

ARTICLE VIII
USE OF PROPERTY

The use of the Properties shall be restricted to and in accordance with the following provisions:

- A. Lot shall be used for single family residential purposes only.
- B. (Revised 6/20/2023): Short Term Rentals: As of the effective date of this Amendment, the Owners of any property that is subject to this Declaration, are prohibited from entering into any agreement, digital, written, or oral, for leasing, letting or renting any property subject to this Declaration, for any period of time that is less than 31 days, a Short-Term Rental.
 - 1. Any violation of this provision shall be enforced consistent with Article VIII, as it may be amended from time to time.
 - 2. Each Property Owner shall comply with all State, County, Town, and other municipal laws, rules and regulations regarding vacation rentals, and all other leasing, renting and/or letting.
 - 3. This Third Amendment shall take effect immediately upon recording in the Ontario County Clerk's Office.
 - 4. This Amendment is to be construed by the laws of the State of New York.
 - 5. This Amendment shall bind and inure to the benefit of the parties hereto, all property owners in the Association, and all of their heirs, successors and assigns.
 - 6. Any litigation involving this Amendment shall be venued in Ontario County Supreme Court.
 - 7. This Amendment may be executed simultaneously in one or more counterparts, each one of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

8. If any part or provision of this Amendment is found to be invalid by any Court of competent jurisdiction, that shall not affect or impair the remainder of this Amendment.
- C. The Common Areas shall be used for the use and enjoyment of the Owners.
- D. The Board of Directors is empowered to serve written notice of any violations of these restrictions. Such written notice shall be given at least two (2) times. If an Owner fails to comply within five (5) days after receipt of the second notice, the Board of Directors is empowered to assess a fine. A separate fine may be imposed for each violation. Unpaid fines will be considered additional assessments and will become a lien upon the Lot.
- E. (Rev 9/2011). No building, fence, wall or other structure, shall be commenced, erected or maintained upon the Properties, nor shall any standing tree more than 7 inches in diameter (or four (4) inches in diameter within ten (10) feet of property lines) be cut other than to establish proper drainage or unless it is dead or diseased, nor shall any exterior addition to or change or alteration thereto be made, until the plans and specifications showing the nature, kind, shape, height, materials, color, and locations of the same shall have been submitted to, and approved in writing as to the harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association. In its review, the Board of Directors shall consider the following:
1. Siting shall be done by an architect or by a professional engineer.
 2. All plans and drawings shall be reviewed by an architect or professional engineer.
 3. Thirteen hundred (1300) square feet of living space shall be the minimum square footage for a home.
 4. All homes shall have a minimum of a two car garage.
 5. The roof shall be of a minimum 8 on 12 pitch excluding gambrel roofs and shall be of wood shingles or architectural shingles.
 6. (Rev 9/2011) Structure and roof colors and materials shall be neutral color tones with complimentary trim or natural wood, and will match or coordinate as closely as possible with the exterior of the main structure as it currently exists. Any Proposed

plans for changes to exterior structure must be submitted to the BOD for review, accompanied by samples of materials to be used and color selections.

In the event that the Board of Directors fails to approve or disapprove such design and location within sixty (60) days after said plans and specifications have been submitted, approval will not be required and compliance with this Article will be deemed to have been made.

F. The following shall apply to all lots and common areas:

(1) Only one (1) single-family dwelling and garage shall be erected, altered, placed or permitted to remain on any lot.

(2) Each residence shall include at minimum one two-car attached garage.

(3) All residences shall have a minimum of Thirteen hundred (1300) square feet of living space.

(4) The initial construction on each Lot shall include a single post lamp located a uniform distance of approximately twenty (20) feet from the road right-of-way. Each lamp shall be connected to a photo-cell to insure they are lit from dusk to dawn. It shall be the obligation of each Owner to maintain these lamps and photo-cells in working order.

(Revised) All Lots shall include a single post lamp located a uniform distance of approximately twenty (20) feet from the road right-of-way. It shall be the obligation of each Owner to insure that their post lamp is equipped to be lit from dusk to dawn through whatever means necessary, including but not limited to, photo-cells, automatic timers, automatic or manual switches; and will maintain these mechanisms in good working order to insure compliance.

(5) Each Member's dwelling and Lot shall be maintained in good repair and overall appearance. If a member fails to maintain his house or Lot in a reasonably well maintained and orderly manner, the Board of Directors may contract for exterior and/or yard maintenance and any expenses incurred shall be considered additional common charges against the Lot in question.

(6) (Rev 9/2011) All private passenger motorized vehicles defined as Passenger cars, Pickup Trucks, SUV's, Passenger Vans, and Motorcycles will be parked and stored in garages or driveways and not on any other portion of the lot. All other vehicles not defined above and/or including Panel Trucks, Dump Trucks, Sleeper Vans, Campers, Camper bodies, Trailers, Boats, and RV Motor homes regardless of size, shall not be parked for more than (2) two consecutive days or for more than five (5) days of any calendar month in any location on a lot, except as may be otherwise be approved in writing by the HOA Board of Directors. No part of any lot or Common Area shall be used continuously for tent camping or the parking of sleeper vans, campers or tent trailers. Motor vehicles making deliveries or providing services to a Home or Lot may be permitted as needed.

