

Prepared by:

  
DANIEL BARROS

**THE HILLS HIGHLANDS MASTER ASSOCIATION, INC.  
RESOLUTION ADOPTING ARCHITECTURAL CONTROLS AND RULES OF  
PROCEDURES**

WHEREAS, The Hills Highlands Master Association, Inc. (the "Association") was established and exists as a non-profit corporation and by virtue of a certain Master Declaration of Covenants, Conditions and Restrictions, recorded on September 25, 1986 the Office of the Clerk of Somerset County in Deed Book 1597, Page 456, et seq., as may be amended (the "Declaration"); and

WHEREAS, at the Association's July 14, 2015 meeting of the Board of Trustees (the "Board"), where a quorum of the Association's Board was present, the Board passed the Resolution Adopting Architectural Controls and Rules of Procedure (the "Resolution"), which is attached hereto and incorporated herein; and

WHEREAS, the Board has determined that it is in the Association's best interests to have the Resolution filed in the office of the Clerk of Somerset County;


NOW THEREFORE, the Association hereby submits the Resolution, which is attached hereto and incorporated herein as Exhibit A, for recordation in the Somerset County Clerk's Office.

**THE HILLS HIGHLANDS  
MASTER ASSOCIATION, INC.**

[sign]

[print]

[title]

  
Robert F. Sariego  
Vice President

**A TRUE COPY**

**THE HILLS HIGHLANDS MASTER ASSOCIATION, INC.**  
**Resolution Adopting Architectural Controls and Rules of Procedure**

WHEREAS, the Association was established and exists by virtue of the New Jersey Non-Profit Corporations Act, N.J.S.A. 15A:1-1, et seq., and by virtue of a certain Master Declaration of Covenants, Conditions and Restrictions, recorded on September 25, 1986 the Office of the Clerk of Somerset County in Deed Book 1597, Page 456, et seq., as may be amended (the "Declaration"); and

WHEREAS, Article VIII, Section 1 of the By-Laws provide that "[t]he affairs of the Master Association shall be managed by a Board of Trustees"; and

WHEREAS, Article IV, Section 4.06 of the Declaration empowers the Board of Trustees (the "Board") to "establish, promulgate, and, in its discretion, amend, repeal or reenact such Rules, not in contradiction of this Master Declaration, as it deems proper, covering any and all aspects of its function, including the use and occupancy of the real property within the Master Association."; and

WHEREAS, pursuant to the Resolution of the Board recorded on February 17, 1998 in the Office of the Clerk of Somerset County in Deed Book 2157, Page 242 (the "1998 Resolution") and the Resolution Adopting Architectural Controls and Rules of Procedure recorded on August 4, 2014 in the Office of the Clerk of Somerset County in Deed Book 2157, Page 242 (the "2014 Resolution"), the Board established architectural controls and rules of procedure for approving alterations to existing homes within the Association; and

WHEREAS, the Board deems that it is in the best interest of the Association to implement an updated and amended comprehensive and uniform policy regarding architectural controls and rules of procedure;

**NOW, THEREFORE, BE IT RESOLVED**, the Board has determined it necessary and appropriate to pass a resolution updating and modifying the architectural controls and rules of procedure of the Association; and that the following policies pertaining to architectural controls and rules of procedure are hereby adopted:

1. The Board hereby adopts the architectural controls and rules of procedure promulgated by the Board of Trustees, which are attached hereto and made part hereof as Exhibit A.
2. Notwithstanding the above, the Association may exercise all rights and remedies available to it at law, in equity and/or pursuant to the Master Deed, By-Laws, Certificate of Incorporation and Rules and Regulations of the Association.
3. Should any provision of this Resolution or the attached architectural controls and rules of procedure be determined to be invalid, the remaining provisions shall remain in full force and effect.

4. Any provision contained within any previously adopted resolution of the Association including but not limited to the 1998 and 2014 Resolutions, which conflicts with any provision set forth herein, shall be deemed void and the provision contained herein shall govern.

