner; or (iii) a family member or guest or invitee of the tenant of the Owner; or (iv) a guest or invitee of any member of such Owner's family or any family member of the tenant of such Owner, such costs, and all monetary penalties imposed, shall be a continuing lien upon the Lot owned by such Owner and shall become a binding, personal obligation of the violator collectible in the same manner as assessments.

Unapproved Changes or Additions to Property

A homeowner who makes major changes to the exterior of the property (for example, building a deck or patio) without written approval, or who receives approval but builds other or differently than what was approved (for example, larger or in a different location) will be required to do one or more of the following:

- restore the property to its original condition, or
- bring the property into compliance with the approved plan, or
- submit a new plan which may or may not be approved by The Board, or
- pay an automatic fine.

ARCHITECTURAL STANDARDS

Doors and Windows

If doors or windows need replacing they should conform in style and color to the original models. Garage door replacements shall be in conformance with The Association specified manufacture and model requirements, please contact the managing agent for information. Storm doors should be full-view white aluminum with clear, unfrosted, uncolored glass, and be without ornamentation, such as scallops, scrolls, imitation gate hinges, or excessive metal tones.

Gutters and Rain Diverters

The use of seamless aluminum gutters in a matching color is permitted when installed by a qualified insured contractor conforming to the following standard:

- ✓ Gutter (horizontal) & downspout – white building trim color mat

Landscaping Plantings & Alterations

The Association recognizes the need for individuality and creative improvements, though changes that alter the original appearance require a written request with submission of appropriate plans and specifications. The replacement of similar shrubs and other minor changes that do not alter the appearance of a lot may be completed without the review of The Association. Owners are encouraged to plant annual

or perennial flowers and ground cover in existing beds; this does not require Association consent. Any planting with a 4' height, or a mature height growth potential, requires a written submission to and approval from The Association.

Light Fixture and Lamppost Maintenance

For both safety and aesthetic harmony, all lamppost, garage, front door and patio light fixtures must be:

- properly illuminating (including operating photoelectric eye cells)
- conforming in style
- in good repair (i.e. – fixtures not missing any parts and in acceptable visual appearance and condition; lampposts erect, sturdy and painted in gloss black and not exhibit excessive rust).

The original builder supplied exterior light fixtures were manufactured by American Lantern, now out of business. Replacement fixtures must be esthetically compatible with the community and must be approved utilizing the established change request procedure.

Painting and Paint Colors

Exterior painting, including the exterior surfaces of all doors, is the responsibility of the homeowner. Painting should be performed often enough to ensure a well-maintained exterior appearance. All front doors shall be white, no exceptions.

Patios and Decks

The installation, replacement or enlargement of patios or decks requires the review and written approval of The Association. Decks should be maintained in an acceptable visual appearance and shall be:

- natural untreated; or,
- non-coloring preservative; or,
- transparent oil penetrating “natural” (light brown) color stains. No red, black or other color tints permitted.
- Composite materials must be of “natural” colors as well.

Siding Repair and Replacements

Siding repairs shall be completed with materials aesthetically consistent with that existing. Siding replacement requires Association written consent; please submit an application for change.

Sunrooms

Requests to construct a three, or four season, sunroom to the rear of their home should accompany detailed plans providing appropriate construction detail with the aim to ensure the addition is consistent with the original building structure characteristics (i.e. – siding, roofing, windows, doors, etc).

Solar Panels

At the time of printing this Guide, standards have not been formulated for solar panels. If a resident is interested they must contact The Board of Directors for current standards.

COMMUNITY LIVING STANDARDS

In addition to the architectural standards, all residents are expected to abide by the following guidelines which are designed to assure that Mohawk Trails and Mohawk Commons is an attractive and pleasant place to live.

Advertising and Signs

One “For Sale” sign may be posted between Friday 12:00 noon – Monday 12:00 p.m. provided the sign has a surface area no larger than 2’ x 3’. The sign must be set back a minimum of 10 feet from the property line or roadside. The owner is responsible to assure that any Realtor representative conforms to these guidelines.

One “For Sale” sign as described above may be displayed in the window on a continuing basis until the property goes to contract.

Signs, billboards or advertising media may not be displayed inside windows, on the siding of a unit or on a garage, a mail box enclosure, or on a telephone, traffic, directional or light pole, or on a stake, or any other place that The Board determines violates the intent of these restrictions.

