

RR: ROBERT LANDEL  
279 Franklin Ave  
Wyckoff, NJ  
07481

15-093008 NON ABSTRACTED DEED  
V Bk: 02127 Pg: 0705-0712 Rec. Fee \$11.00  
John S. Hogan, Bergen County Clerk  
Recorded 12/10/2015 11:04:57 AM

DECLARATION OF RESTRICTIVE COVENANT

**Extension of Existing Affordability Controls on Deed-Restrictive Properties**

THIS DECLARATION IS INTENDED TO MAKE CLEAR IN THE CHAIN OF TITLE FOR ALL OF THE NAMED UNITS IN THE TURTLE CREEK CONDOMINIUMS OF WYCKOFF THAT **THE DEED RESTRICTIONS ON THE UNITS HAVE BEEN EXTENDED, AND THE UNITS ARE SUBJECT TO EXTENDED AFFORDABILITY CONTROLS LIMITING THE SALE, USE AND RE-SALE OF THE UNITS.**

THIS DECLARATION is made on the 2<sup>nd</sup> day of November 2015.

**THE TOWNSHIP OF WYCKOFF**, a New Jersey municipal Corporation, having an address of 340 Franklin Avenue, Wyckoff New Jersey 07481, hereinafter called the "Declarant."

**W I T N E S S E T H:**

**WHEREAS**, the Master Deed for Turtle Creek Condominiums of Wyckoff dated January 27, 2000 and recorded in the Bergen County Clerk's Office on January 28, 2000 in Deed Book 8244, Page 096 with the accompanying Township of Wyckoff Zoning Ordinance No. 1117, the Housing Element and Fair Share Plan, to satisfy the Township's Affordable Housing obligation dated June 24, 1992, as the same may be lawfully amended ("The Master Deed and Affordable Housing Element and Fair Share Plan"), and

**WHEREAS**, the Turtle Creek Condominiums include two (2) low and moderate income units of which income restricted units are identified below:

<u>Unit No.</u>	<u>Address</u>	<u>Block No.</u>	<u>Lot No.</u>	<u>Current Owner</u>
58	Heather Lane	293	16.02	Donald C. Cerra
78	Heather Lane	293	16.02	Gelsomina Kozma

**WHEREAS**, Section 186-53, H, Control on Affordability of the Housing Element and Fair Share Plan states that the terms, restrictions, provision and covenants of the Affordable Housing Plan, including the restrictions on the resale of the Units (the "Affordability Controls"), were to expire at the earliest of the following: (1) Twenty (20) years from the initial rental date for low and moderate income units; or (2) the date upon which the right of redemption expires with respect to the foreclosure of the first purchase money mortgage lien upon a unit by the first mortgagee of the unit as the Affordable Housing Element and Fair Share Plan applies to the specific unit which is subjected to a foreclosure; and

**WHEREAS**, NJAC 5:80-26.25(a) provides that "a municipality shall have the right to determine that the most desirable means of promoting an adequate supply of low and moderate income housing is to prohibit the exercise of the repayment option and maintain controls on low and moderate income housing units sold within the municipality beyond the period required by NJAC 5:93-9.2", and

**WHEREAS**, by Resolution No. 2015-266 adopted on November 2, 2015, a copy of which Resolution is attached hereto as Schedule A, the Township of Wyckoff ("Wyckoff") determined that the most desirable means of promoting an adequate supply of low and moderate income housing in Wyckoff pursuant to NJAC 5:80-26.25 is to prohibit the exercise of any repayment option on the two (2) Units and to maintain the Affordability Controls on the two (2) Units for a longer period than the initial twenty (20) years; extending the Affordability Controls until January 31, 2050; and

**WHEREAS**, the Declarant desires, and is required pursuant to NJAC 5:80-26.25(b), to make clear of record that the deed restrictions for the Units have been extended, and this Declaration is intended to make clear in the chain of title that the two (2) Units are all subject to extended deed restrictions and affordability controls limiting the sale, use and re-sale of the Units.