**Exhibit A**

**Architectural Controls and Rules of Procedure**



## Architectural Controls and Rules of Procedure

### I. Introduction

Architectural Control is defined as standards and procedures for approving alterations of modifications to existing homes within The Hills Highlands which have been conveyed by Developers or the Declarant to homeowners. The review will be limited to exterior architectural details on the homes or construction of new improvements on the lots as the latter term is defined in Article I, Section 1.03 of the Master Declaration of Covenants, Conditions and Restrictions ("Master Declaration") of the Hills Highlands Master Association, Inc. ("HHMA"). Any alteration, modification or improvement must be approved by the appropriate Architectural Review Committee established within each Neighborhood governed by HHMA.

### II. Creation of the Neighborhood Committee

- A. Each Neighborhood may, at its discretion, establish a Neighborhood Architectural Committee (the "Committee"). The Committee will be established only of eligible homeowners within the Neighborhood. The fee simple title owner of each unit or lot shall constitute only one (1) homeowner regardless of the number of adults occupying the home. An eligible homeowner shall be defined as one who has paid all dues, fees and assessments due and owing as of the date of the establishment and is not in violation of any of the rules and regulations of either the Master Declaration or the applicable Neighborhood governing documents.
- B. The Committee will consist of a minimum of three (3), but no more than five (5) volunteer members who will each serve for a term of two (2) years. The terms will be staggered so that the entire Committee will not be appointed in any one year except for the first year. In the first year, at least one (1) member will be appointed for a one (1) year term and at least two (2) members will be appointed for a two (2) year term. Volunteers for the Committee for the initial appointment must designate in advance if they are seeking a one (1) or two (2) year term.
- C. The Committee will be formed at such time as fifty percent (50%) of the units sold by either the Declarant or the Developer have been conveyed to homeowners. The establishment of the Committee will be coordinated through the managing agent of HHMA, unless there is a Neighborhood Association managing agent, in which case the latter organization will solicit volunteers for the Committee and organize the establishment thereof. The establishment of the Committee cannot occur sooner than thirty (30) calendar days after the unit representing 50% of the units in said Neighborhood is conveyed to a homeowner.
- D. In the event that there are more volunteers seeking to serve on the Committee than there are seats available, the names of those persons volunteering to serve on the Committee shall be submitted to the HHMA's Board of Trustees ("Board"). The Board shall review the qualifications of the volunteers and shall vote to appoint those it deems best qualified, which shall be in the sole and absolute discretion of the Board.

### III. Powers and Authority

- A. Once the Committee has been established, the first order of business will be to create a list of exterior architectural details and improvements on lots to be subject to the control of the Committee (the "Improvements") if the Developer or Declarant has not already established same. The Committee is encouraged to be as specific as possible in describing the Improvements and the criteria which must be satisfied for approval. The Improvements and their specifications cannot conflict with any local, county, state or federal rules, regulations or statutes permitting or setting standards for such Improvements. Where there is a conflict between same, the local, county, state or federal regulations or statutes shall govern. The Improvements must be compiled and adopted by the Committee within sixty (60) calendar days after establishment of the Committee. An illustrative list of Improvements is attached hereto as Exhibit B. Each Neighborhood must develop its own list of Improvements, which is consistent with the Neighborhood site plan layout and original design, and distribute the list of Improvements to all existing homeowners, including an address for delivery of the application, with a copy of same being delivered to the HHMA Board of Trustees. Once received by the HHMA Board of Trustees, it will be annexed hereto and made part hereof. If the Neighborhood Committee fails to adopt its own list of Improvements in accordance with the provisions of this Resolution, then it will be deemed to have adopted the list attached hereto as Exhibit B. For those Neighborhoods that have previously adopted the Improvement List in the 1998 Resolution by default, Exhibit B attached hereto would be inapplicable. In the event a Neighborhood Committee seeks to amend its Improvement List, such amendment must be approved by an affirmative vote of two-thirds (2/3) of the homeowners within that community.
- B. If the Declarant or Developer has established its own list of Improvements and has been distributing same to the homeowners at closing, the Committee will be bound to administer that list of Improvements when the last home within the Neighborhood is conveyed to a homeowner. However, at that time, the Committee shall have the right, but not the obligation, to amend the list of eligible homeowners within the Neighborhood. If the Improvements are amended by an affirmative vote of two-thirds (2/3) of the homeowners, the new list must be distributed, in writing, to all homeowners within thirty (30) days after said adoption of an amendment.
- C. If the Declarant or Developer has established a list of Improvements and has reserved unto itself the right to review all alteration, modification and revisions relating to the Improvements within its closing documents or Neighborhood documents, the Declarant and/or Developer will have control of said review until the last home within the Neighborhood has been conveyed to a homeowner. Prior to that time, the Committee will work in conjunction with the Declarant or Developer in an advisory role, but the Declarant or Developer shall have the final decision-making power. Once the last home in the Neighborhood is sold to a homeowner and a Committee is established in accordance with the provisions in