All other signs, including but not limited to garage sale, for rent, political, etc., are prohibited without written consent from The Board.

Air Conditioners and Window Fans

Air conditioners and window fans are permitted in windows that are not visible from the street from June 1 – September 30th, other use is prohibited.

Small Amenities

As residents have exercised consistent good taste, small amenities (i.e. thermometers, hanging baskets, floral decorations, etc.) are acceptable without the review and approval of the Board of Directors when displayed in acceptable fashion and appearance and when mounted in a non-permanent fashion. However, The Board reserves the right to make separate judgment if it believes items to be unsightly, noxious or a nuisance to the community, and it’s ruling shall be final.

Awnings, Canopies, and Shutters

Written request for the installation of one or two color solid pattern awnings or canopies, mounted in the rear of a building over or about the patio or deck which is uniform and consistent with the attractive appearance of the building, will be reviewed and considered by the Board of Directors. At the discretion of The Board, when such awning has discolored or weathered to a state in which the same becomes unattractive the Owner will be notified and provided sixty days to replace or remove the awning. Shutters are not permitted to be affixed to or placed upon the buildings.

Barbecue Grills

Barbecue grills are permitted on a unit owner's patio, deck and rear of building. Barbeque grills use is not permitted in the front of any unit or inside the garage. To avoid heat damage, please place the barbecue grill several feet from the siding.

Bird Feeders

Bird feeders are permitted provided they do not adversely affect neighboring homeowners or interfere with landscape maintenance operations. The Board of Directors reserves the right to make a separate judgment if it believes items to be noxious or a nuisance to the community.

Christmas Trees and Other Seasonal Decorations

Holiday or other temporary, decorations are encouraged, provided they are removed no later than one week following the specific celebration. Christmas decorations should be removed no later than the end of January. Owners and residents are responsible for the timely and proper disposal of Christmas trees. Trees that are left on lawns, wooded areas or in the patio area will be removed at the owner's expense. Seasonal decorations such as hanging baskets are permitted provided they are removed during the plants' dormant season.

Firewood

Firewood may be stored outdoors under the following conditions:

- Wood is cut and split, neatly stacked and does not exceed one-half cord
- Wood is placed in the rear of units (not visible from the front road), but as far from the house as feasible
- A brown or green (not-torn) plastic that is securely fastened may cover the woodpile
- The woodpile may not be permitted to decay so as to attract termites, etc.

Non-conforming woodpiles may be subject to removal at the expense of the property owner, following notification and allowing a reasonable time to remedy the problem. If necessary, the owner will be responsible for the professional treatment and expense required to alleviate termites and other wood-eating insects. This applies even if the woodpile conformed to the guidelines.

Garbage and Recycling

As of publication of this document The Association has an exclusivity agreement with one waste management contractor, which results in lower than industry standard cost to homeowners. Please contact managing agent for details.

Refuse should be free of any recyclables, tied in plastic bags and placed roadside in a company provided receptacle unless driveway small truck service has been arranged for at an additional cost to the owner. Recyclables should be put in a separate company provided receptacle and set in the same area for pick-up.

To maintain a neat appearance no trash or garbage receptacles are permitted outside the structure and visible to the public except on the day trash is collected. Trash should be placed outside not earlier than 6:00 p.m. the evening prior to pick-up and returned to an out-of-sight location, no later than 11:59 p.m. on the date of pick-up. If out of town travels or other responsibilities prevent you from putting away your trash container, please ask your neighbor for assistance.

Disposal of large items such as couches, box springs, mattresses and rugs, etc. should be coordinated with the disposal company.

No garbage may be placed or stored on patios, entrance areas or lots.

Hot Tubs & Jacuzzi's

The use of hot tubs and Jacuzzi's is acceptable inside homes, though it's use or placement outside the homes on the grounds, deck or patios is not permitted without Association written consent. When considering such applications, The Association will consider the following:

- Not be visible from any roadway.
- Minimizing visibility from neighboring homes is paramount and concealed by planting evergreen shrubs may be required as a condition of approval.
- Shall be continuously maintained such that there will be no torn covers, peeling siding or rotten wood, etc.

Jungle Gyms, Swing Sets, etc.

