



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF ECONOMIC JUSTICE  
REAL ESTATE FINANCE BUREAU

**VIA EMAIL**

March 26, 2020

Louis D'Amato, Esq.  
Woods Oviatt Gilman  
1900 Bausch & Lomb Place  
Rochester, New York 14604

Re: Coastal View HOA, Inc.  
File No. HO-03-0028

Dear Mr. D'Amato:

The Department of Law has reviewed the proposed First Amendment, submitted on January 28, 2020, and supplemented on March 6, 2020, in association with the CPS-7 treatment for the above-referenced premises granted on March 31, 2003.

On the basis of the facts and circumstances stated in your letter and supporting documentation, the Department of Law has determined that the amendment shall be incorporated into, and made part of, the original filing. The amendment discloses the current board members, a change in principals of sponsor, stairway removal, pathway access, additional stormwater drainage facilities, and the current budget.

This position is based solely upon the limited information supplied, and the representation made, in your letter and supporting documents. Any different set of facts or circumstances may result in the Department of Law taking a different position.

The issuance of this letter shall not be construed to be a waiver of, or limitation on, the Attorney General's authority to take enforcement action for violations of Article 23-A of the General Business Law and other applicable provisions of law.

Sincerely,

*Lisa C. Wallace*

Lisa C. Wallace  
Assistant Attorney General  
(212) 416-6384  
Lisa.Wallace@ag.ny.gov

Amendment No. 1 to Application for CPS-7 Treatment for the  
Coastal View Association, Inc. ("HOA")  
Located at Coast View Subdivision, Webster, Monroe County, New York  
NYS Department of Law File No. HO-03-0028

State of New York)  
County of Monroe) ss.:

Re: Amendment No. 1 to Application for CPS-7  
Treatment for

Coastal View Association, Inc.  
Coastal View Drive, Webster, New York

NYS Department of Law File No. HO-03-0028

Stacey Haralambides and Shari Hegedorn, being duly sworn depose and say:

1. Lake Landing, LLC, a New York limited liability company ("Sponsor") with offices at 339 Hogan Road, Fairport, New York 14450, hereby amends the application ("Application") for CPS-7 treatment for the Coastal View Association, Inc. ("HOA").
2. The Attorney General granted Sponsor's Application on April 14, 2003.
3. The Application has not been previously amended.
4. The HOA consists of 78 lots. Of those lots, nine (9) lots (Lots 137, 202, 203, 207, 210, 213, 215, 216 and 217) are being offered for sale. Two (2) lots are under contract, with Lot 207 expected to close in December 2019, and Lot 217 expected to close in May 2020. The remaining lots have been transferred to third party purchasers.
5. This Amendment is filed to disclose the following:
  - a. On December 3, 2018, pursuant to the original CPS-7 and Declaration, the Sponsor turned control of the HOA over to the members. The new Board of Directors, elected by the members, is composed of Chris Palega, Tom Polito, Steve Terrigino, Tom Mitchell, and Don Leathersich. The Sponsor is no longer in control of the HOA.
  - b. The removal of Brian Hegedorn as the managing member of Hegedorn Associates, LLC, a member of Sponsor. The new managing member of Hegedorn Associates, LLC is Shari Hegedorn.
  - c. Disclose the removal of the damaged stairway, which included the open air observation deck, within the common area leading to the shore of Lake Ontario, and its replacement with an access pathway protected by rock

retaining walls. The record high lake levels caused severe deterioration and irreparable damage to the stairway. Rather than replace with another stair, which would be equally susceptible to damage if the high water returned, the HOA decided to build an access pathway that will allow for equipment to access the bluff for regular maintenance and to provide access to fortify other areas of the bluff should it be necessary (see attached pathway design attached as Exhibit A). The pathway will allow for not only greater lake access for equipment, but the improvement should weather the elements better and allow for less costly repairs in the future. The proposed access pathway was voted on by the HOA full membership and received a super majority approval of more than two thirds of the members. Work is substantially completed and was paid for by the HOA.