**NOW THEREFORE**, the Declarant declares that the Units shall be held, transferred, conveyed, leased, occupied and used subject to the following restrictions and conditions:

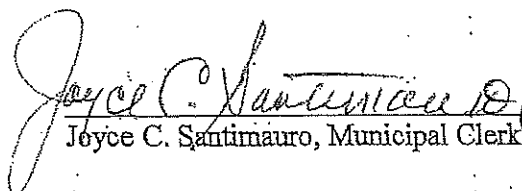
1. Pursuant to NJAC 5:97-6.14(b)(2) (Extension of Expiring Controls), the Affordability Controls on the Units are extended until January 31, 2050, in accordance with the Uniform Housing Affordability Controls ("UHAC").
2. During this period of Extended Controls, no seller of any of the two (2) Units may utilize the Repayment Option as permitted by NJAC 5:93-9.8; specifically, the Repayment Option shall not be permitted for any of the two (2) Units from the date of recordation of this Declaration until January 31, 2050.
3. The sale and use of the Units is governed by UHAC, found in the New Jersey Administrative Code at Title 5, Chapter 80, subchapter 26 (NJAC 5:80-26.1, *et seq.*, the "Regulations") and any amendments, changes or supplements thereto.
4. All of the restricted Units shall remain subject to the requirements of NJAC 5:80-26.5, as may be amended and supplemented from time to time, during the Extended Control Period until Wyckoff elects to release the Units from such requirements.

Any conveyance of this Property or the individual Units named herein shall contain a disclosure setting forth the existence of this Declaration. Each Unit Owner is required to fully comply with the Affordability Controls originally placed on the Units which were extended by Resolution No. 2015-266 adopted by the Governing Body of the Township of Wyckoff on November 2, 2015. The restrictions set forth in this Declaration shall run with the land and be binding upon the owners of the Units, and their successors, assigns and heirs, as set forth herein. Failure to comply with the extended Deed Restrictions shall subject to Owner(s) and/or Transferor(s) of any of the Units to any and all penalties permitted by law.

IN WITNESS WHEREOF, this Declarant has caused this Declaration to be signed by its proper municipal officers and has caused it municipal seal to be affixed hereto.

TOWNSHIP OF WYCKOFF

ATTEST:

  
Joyce C. Santimauro, Municipal Clerk

  
Kevin J. Rooney, Mayor

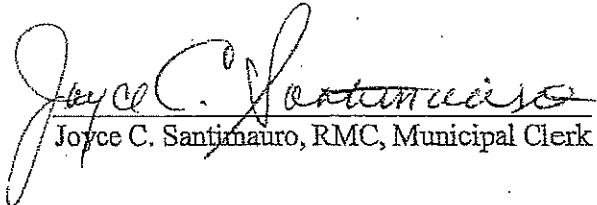
Dated: November 2, 2015

STATE OF NEW JERSEY

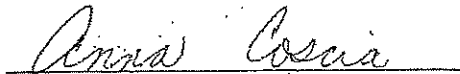
S.S.:

COUNTY OF BERGEN

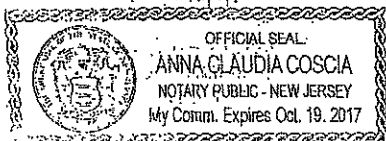
BE IT REMEMBERED, that on this 2nd day of November, in the year of our Lord, Two Thousand Fifteen, before me, the subscriber, personally appeared JOYCE C. SANTIMAURO, who, being by me duly sworn on her oath, doth depose and make proof to my satisfaction that she is the MUNICIPAL CLERK of the TOWNSHIP OF WYCKOFF, a municipal corporation, the corporation named in the within instrument; that KEVIN J. ROONEY is the MAYOR of said municipality; that the execution as well as making of this instrument has been duly authorized by proper action of the Township Committee; that deponent well and truly knows the corporate seal of said municipality; and the seal affixed to said instrument is such seal and was thereto affixed to said instrument signed and delivered by said MAYOR ROONEY as and for the voluntary act and deed of said municipality, in the presence of deponent, who thereupon subscribed her name thereto as witness.