Non-permanent sandboxes, children's toys, (large and small), etc. shall be returned to the patio and deck area each evening as to maintain a neat and orderly appearance. Such items shall not be stored or located outside, on or about the Lot and common areas, from November 1st to April 1st. Jungle gyms, swing sets, playgrounds and permanent basketball hoops are not permitted. Temporary moveable basketball hoops are permitted provided that they are stored in the garage when not in use.

Mailboxes & Mailbox Keys

Residents who require a key for their mail box should make such arrangements directly with the Schenectady branch of the post office by calling 518-370-1726.

Name Plates, Numerals and Door Knockers

Name plates and knockers of conventional style are permitted on the unit door exterior surface. Numerals must be of a style, size and color match to the conforming installed style.

Noxious and Offensive Activities

No activity that creates noise, smoke, fumes, soot, ash, dust, etc. may be undertaken on the property. Nothing may be done that creates an annoyance or nuisance to the neighborhood.

Outside Storage

Stored materials should be confined to the garage. The patio area, lawns and entrance areas must be kept free of such personal property as refrigerators, freezers, building equipment, tools, lawn mowing and snow removal equipment, rubbish, debris, unsightly materials and any other items as may be determined by The Association

Parking

Resident owned automobiles, which are operational, properly registered and inspected, are permitted in the driveways. Parking or driving on grassed or improved surfaces anywhere in the community is not permitted. The use of garage space shall be maximized. Limited space availability and inaccessibility to roadside parking necessitate that residents should exercise extra care and consideration.

The "Lateral Driveway Line" (the portion of the driveway leading from the garage of a particular home to the Main Trunk Driveway) shall be used only by the occupants, guest or invitees of the adjacent home.

The "Main Trunk Driveway" (that portion of each driveway leading from the road to the point where such driveway branches off to homes serviced thereby) shall be used only by the occupants, guests and invitees of those homes which are directly serviced by such driveway. Use shall be limited to ingress and egress by foot or motor vehicle to the homes serviced. Parking or standing thereon is prohibited.

You may not park on any driveway area that you do not own unless you have permission from the owner whose driveway you wish to use.

Please see the community site plan for property line boundaries.

Furthermore, the storage of vehicles is prohibited. Any vehicle which is not regularly utilized and moved for consecutive periods of fifteen (15) days shall be considered a stored vehicle for the purposes of this provision.

Winter parking regulations and restrictions are in effect from November 15 – April 15th. Specifically, residents are required to move all vehicles to allow for unrestricted access and plowing of all asphalt areas. Thus, please put your car in the garage or park on a side street. Failure to comply will result in plowing charges to cover the expense of return visits from the snow removal contractor. *Resident cooperation is a necessary prerequisite to the successful clearing and removal of snow and it is imperative that resident assistance is forthcoming.*

Vehicles

No commercial vehicles/trucks, campers, trailers, boats, snow mobiles, jet skis, limousines, service vehicles, RV's, ATV's, etc. are permitted. All vehicles which are not properly registered and inspected or which reasonably appear to be abandoned and/or inoperable are prohibited. Violating vehicles may be subject to towing and off site storage at the unit or vehicle owner's expense.

A vehicle shall be defined as "commercial" and/or "oversized" in the sole determination of The Board of Directors, or authorized representative, based on any one or more of the following characteristics/attributes:

- Vehicle purpose or use & gross weight and/or size
- Use of commercial advertising, lettering, etc. and mounting of ladder racks, snow plows, etc.
- Other characteristics, which in the determination of The Board constitute a "commercial" vehicle.
- Conventional pick-up trucks are not considered to be "commercial" vehicle even though they may be registered with NYS in such manner

Pets

The community welcomes domestic pets, provided pet owners and guests conform to the following common courtesy regulations:

- Dogs must be licensed, and owners and residents must obey both established town, county, and state ordinances, as well as Association regulations.
- The cleanup of pet defecation is required on all improved lawn areas, shrub beds, and paved surfaces. Preferably, such activity should be limited to wooded areas. Pets are not permitted to run loose on the lots.
- They must be on a leash and under control at all times.
- It is unlawful for pets to engage in habitual howling or barking that disturbs the neighbors. Pets may not be tied or attached to an outside patio post, fence, building, tree or stake, etc.