(7) (Rev 9/2011) Signs. Signs or other advertising devices of any nature may not be placed for display to the public view on any Lot or other portion of Property unless in accordance with HOA Policies and procedures at <http://eastlakeviewhoa.com/policy-procedures> or unless approved in writing by the Board of Directors of the Association.

(8) Garbage and Refuse Disposal. Except for building materials during the reasonable course of construction or repair of any approved Improvements, no lumber, metals, bulk materials, rubbish, refuse, garbage, trash or other waste material (all of which are referred to hereinafter as "Trash") shall be kept, stored, or allowed to accumulate outdoors on any Lot or other portion of the Property, except in sanitary containers and screened from adjacent and surrounding property. Such containers may be placed in the open within 24 hours of a scheduled pick-up. at such place on the Lot or other portion of the Property so as to provide reasonable access to the persons making the pick-up. The Board of Directors of Association may, in its discretion, adopt and promulgate reasonable rules and regulations relating to the size, shape, color and type of containers permitted and the manner and location of storage of the same on any portion of the Property. All facilities for the storage or disposal of Trash, shall be kept in a clean and sanitary condition.

(9) Noxious or Offensive Activities. No noxious or offensive activity shall be carried out upon any portion of the Property, nor shall anything be done thereon that may be or become a nuisance or annoyance in the area or to the residents or Owners thereof. The emission of smoke, soot, fly ash, dust, fumes, herbicides, insecticides, and other types of air pollution or radioactive emissions or electro magnetic radiation disturbances, shall be controlled so as not to (i) be detrimental to or endanger the public health, safety, comfort or welfare, (ii) be injurious to property, vegetation or animals, (iii) adversely affect property values or otherwise produce a public nuisance or hazard or (iv) violate any applicable zoning regulation or other governmental law, ordinance or code.

(10) Dwelling in Other Than Residential Units. No temporary building, trailer, mobile home, basement, shack, barn, outbuilding, shed, garage, building in the course of construction or other temporary structure shall be constructed on, or used. temporarily or permanently, as a dwelling, on any Lot or other portion of the Properties except with the written consent of developer or Developer's agents during the course of construction or sales or by the Board of Directors of the Association after the completion of development. Any consent given shall be in accord with the authority vested in the Board of Directors under Paragraph D. above including, but not limited to, location, exterior design, appearance, and materials.

(11) Commercial and Professional Activity. No wholesale or retail business, including any salon, studio, laboratory, home industry or medical or dental office, shall be conducted in or on any Lot or other portion of the Properties without the consent of the Board of Directors of the Association. This restriction is not intended to preclude the operation of an in-home office for purposes other than those set forth above.

(12) Unlicensed Vehicles. Parking of Commercial Vehicles. No unlicensed vehicles shall be parked on the Properties. Unless used in conjunction with Construction on the Property, or with the maintenance, repair or replacement of the Properties, there shall be no outside storage of or parking of commercial vehicles of a weight of two (2) tons or more.

(13) Outdoor Repair Work on Vehicles. Boats or Machines. With respect to a Lot for which the Unit thereon has been issued a certificate of occupancy by the Town of Gorham, no extensive work on any motor vehicles, boats or machines of any kind shall be permitted outdoors on such Lot, except with the consent of the Board of Directors of the Association.

(14) Oversized, Commercial and Unlicensed Vehicles. Unless used in connection with construction on the Property or with the maintenance, repair or replacement of the Property, or unless otherwise consented to by the Board of Directors of the Association, the following shall not be permitted to remain overnight on the Property in any location as to be readily visible from any roadway:

- a. commercial vehicles of a weight of two (2) tons or more;
- b. unlicensed motor vehicles of any type.

(15) No Hunting or Discharge of Fire Arms. There shall be no hunting and no discharge of fire arms, air rifles or explosives of any kind on the Property.

(16) Laundry Poles and Lines. Unless otherwise consented to by the Board of Directors of the Association, laundry poles and lines outside of the residences are prohibited.

(17) Television and Communication Antennas. No outside television, radio, "C.B." or other communication antenna shall be erected on any Lot except individual dish antennas not to exceed 24 inches in diameter which may be attached to an individual residence.

(18) Exterior Storage. Unless otherwise authorized in writing by the Board of Directors of the Association, there shall be no exterior storage or exterior storage facilities or structures on any Lot except for cooking grills which may be stored on a deck or patio. By way of illustration and not of limitation, the outdoor storage of the following is intended to be prohibited: unlicensed vehicles, boats, tools, sheds.

(19) No Open Fires. No open fires of any kind shall be permitted on any Lot except within the confines of a fire place or barbecue pit, the construction of which has been approved by the Association or in a cooking device, the design of which is acceptable to the Association. All such fires shall be attended to at all times and shall be thoroughly extinguished upon completion of use.

(20) The use of all terrain vehicles (.ATVs) on any part of the Properties, including any Private Roads, is strictly prohibited.

G. Any approval granted by the HOA Board of Directors shall be subject to any and all requirements of the Town of Gorham as may be required pursuant to duly adopted local law, ordinance, regulation, or operating rules, including but not limited to building permits, site plan approval, subdivision approval, or special use permit.