  
Joyce C. Santimauro, RMC, Municipal Clerk

Sworn and subscribed to before  
me on the date aforesaid

  
(Print Name and Title Below Signature)

Anna Coscia, Assistant to the Municipal Clerk



SCHEDULE A

TOWNSHIP OF WYCKOFF  
COUNTY OF BERGEN  
STATE OF NEW JERSEY  
RESOLUTION #15-266

\*\*\*\*\*

INTRODUCED: *Boonstra*

SECONDED: *Carolan*

MEETING DATE: November 2, 2015

REFERENCE: Extending Affordable  
Housing restrictions at Affordable  
Housing units at Turtle Creek  
Condominiums of Wyckoff

VOTE: BOONSTRA ✓ CAROLAN ✓ JEPSEN ✓ SCANLAN ✓ ROONEY ✓

WHEREAS, N.J.A.C. 5:80-26.25(a) provides that "a municipality shall have the right to determine that the most desirable means of promoting an adequate supply of low and moderate income housing is to prohibit the exercise of the repayment option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2"; and,

WHEREAS, the New Jersey Supreme Court in its March 10, 2015 decision endorsed the extension of expiring affordability controls as a means of complying with municipal affordable housing obligations; and,

WHEREAS, such a determination shall be made by resolution of the municipal governing body and shall be effective upon filing with the Superior Court, Bergen County Law Division (Court); and,

WHEREAS, the municipality's resolution must specify the time period for which the repayment option shall not be applicable, and that during such period, no seller in the municipality may utilize the repayment option permitted by N.J.A.C. 5:93-9.8; and,

WHEREAS, pursuant to N.J.A.C. 5:80-26.25(b), a municipality that exercises the option outlined above shall: (1) provide public notice in a newspaper of general circulation; and (2) notify the administrative agent and the Court of its governing body's action; and,

WHEREAS, the municipality's administrative agent shall ensure that the deed restriction on all affected housing units reflects the extended period of controls; and,

WHEREAS, N.J.A.C. 5:80-26.25 is the successor regulation to N.J.A.C. 5:93-9.9, effective January 5, 1998 and N.J.A.C. 5:92-12.8, effective July 17, 1989; and,

WHEREAS, the master deed for the Turtle Creek Condominiums of Wyckoff dated January 1, 2000 and recorded in the Bergen County Clerk's Office in January 28, 2000 in deed book 8244, page 096 with the accompanying Township of Wyckoff zoning ordinance #1117, The Revised Housing Element and Fair Share Plan, To Satisfy The Township's Affordable Housing Obligation, dated June 24, 1992 as the same may be lawfully amended ("The Master Deed and Affordable Housing Element and Fair Share Plan"); and,

**WHEREAS**, the Turtle Creek Condominiums of Wyckoff include two (2) low and moderate income units identified as:

<u>UNIT ADDRESS</u>	<u>BLOCK NUMBER</u>	<u>LOT NUMBER</u>
58 Heather Lane	293	16.02
78 Heather Lane	293	16.02

**WHEREAS**, Section 186-53, H, Control and Affordability of the Housing Element and Fair Share Plan states that the terms, restrictions, provisions and covenants of the Affordable Housing Plan, including the restrictions on the resale of the Units (the "Affordability Controls"), were to expire at the earliest of the following: (1) 20 years from the initial rental date for low and moderate income units, or (2) the date upon which the right of redemption expires with respect to the foreclosure of the first purchase money mortgage lien upon a unit by the first mortgagee of the unit as the Affordable Housing Plan applies to the specific unit which is subjected to a foreclosure; and,

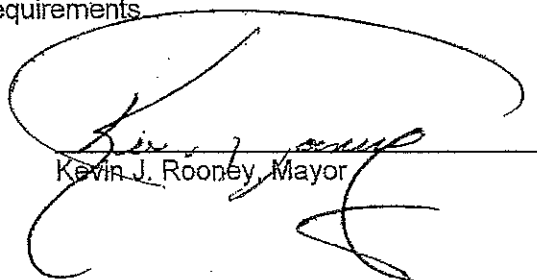
**WHEREAS**, the Township of Wyckoff ("Wyckoff") has determined that most desirable means of promoting an adequate supply of low and moderate income housing in Wyckoff pursuant to N.J.A.C. 5:80-26.25 is to prohibit the exercise of any repayment option on the two (2) Units and to maintain the Affordability Controls on the two (2) Units for a longer period than the initial 20 years for the low and moderate income units.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, as follows:

1. The Repayment Option shall not be permitted for the two (2) low and moderate income units at the Turtle Creek Condominiums of Wyckoff ("Units") from the date of the resolution until January 31, 2050.
2. The Affordability Controls are extended until January 31, 2050, and during this period of extended Controls no seller of any of the two (2) Units may utilize the repayment option as permitted by N.J.A.C. 5:93-9.8.
3. The Municipal Clerk is authorized and directed to print this resolution in full in the Bergen Record and the Ridgewood News and to notify the administrative agent and the Court of the Governing Body's action.
4. The administrative agent shall ensure the deed restriction on all affected two (2) Units extend until January 31, 2050.
5. This resolution shall evidence pursuant to N.J.A.C. 5:97-6.14(b)(2) (Extension of Expiring Controls) that the Controls have been extended in accordance with the Uniform Housing Affordability Controls ("UHAC"), and that Wyckoff is entitled to credit against its affordable housing obligation through the extension of affordability controls in accordance with UHAC and any applicable regulations adopted by COAH and/or the Department of Community Affairs, as may be amended and supplemented from time to time.

6. The sale and use of the Units is governed by UHAC, found in the New Jersey Administrative Code at the Title 5, Chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, et seq., the "Regulations") and any amendments, changes or supplements thereto.

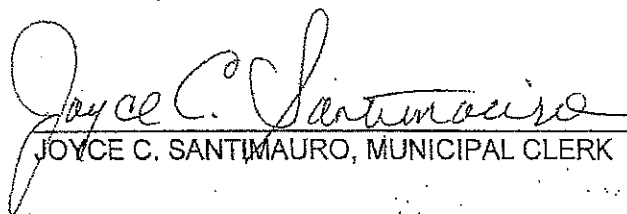
All of the restricted Units shall remain subject to the requirements of N.J.A.C. 5:80-26.5, as may be amended and supplemented from time to time, during the extended Control period until Wyckoff elects to release the Units from such requirements



Kevin J. Rooney, Mayor

CERTIFICATION

I, JOYCE C. SANTIMAURO, MUNICIPAL CLERK OF THE TOWNSHIP OF WYCKOFF, CERTIFY THE ABOVE TO BE A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COMMITTEE ON NOVEMBER 2, 2015.



JOYCE C. SANTIMAURO, MUNICIPAL CLERK



TOWNSHIP OF WYCKOFF  
MEMORIAL TOWN HALL  
WYCKOFF, NEW JERSEY 07481-1907

TEL: 201-891-7000  
FAX: 201-891-9359

December 28, 2015

Mr. Donald C. Cera  
58 Heather Lane  
Wyckoff NJ 07481

**Re: Affordable Housing Restrictions – Turtle Creek Condominiums of Wyckoff**

Dear Mr. Cera:

This letter is to advise you that the Governing Body of the Township of Wyckoff recently approved a resolution - #2015-266 that authorized the filing of a Declaration of Covenant that extends the Affordable Housing restrictions on all low and moderate income housing located in the Turtle Creek Condominiums of Wyckoff until January 31, 2050. Previously the restrictions on your unit were set to expire on January 31, 2017. It is the Township Committee's position that extending the restrictions on existing Affordable Housing units best preserves the public interest by maintaining existing Affordable Housing units in the Township. The Declaration of Restrictive Covenant extending the Affordable Housing restrictions that was approved by 2015-266 was recorded with the Office of the Bergen County Clerk on December 10, 2015. Please be advised that 2015-266 was adopted and the Declaration of Covenant was recorded in accordance with NJAC 5:80-26.25(a) and that the NJ Supreme Court in its March 10, 2015 decision specifically endorsed the extension of expiring controls as a means of complying with municipal Affordable Housing obligations.