Owners or guests having pets will be solely responsible for any damages these pets do to any grounds and buildings. Where damage has occurred, the Homeowner shall make the necessary repair. If the homeowner fails to make the repair, The Association will make the necessary repairs and bill the homeowner.

Any violations of the preceding may be reported to the managing agent and/or the Town of Niskayuna, Dog Control Officer by calling the police station (518-386-4511).

Roof Replacement and Maintenance

Roof repairs shall be completed with product material which is consistent with the existing shingles. Roof replacement requires association written permission. At the time of printing of this Guide, a 3-tab shingle of same color is required for any Balltown Road units. Architectural shingles are not permitted for this site. Any updates to any unit's roof must still be reviewed by The Board and are expected to have a similar appearance to previous roofing.

Roofs shall be kept clean of debris and discoloration from foreign materials such as moss, mold and mildew.

Satellite Dish and Communication Antennas

In accordance with Federal Communications Commission (FCC) regulations the installation of DBS and MDS antennas, one meter or less, are now permitted.

While an application to install an antenna is not required (per FCC regulations), an installation may be subject to relocation to conform with Association guidelines, thus an advance written request is strongly encouraged to minimize any possible inconveniences. Specifically, each and every installation shall be sited with the goal to minimize its visible intrusion from the street and neighboring homes. Sitting preferences shall be in the rear of building, close to the ground and home as possible. For Balltown Community, sitting preferences shall be in the rear of the building on the roof top, not in trees. If tree branches block the signal, homeowner is responsible to trim branches to allow least visible intrusion.

Submissions should specify relevant and specific information including size, sitting location on lot and distance from building and off ground, color, material composition, picture and/or brochure.

Installation, Maintenance & Camouflaging

DBS and MDS antennas one meter or less may be installed. Television broadcast and

transmission-only antennas that assist reception antennas, regardless of size, may be installed.

Owner Change

At the time of owner/tenant change existing dish must be removed. The owner is responsible for this removal and removal fees will be the responsibility of the owners.

Homeowners Who Rent

Upon signing of lease agreement with a tenant, a copy of Mohawk Trails Residents Guide will be given to the tenant by the homeowner.



ASSOCIATION

ARCHITECTURAL REVIEW & EXTERIOR CHANGE REQUEST FORM

Homeowner Information: Please review current association Bylaws and/or Rules & Regulations prior to completing this form. Please include any documents that can help in the decision process.

Owner Name: _____ Association Name: **Mohawk Trails**

Property Address: _____

Home Number: _____ Cell Number: _____

E-mail Address: _____

Description of project including location, materials, color, impact on surroundings and current structure (use back of form for more space):

- | | |
|---|---|
| ☐ Description of proposed project attached | ☐ Drawing of proposed project (if needed) |
| ☐ Photos included (if needed)
needed) | ☐ Manufacturer's description/literature (if
needed) |
| ☐ Copy of Town Permit if required | |

Contractor Information/Name of Company: _____

Address: _____ Telephone Number: _____

Contact Person: _____ Onsite contact cell number: _____

Work Start Date: _____ Work Completion Date: _____

Forward this form and all documents to Edgewater Management Group, Inc. via:

E-mail: kelly.kenyon@edgewatermg.com

Fax: 888.567.6784

U.S. Mail:

Edgewater Management Group, Inc.