Section II of this document, the Committee will administer the rules and procedures established by the Declarant or Developer until such time as an amendment is adopted in accordance with Section III, paragraph B. The Declarant or Developer will remain in control of the Architectural Review of Improvements in the Neighborhood until the last home in the Neighborhood is conveyed to a homeowner or sooner if the Declarant or Developer, in writing, specifically turn over said control to the Committee before the last home is sold to a homeowner.

- D. As of the date of adoption of this resolution by the HHMA Board of Trustees, all twenty-two (22) neighborhoods comprising HHMA, have been fully built-out and at least seven (7) have created their own Committees and established their own list of Improvements over which they have jurisdiction. It is hereby provided that the existing Committees and the list of Improvements established thereby shall remain in full force and effect. Where there are inconsistencies between the procedures set forth herein and the procedures previously established by the existing Committee, the existing Committee will promptly revise its procedures to make consistent herewith. In addition, many Neighborhoods, especially those with townhouse and condominium forms or ownership, have prepared Public Offering Statements ("POS") and registered same with the New Jersey Department of Community Affairs. If the Registered POS of a particular Neighborhood contains provisions for architectural rules and controls, those existing architectural controls will remain in full force and effect, will take precedence over the Resolution and can only be amended in accordance with the terms of the individual Registered POS.

#### IV. Application Procedures

- A. Within sixty (60) days after its establishment, the Committee shall prepare and adopt a form of written application which will be used by homeowners seeking approval of an Improvement. The application must include a request for the name, address, email address, and telephone number of the applicant and, if different, the address of the property upon which the Improvement is proposed. It must also include a request for a sketch or rendering of the proposed Improvement. The Committee may require payment of a nominal fee to defray the costs of processing the application. It may also, at the Committee's discretion, include a copy of the survey of the lot attached showing exactly where the Improvement will be located. The application should include the make and model numbers or manufacturer's specifications when applicable and all dimensions, colors and materials to be used. Additionally the application must include Notification of Contiguous Neighbors, with signatures from those neighbors. Contiguous neighbors are defined as neighbors with whom you share a property line. A contiguous neighbor shall also include the neighbor who lives directly across the street from you who will be able to view the variance. Each neighbor must see specific plans and must sign this form in order for it to be processed.
- B. The application form must be consistent with the requirements and procedures of the Bedminster or Bernards Township ordinance, as applicable. If the Improvement requires a building permit from the applicable Township Building

Department, a completed application form for said building permit must be submitted with the application to the Committee. Although a municipal permit or approval may be required in most cases, the Committee shall recommend to the applicant not to apply for the municipal permit or approval until the Committee approval has been obtained.

- C. The Committee shall review the variance request, with input from all members, except as otherwise described in this document, in order to reach consensus. The Committee should review the request as soon as possible and shall have no more than thirty (30) calendar days from the date of receipt of the completed application from HHMA management to review it and make a determination of approval or denial.
- D. The Committee may request additional documentation, information or an onsite visit either directly with the applicant or through HHMA management within 14 days of the receipt of the completed application. (Note: The Committee and Management must inform each other of communications with the homeowner so that proper record is kept of those communications.) The Architectural Committee shall then have up to an additional thirty (30) days from the date of receipt of the amended application to complete its review.
- E. The Committee must provide the applicant with an opportunity for a hearing before the Committee, if so desired by the applicant and requested in writing. If a hearing is requested by the applicant or required by the Committee, the applicant must provide each of his contiguous neighbors with a written notice advising the neighbors of the date, time and place of the hearing, the nature of the matter being considered and the identification of the property on which the Improvement is proposed. In the event that a hearing is not requested by the applicant in writing nor required by the Committee, the Committee may still require the applicant to provide written notice of the pending application to his contiguous neighbors. The Notice can be delivered by certified mail or by personal service within ten (10) calendar days prior to the hearing date. Contiguous neighbors, for purposes of these rules are defined as neighbors with whom a homeowner shares a property line. A contiguous neighbor shall also include the neighbor who lives directly across the street from the homeowner who will be able to view the variance. It is the applicant's responsibility to prove, by certified mail receipts or affidavit delivered to the Committee prior to the hearing, that notice was properly served on contiguous neighbors. A decision must be rendered by the Committee in writing within sixty (60) calendar days after the receipt of a complete application. The written decision must state whether the application is approved in whole or in part (if in part, then suggested modifications must be included in the written decision) or denied and include detailed reasons for said determination. If the application, in whole or in part, conforms to the requirements of the applicable Township Zoning Ordinance provisions, the Committee cannot deny an application for that reason. For example, if the application proposes a pool, which meets all the setback requirements of the Zoning Ordinance, the Committee cannot deny the application for being too close to the property line. Since many of