- d. As originally disclosed, individual owners/residents are prohibited from having individual stairways or other means of access to the Lake Ontario shore. The access pathway described in section "5.c." above is the only lake access allowed for the Coastal View subdivision.
- e. The HOA has determined, for purposes of shoreline maintenance and protection of the existing improvements, the use of the path by owners and/or residents to reach the lake shore area will be allowed by foot during the spring, summer and fall months. The path will be closed during winter months. Motor vehicles will not be allowed on the path at any time, unless allowed by the HOA Board of Directors for purposes of shoreline maintenance and protection.
- f. Some owners of homes along the Lake Ontario bluff common area have requested permission to fortify the bluff common area and install break walls to lessen damage caused by the record high lake levels. The HOA has granted easements and/or permission to property owners adjacent to these common areas in order to permit construction of the proposed break walls. All work will be at the homeowner's expense. All work will be conditioned upon HOA, NYS DEC, US Army Corps of Engineers, and/or the Town of Webster approvals. Shore access for this work will be permitted through the common area access pathway.
- g. To address ponding in the rear of Lots 125-134, the Sponsor installed additional Storm Water Drainage Facilities in the area. Annual maintenance is not anticipated, however, the HOA will maintain the Storm Water Drainage Facilities as installed.
- h. Disclose the current Budget adopted by the independent Board of Directors. See Exhibit B attached.

6. No investigation is currently pending by the Department of Law against the Sponsor, a principal of the Sponsor, or the HOA, of which the Sponsor or its principals are aware.

7. Accompanying this Affidavit are:

- a. A filing fee in the amount required for amendments to offering statements or offering plans under GBL Section 352-e(7);
- b. A copy of the original CPS-7 Application.
- c. Form RS-2, Executed by the Sponsor and sworn to before a notary public.

*The rest of this page was intentionally left blank. Signature page follows.*

LAKE LANDING, LLC  
By: Aristo Lake Venture, LLC

By: [Signature]  
Stacey Haralambides, managing member

Sworn to before me this 15<sup>th</sup>  
day of January, 2019

[Signature]  
Notary Public

JENNIFER M. TOWNSEND  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02T06343421  
Qualified In Monroe County  
My Commission Expires 06-13-2020

Aristo Lake Venture, LLC

By: [Signature]  
Stacey Haralambides, managing member

Sworn to before me this 16<sup>th</sup>  
day of January, 2019

[Signature]  
Notary Public

JENNIFER M. TOWNSEND  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02T06343421  
Qualified In Monroe County  
My Commission Expires 06-13-2020

[Signature]  
Stacey Haralambides

Sworn to before me this 18<sup>th</sup>  
day of January, 2019

[Signature]  
Notary Public

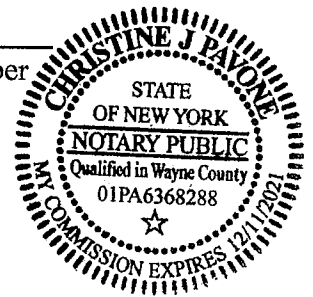
JENNIFER M. TOWNSEND  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02T06343421  
Qualified In Monroe County  
My Commission Expires 06-13-2020

Hegedorn Associates, LLC

By: [Signature]  
Shari Hegedorn, managing member

Sworn to before me this 9<sup>th</sup>  
day of January, 2019

[Signature]  
Notary Public



[Signature]  
Shari Hegedorn

Sworn to before me this 9<sup>th</sup>  
day of January, 2019

[Signature]  
Notary Public





## Exhibit B—Budget

Coastal View Budget  
November 1 2019 - October 31 2020

Account Name		2019-2020 No Increase	2019-2020\$8 increase
Assessment Fees - full	40	39,360	43,200
RGE	20	18,960	20,880
other	1	636	732
other	1	600	696
Vacant Lot Fee	10	4,920	5,400
Sponsor Lot fee	8	2,800	2,800
Plan review income		600	600
<b>Total Income</b>	<b>80</b>	<b>67,876</b>	<b>74,308</b>
<b>Operating Expenses</b>			
Audit		1,600	1,600
Legal		1,000	1,000
Managment Fees		11,160	11,160
Insurance		4,022	4,022
Office Expense		1,500	1,500
Real Estate Tax		1,200	1,200
<b>Total Admin</b>		<b>20,482</b>	<b>20,482</b>
Electric		600	600
Refuse		12,856	12,856
Snow Removal		810	810
Landscape Maintenance		16,300	16,300
Additional Landscaping		4,000	4,000
Chemical Applications		605	605
Pathway maintenance		3,000	3,000
Repairs and Miscellaneous		5,655	5,655
<b>Total Contracted Services</b>		<b>43,826</b>	<b>43,826</b>
<b>Total Operating Expense</b>		<b>64,308</b>	<b>64,308</b>
Reserve Contribution		3,568	10,000