It is important to note that even if the Township Committee had not extended the affordability controls, you would not have been permitted to simply sell your property at full market value (once the affordability controls expired) and retain all the profits. Under existing State regulations, if a homeowner sells an "affordable" unit at market value after the expiration of the affordability controls, he or she may retain the restricted value, which is permitted under COAH's Rules to be increased slightly each year, plus 5% of the difference between the restricted value and the actual market value or sale price. The remaining 95% of the difference would go back into the Township's Affordable Housing Trust Fund. This is commonly referred to as the 95/5 rule.

I have enclosed copies of the aforementioned resolution and Declaration of Covenant for your reference. Should you have any questions at all, please do not hesitate to contact my office.

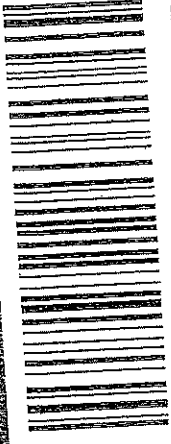
Sincerely,

Susan McQuaid  
Affordable Housing Secretary



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
1. Article Addressed to:  Mr. Donald C. Cera 58 Heather Lane Wyckoff NJ 07481	B. Received by (Printed Name) <input checked="" type="checkbox"/> C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
PS Form 3811, February 2004.	7009 1410 0000 6575 0575 Domestic Return Receipt 102595-02-M-1540

CERTIFIED MAIL  
 REGISTERED MAIL  
 RETURN RECEIPT MAIL  
 REGISTERED MAIL  
 RETURN RECEIPT MAIL  
 REGISTERED MAIL  
 RETURN RECEIPT MAIL



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U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

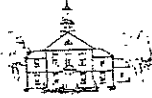
For delivery information, visit our website at [www.usps.com](http://www.usps.com)

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Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: Mr Donald C. Cera  
 Street, Apt. No., or PO Box No.: 58 Heather Lane  
 City, State, ZIP+4: Wyckoff NJ 07481

PS Form 3800, August 2004 See Reverse for Instructions



TOWNSHIP OF WYCKOFF  
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 SCOTT PLAZA  
 WYCKOFF N.J. 07481-1907

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US POSTAGE BY THE BOWS  
 ZIP 07481 \$ 006.95  
 02 1W  
 0001371515 JAN 04 2016

7009 1410 0000 6575 0575  
 7009 1410 0000 6575 0575

US Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Certified Mail Only) No Return Receipt Coverage	
<b>CERTIFIED MAIL</b>	
Postage \$ 7.00	Return Fee \$ 0.00
Certified Fee \$ 3.45	Return Fee \$ 0.00
Return Receipt Fee (Indemnity Fee) \$ 2.60	Return Fee \$ 0.00
Insurance Fee (Indemnity Fee) \$ 0.00	Return Fee \$ 0.00
Local Postage & Fees \$ 6.95	Return Fee \$ 0.00
Sort No. <b>FW Donald C. Pera</b> ZIP Code <b>07481</b> PO Box No. <b>SB Heather Lane</b> City, State, ZIP+4 <b>Wyckoff NJ 07481</b>	
Recipient Name <b>Susan McQuinn</b> Address <b>Heather Lane</b>	

ca  
 ne

07481



TOWNSHIP OF WYCKOFF  
MEMORIAL TOWN HALL  
WYCKOFF, NEW JERSEY 07481-1907

TEL: 201-891-7000  
FAX: 201-891-9359

December 28, 2015

Ms. Gelsomina Kozma  
78 Heather Lane  
Wyckoff NJ 07481

**Re: Affordable Housing Restrictions – Turtle Creek Condominiums of Wyckoff**

Dear Ms. Kozma:

This letter is to advise you that the Governing Body of the Township of Wyckoff recently approved a resolution - #2015-266 that authorized the filing of a Declaration of Covenant that extends the Affordable Housing restrictions on all low and moderate income housing located in the Turtle Creek Condominiums of Wyckoff until January 31, 2050. Previously the restrictions on your unit were set to expire on January 31, 2017. It is the Township Committee's position that extending the restrictions on existing Affordable Housing units best preserves the public interest by maintaining existing Affordable Housing units in the Township. The Declaration of Restrictive Covenant extending the Affordable Housing restrictions that was approved by 2015-266 was recorded with the Office of the Bergen County Clerk on December 10, 2015. Please be advised that 2015-266 was adopted and the Declaration of Covenant was recorded in accordance with NJAC 5:80-26.25(a) and that the NJ Supreme Court in its March 10, 2015 decision specifically endorsed the extension of expiring controls as a means of complying with municipal Affordable Housing obligations.