PO Box 150

Fort Edward, NY 12828

Comments: _____

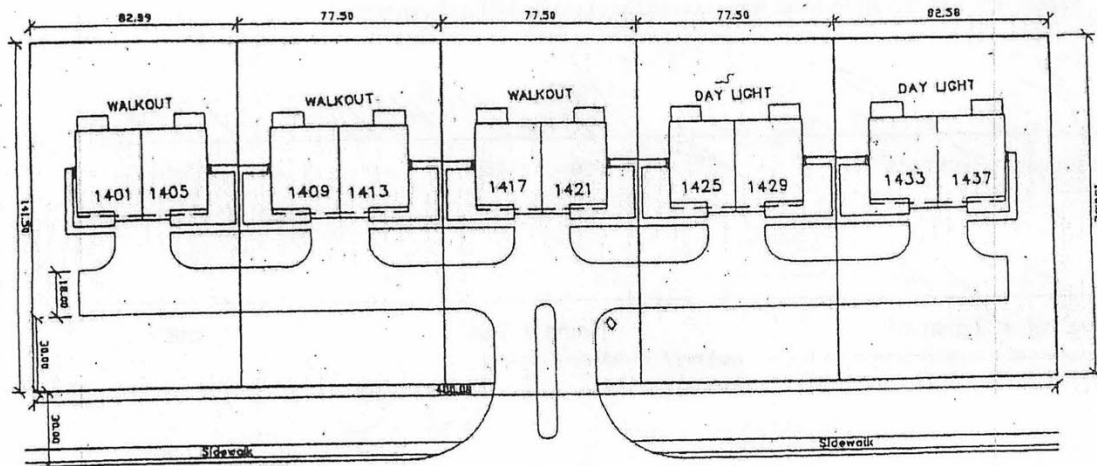
Property Owner Signature: _____ Date: _____

.....
FOR OFFICIAL USE ONLY

☐ Approved ☐ Disapproved

Authorized Signature _____ Date: _____

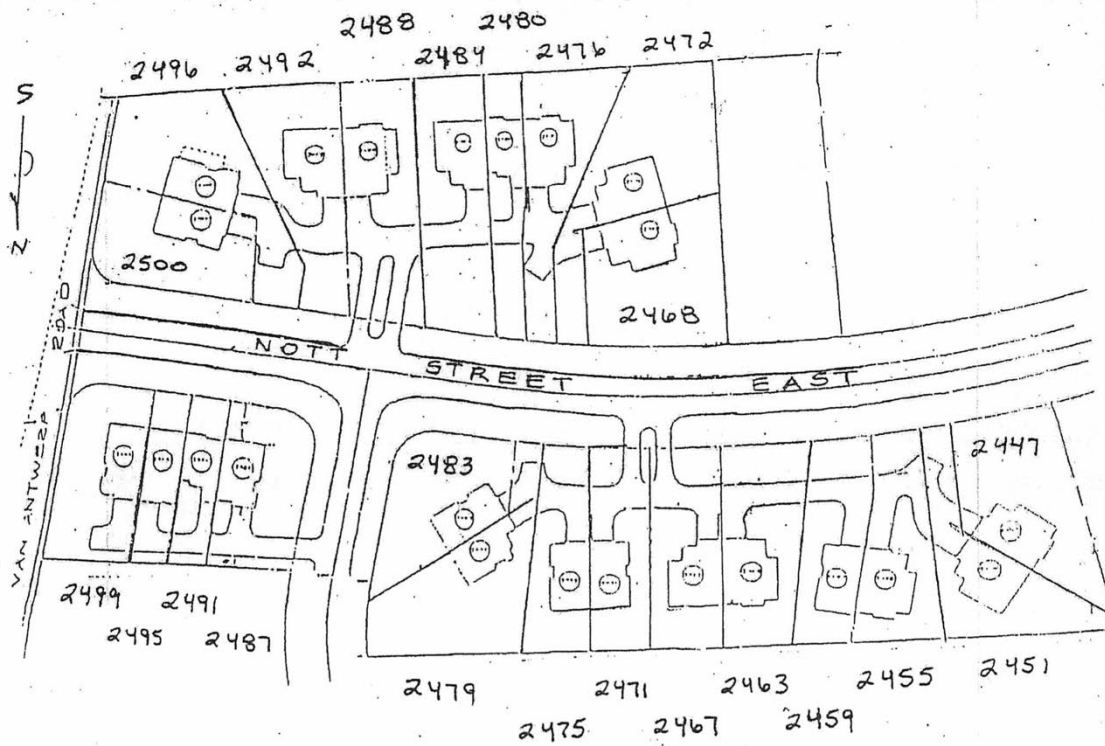
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Balltown Road

Balltown Road - 1401, 1405, 1409, 1413, 1417, 1421, 1425, 1429, 1433, 1437

MOHAWK TRAILS HOMEOWNERS ASSOCIATION



SITE PLAN - Nott Street East

North side - 2447, 2451, 2455, 2459, 2463, 2467, 2471, 2475, 2479, 2483 - 2487, 2491, 2495, 2499

South side - 2468, 2472, 2476, 2480, 2484, 2488, 2492, 2496, 2500