the decisions will concern aesthetics of the proposed Improvement, aesthetics must only be considered when they bear in a substantial way upon the utilization of the property and toward a goal of preserving property values. The fact that an Improvement may be considered inartistic should not be a reason for disapproval. The Committee should also consider the health and well-being of the Neighborhood in rendering a decision.

- F. Alterations, modification and improvements are subject to municipal ordinances and zoning regulations. In order to minimize expense and delay, each homeowner should obtain Committee approval prior to applying to the municipality for the appropriate permits. It is the responsibility of the homeowner to obtain all municipal permits and approvals that may be required for the proposed alteration, modification or improvement.
- G. In the event a variance application is approved by the Committee, the variance approval shall be valid for a period of one (1) year. To clarify, the applicant must perform and complete the variance within one (1) year of receipt of the variance approval. The applicant may petition the Committee for additional time, which approval shall not be unreasonably withheld.
- H. In the event a variance application is approved by the Committee, and the applicant sells the property prior to the commencement of the project, the variance approval shall be deemed null and void. The new property owner must submit a new application. Variance approvals shall not be assignable or transferable. The initial approval of the variance application shall not obligate the Committee to approve any subsequent variance request with respect to subject property.
- I. The HHMA may, in its sole and absolute discretion, enforce the variance and Improvements List either adopted by the Neighborhood Committee or Exhibit B attached hereto by imposing fines and/or compelling compliance.

#### V. Appeals

- A. If the application of a homeowner is denied by the Committee, the homeowner may, at its discretion, appeal the decision. The appeal must be in writing and submitted to the HHMA Board of Trustees through its managing agent, within forty-five (45) days after the written decision is received by the homeowner applicant from the Committee. The appeal shall request reconsideration of the application. It must include a copy of the written decision of the Committee and a copy of the complete application.
- B. On behalf of the HHMA Board of Trustees, the HHMA managing agent or if applicable, the Neighborhood Association managing agent, shall arrange for the appeal to be conducted and a decision rendered in accordance with the terms and provisions of the Resolution Amending the Association's Alternative Dispute Resolution Procedures which was adopted by the HHMA Board of Trustees on May 12, 2015 and recorded in the Office of the Somerset County Clerk on June 4, 2015 in Book 6797, page 1867-1877 and as may be amended from time to time (the "ADR Resolution"). A Committee or Committee member shall not be entitled to ADR against the HHMA or the Board of Trustees based on any action

or inaction by the HHMA or its Board in connection with any matter relating and/or pertaining to a variance application.

C. The cost of the appeal of any ADR decision shall be borne by the appealing party.

## VI. Penalties

If, after the Committee is established and an Improvement list is adopted by the Committee, or if the Declarant or Developer has established an Improvement list, a homeowner constructs an Improvement on his property without following the procedures, set forth herein and obtaining the approval of the Committee or Declarant or Developer, the following procedures shall be instituted:

- A. The Committee, through the managing agent of the HHMA or the applicable Neighborhood Association, or the Declarant or Developer shall contact the offending homeowner in writing and shall demand that all work be stopped immediately. The homeowner shall be instructed to submit a Variance Request before any additional work can be done. (This shall also apply if the offending homeowner has completed the variance without prior approval.) The Architectural Committee shall then follow the normal review procedures and timetable. If approved, the homeowner may proceed with completing the Improvement as outlined specifically in the approval notice. If not approved the homeowner will be informed via normal procedures and the Improvement shall be remedied to conform to the approval notice.
- B. If the offending homeowner does not or cannot remedy an Improvement to initiate conformity with the approval notice within fourteen (14) days of the date of the receipt of the demand by the offending homeowner, the Committee, through the managing agent of the HHMA or applicable Neighborhood Association, or the Declarant or Developer shall have the right, but not the obligation, to fine the offending homeowner an amount of up to \$2,000. If the penalty remains unpaid for a period of (30) thirty days, the Committee, through the managing agent of the HHMA or the applicable Neighborhood Association, or the Declarant or Developer shall have the right, but not the obligation to file a Claim of lien encumbering the property until such time as the penalty is paid in full and the violation remedied. The HHMA shall have the right, but not the obligation, to proceed with enforcement action, which shall be in the sole and absolute discretion of the Board of Trustees.

## VII. Miscellaneous

Any structures, which have been installed and approved by the Declarant or Developer on a homeowner's property prior to the formation of the Committee and adoption of the list of Improvements by that Neighborhood, shall be deemed approved and not subject to the provisions of this Resolution. The provisions of this Resolution shall be implemented prospectively.



## EXHIBIT B - ILLUSTRATIVE EXTERIOR IMPROVEMENTS LIST

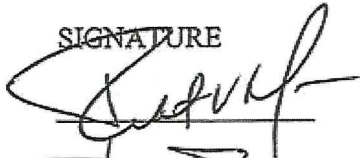
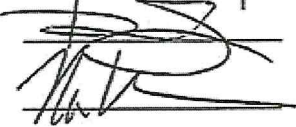
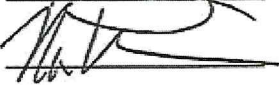


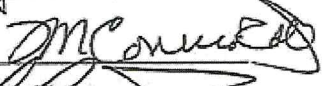

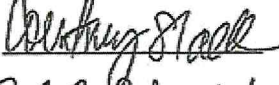
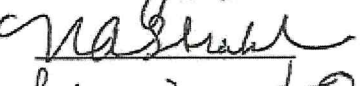
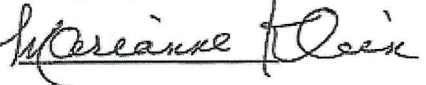
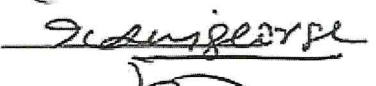
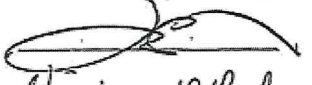
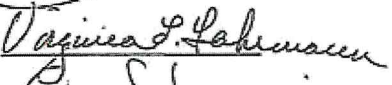
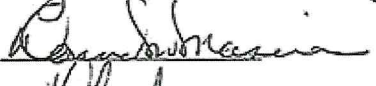

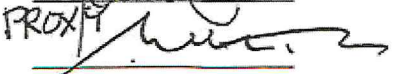
Paint/stain change colors (trim, siding, doors, shutters, etc.)  
Elevation changes  
Façade changes (storm doors)  
Hot tubs  
Accessory structures (garbage container, tool sheds, mail boxes, etc.)  
Children's play equipment  
Playswings/playsets  
Gazebos  
Deck additions/expansions/alterations  
Porch additions/expansions/alterations  
Trellis  
Solar Panels  
Landscaping additions/deletions/alterations  
Structural modifications/alterations/deletions  
Fencing (of any type)  
Awnings (temporary canvas)  
Spas  
Detached structures  
Tennis Courts  
Permanent sporting equipment  
Swimming/lap pools (except portable kiddy pools)  
Patio additions/expansions/alterations  
Satellite dishes/antenna  
Weathervanes  
Curbing  
Land disturbance  
Permanent flag poles



# THE HILLS HIGHLANDS MASTER ASSOCIATION, INC.

## Resolution Pertaining to: Architectural Controls and Rules of Procedure

Duly adopted at a meeting of the Board of Trustees of The Hills Highlands Master Association, Inc. held on this 14 day of July, 2015.

