

Spencer Subdivision

Open Space/ Individual Lot Requirements & Enforcement

Source- Draft AG Declaration

I. Open Space:

A. Goals:

- 1) To protect the forested Open Space, thereby maintaining the natural beauty and character of the area.
- 2) Maintaining existing wildlife corridors as well as the native environment for the various species of birds and animals residing in the Open Space and the surrounding area.
- 3) Enhance quality of life of the residents of this subdivision by providing a safe and beautiful natural area for their outdoor recreation and enjoyment.
- 4) Providing a potential educational opportunity for families by identification of trees and birds resident to the Open Space.
- 5) Protection of this Open Space in perpetuity from development

B. Protections and Rules:

The Open Space will be subject to a perpetual conservation easement, which shall be recorded in the Saratoga County Clerk's Office, whereby these lands shall never be developed and must be maintained as Open Space. In addition, the following restrictions/regulations are imposed upon the use of the Open Space:

- 1) The Open Space may be used only during the hours of dawn to dusk.
- 2) Only pedestrian access shall be permitted. The use of bicycles shall be permitted. No motorized vehicles of any kind or nature shall be permitted.
- 3) The Association shall be responsible to manage and maintain this Open Space consistent with Best Accepted Practices and good land stewardship for a Community Forest and Open Space. The goal of such management shall be the protection of the Open Space for benefit of its long-term survival, while monitoring any pests or invasive species, and addressing any unsafe condition to eliminate risk to families, such as removal of dead, deceased or dying trees.
- 4) No use of alcohol or drugs shall be permitted.
- 5) No campfires or other fires are permitted.
- 6) No camping is permitted.
- 7) No hunting or firearms are permitted.
- 8) Local dog leash and animal waste laws and ordinances shall be enforced.

II. Individual Lots:

- 1) Lot Clearing. Following construction of the home and improvements, no tree having a diameter of six (6) inches or more as measured at a point two (2) feet above the ground at the base of the tree shall be removed from any Lot without prior approval of the Sponsor, or, after Transfer of Control, the HOA Board. Anyone removing trees without such prior written approval may be compelled by the Board to replace each tree with two (2) oak or maple trees, or such trees as may be identified on the City of Saratoga

01.04.18

- Springs approved tree list, three (3) inches in diameter as measured at a point two (2) feet above the top of roots.
- 2) No Disturb Vegetation. Any vegetation required to be maintained by the municipal or governmental approvals for the subdivision shall be maintained by the Lot owner consistent with those requirements, with such vegetation to include any no disturb buffer or areas depicted on the filed subdivision map, as well as street trees and rain gardens.

III. Enforcement:

Enforcement of the foregoing restrictions and regulations shall be through the Homeowner's Association which shall be established through the NY Attorney General's Office. The Declaration of Covenants and Restrictions which is a component of the HOA formation documents, and which will be filed in the Saratoga County Clerk's Office, shall contain the mechanisms of enforcement, including the HOA Board's right to levy fines against an offending Lot owner for non-compliance, with such fines, if remaining unpaid, to become a lien filed against the offending Lot owner's property, and enforceable pursuant to the laws of the State of New York.