It is important to note that even if the Township Committee had not extended the affordability controls, you would not have been permitted to simply sell your property at full market value (once the affordability controls expired) and retain all the profits. Under existing State regulations, if a homeowner sells an "affordable" unit at market value after the expiration of the affordability controls, he or she may retain the restricted value, which is permitted under COAH's Rules to be increased slightly each year, plus 5% of the difference between the restricted value and the actual market value or sale price. The remaining 95% of the difference would go back into the Township's Affordable Housing Trust Fund. This is commonly referred to as the 95/5 rule.

I have enclosed copies of the aforementioned resolution and Declaration of Covenant for your reference. Should you have any questions at all, please do not hesitate to contact my office.

Sincerely,

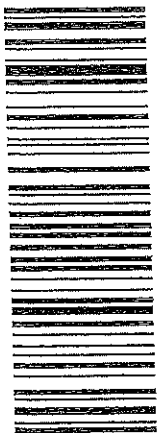
Susan McQuaid  
Affordable Housing Secretary

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>Ms. Gelsomina Kozma</i></p> <p>B. Received by (Printed Name) <i>Gelsomina</i> C. Date of Delivery <i>1/8</i></p>
<p>1. Article Addressed to:</p> <p><i>Ms Gelsomina Kozma</i>  <i>78 Heather Lane</i>  <i>Wyckoff NJ</i>  <i>07481</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No          If YES, enter delivery address below:</p> <p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

2. Article Number 7009 1410 0000 6575 0568  
 (Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PLACE STICKER ON TOP OF MAILPIECE AND ON THE FRONT OF THE RETURN ADDRESS ONLY. DO NOT COVER ANY OF THE POSTAGE OR POSTNET BARCODES.  
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 7009 1410 0000 6575 0568

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<b>OFFICIAL USE</b>							
Postage	\$						
Certified Fee							
Return Receipt Fee (Endorsement Required)							
Restricted Delivery Fee (Endorsement Required)							
Total Postage & Fees	\$						
<table border="0" style="width: 100%;"> <tr> <td style="width: 15%;">Sent To</td> <td><i>Ms. Gelsomina Kozma</i></td> </tr> <tr> <td>Street, Apt. No., or PO Box No.</td> <td><i>78 Heather Lane</i></td> </tr> <tr> <td>City, State, ZIP+4</td> <td><i>Wyckoff NJ 07481</i></td> </tr> </table>		Sent To	<i>Ms. Gelsomina Kozma</i>	Street, Apt. No., or PO Box No.	<i>78 Heather Lane</i>	City, State, ZIP+4	<i>Wyckoff NJ 07481</i>
Sent To	<i>Ms. Gelsomina Kozma</i>						
Street, Apt. No., or PO Box No.	<i>78 Heather Lane</i>						
City, State, ZIP+4	<i>Wyckoff NJ 07481</i>						
Form 3800, 2/01/04 (Rev. 2/04)							

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TOWNSHIP OF WYCKOFF  
 MEMORIAL TOWN HALL  
 SCOTT PLAZA  
 WYCKOFF NJ 07451-1907

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 7009 1410 0000 6575 0568



US POSTAGE PATNEY BOWES  
 ZIP 07451 \$ 006.95<sup>5</sup>  
 00 37  
 0001378ACE JAN 04 2016

**U.S. Postal Service  
 CERTIFIED MAIL RECEIPT**

07481

Postage	\$ 7.6
Outlook Fee	3.45
Request Receipt Fee (Governmental Recipients)	2.80
Postnet Colloquy Fee (Governmental Recipients)	
Total Postage & Fees	\$ 6.95

Postmark  
 Susan  
 McQuaid

SENT TO: MS. GELSONINA KOZIMA  
 78 HEATHER LAKE  
 WYCKOFF NJ 07481