Officer/Director PRINT NAME	Vote: YES	NO	ABSTAIN	ABSENT	SIGNATURE
ROBERT MARTIN	X				
Robert F. Sariego	X				
NORREN Verbrugge	X				
Debbie Murray-Breslow		X			Debbie Murray-Breslow
JAMES MURPHY	X				
PAUL TACKOWIAK	X				
Thomas M. Connors					
BERNARD PANEX	X				
Marilyn Ostermiller	X				M. Ostermiller
Courtney Slack	X				
NICK STRAKHOV	X				
MARIANNE KLEIN	X				
TITUS GEORGE	X				
GANG XIE	X				
VIRGINIA FAHRMANN	X				
Danna Mascia	X				
Jonathan Cloud	X				
VALENTIN BUKKI					PROXY 

Officer/Director  
PRINT NAME

Vote:  
YES NO

ABSTAIN

ABSENT

SIGNATURE

HELENE PLIKER X

JOE FILEP X

DAN VANDE VELDE X

PAUL RUSZKOWSKI X

ASHA JAMES X

DENISE WILLIAMS X

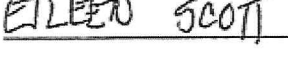
JOSHUA GOTTFRID X


DAVID RAFAEL X

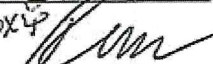
CAROLYN MORETTI X

JOANITA HAWKINS X

EILEEN SCOTT X

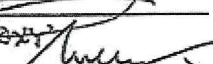
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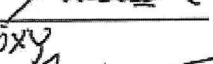
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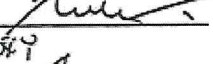
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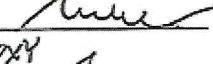
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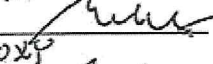
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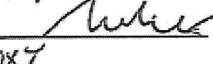
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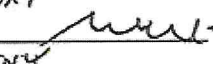
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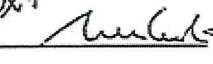
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MICHAEL TOCET

Attest:

[sign]

[print]

[title]

[date] July 14, 2015

File:

Book of Minutes -  
Book of Resolutions:

Book No.

Page No.

Policy  
Administrative  
Special  
General

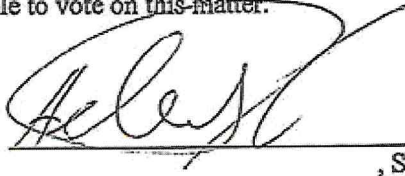
Resolution Effective: July 14, 2015



STATE OF NEW JERSEY }  
COUNTY OF SOMERSET } SS.:


I CERTIFY that on July 17, 2015 MICHAEL TOCCI  
personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Secretary of The Hills Highlands Master Association, Inc., a nonprofit corporation of the State of New Jersey, named in this document;
- (b) this person signed this document as attesting witness for the proper corporation officer who is MICHAEL TOCCI, the President of the corporation;
- (c) this document was signed and delivered by the corporation as its voluntary act and deed by virtue of authority from its Board of Trustees;
- (d) this person signed this acknowledgment to attest to the truth of these facts; and
- (e) this Resolution was duly introduced and was thereafter adopted at a regular scheduled meeting of the Board of Trustees at which a quorum was present, by a majority vote of the members of the Board of Trustees eligible to vote on this matter.

  
\_\_\_\_\_, Secretary

Signed and sworn to before me this 17<sup>th</sup>

Day of July, 2015.

  
\_\_\_\_\_  
RECORD AND RETURN TO:

Daniel Barros, Esq.  
Cutolo Mandel LLC  
151 Highway 33 East, Suite 204  
Manalapan, New Jersey 07726

**ANN SARIEGO**  
**NOTARY PUBLIC OF NEW JERSEY**  
**I.D. # 2366135**  
**My Commission Expires 10/29/2017**



BRETT A. RADI  
SOMERSET COUNTY CLERK  
20 GROVE STREET  
P.O. BOX 3000  
SOMERVILLE, NJ 08876-1262

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Recorded: 01/05/2016 11:54:04 AM  
Book: OPR 6845 Page: 3180-3195  
Instrument No.: 2016000535  
AGTDEEDN 16 PGS \$183.00

Recorder: PREMPEH

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**DO NOT DISCARD**



2016000535