

**TOWNSHIP OF VERONA  
COUNTY OF ESSEX, STATE OF NEW JERSEY**

**RESOLUTION No. 2023-210**

A motion was made by Councilman Roman; seconded by Councilwoman McGrath that the following resolution be adopted:

**AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT OF A  
CONSENT ORDER REGARDING COOK LANE**

**WHEREAS**, litigation entitled LARRY SCHWARTZ AND TEENA SCHWARTZ Plaintiff, v. TOWNSHIP OF VERONA; THOMAS MONOGHAN AND ANNE DJORDJEVLIC; WENDY L. PETERSON; GABAOR HAUER AND PAUL HAUER; JAMIE MORENG AND ERIN MORENG; DAVID SHAW AND STACEY SHAW; DANIEL B. YING AND TINA YING; DEBORARH HIRSCH AND PETER HIRSCH; THOMAS FRANCUCCO AND NORMA FRANCUCCO, was filed in the SUPERIOR COURT OF NEW JERSEY ESSEX COUNTY, CHANCERY DIVISION, DOCKET NO. ESX-C-94-23, to quiet title to the property commonly referred to as "Cook Lane" in the Township of Verona; and

**WHEREAS**, the Township of Verona has no interest in the property and does not believe the property was ever transferred to the Township; and

**WHEREAS**, the Township has reviewed the attached Consent Order quieting title to the Property and agrees with the terms and conditions contained therein.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the Township Manager and the Township Clerk are hereby authorized to execute the attached Consent Order, with such changes, omissions or amendments as the Township Manager deems appropriate in consultation with the Township Attorney terminating and settling the litigation and quieting title to the property as outlined therein.

**ROLL CALL:**

**AYES:** Holland, McGrath, Roman, McEvoy, Tamburro

**NAYS:**

**THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT THE REGULAR MEETING HELD ON DECEMBER 18, 2023.**

  
JENNIFER KIERNAN  
MUNICIPAL CLERK



**O'TOOLE SCRIVO, LLC**

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*Attorneys for Plaintiff,*

*Larry Schwartz and Teena Schwartz*

LARRY SCHWARTZ AND TEENA  
SCHWARTZ

Plaintiff,

v.

TOWNSHIP OF VERONA; THOMAS  
MONOGHAN AND ANNE DJORDJEVLIC;  
WENDY L. PETERSON; GABAOR HAUER  
AND PAUL HAUER; JAMIE MORENG  
AND ERIN MORENG; DAVID SHAW AND  
STACEY SHAW; DANIEL B. YING AND  
TINA YING; DEBORARH HIRSCH AND  
PETER HIRSCH; THOMAS FRANCU  
LLO AND NORMA FRANCU  
LLO

Defendants.

SUPERIOR COURT OF NEW JERSEY  
ESSEX COUNTY  
CHANCERY DIVISION

DOCKET NO. ESX-C-94-23

Civil Action

**CONSENT ORDER**

**THIS MATTER** being brought before the court by the law firm of Plaintiffs, O'Toole Scrivo, LLC, appearing on behalf of Plaintiffs, Larry Schwartz and Teena Schwartz ("Plaintiffs") through their undersigned counsel, O'Toole Scrivo, LLC, with the consent of counsel for Defendants, Township of Verona ("Township"), and Thomas Monaghan and Anne Djordjevic, all parties having consented to the relief set forth below; and the Court having considered the papers before it; and it appearing to the Court that good cause has been shown:

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, **ORDERED**  
as follows:

- 1) Title is quieted in favor of Plaintiffs owning all title, rights and interest to the property referred to as the "private road," "Cook Lane," "Cook Road," or "Private Road of Hiram Cook," as demarcated on the survey attached hereto as Exhibit A ("Plaintiffs' Property"), with the exception of the parcel described in Paragraph 2 below. Plaintiff's Property shall remain designated as a private road, referred to as "Cook Lane" on the Township of Verona tax maps, in the same manner as other private roads in the Township. The Township has confirmed that the Plaintiffs' Property will be taxed as surplus land.
- 2) Title is quieted in favor of Defendants, Thomas Monaghan and Anne Djordjevic (collectively, the "Monaghans"), to the 1,105 sq. ft. parcel in front of the Monaghans' house demarcated on the survey in Exhibit A ("Monaghans' Parcel"). In consideration for this parcel, the Monaghans shall pay for any and all deeds, deed corrections, surveys, land use applications (including subdivisions or otherwise), or other necessary work under this Agreement in full, with no cost to Plaintiffs.

- 3) Other than the above, the Defendants shall have no ownership rights in the Plaintiffs' Property or the Monaghans' Parcel, except for the easement rights granted to the Monaghans as set forth herein.
- 4) The Monaghans shall have an easement for right-of-way over the Plaintiffs' Property for access to the Monaghans' Parcel or the rest of the Monaghans' property with an address of 10 Cook Lane, and for parking, as more particularly described on **Exhibit B** (the "Easement"). The easement rights granted to the Monaghans are limited to those contained within Exhibit B. No other Defendant shall have easement rights.
- 5) Plaintiffs shall record this Consent Order and the Easement with Essex County within thirty (30) days of the entry of this Consent Order.
- 6) The Township of Verona hereby agrees to perform trash removal, recycling and bulk pickup from the Plaintiffs and the Monaghans in the normal course and operation. The Township of Verona shall take no affirmative action to change the manner in which the current contractor completes the service with respect to the houses on 12 Cook Lane and 10 Cook Lane, which collection is currently completed immediately in front of the respective houses. However, the Plaintiffs and the

Monaghans hereby recognize that the Township does not traverse private property to collect garbage, recyclables and bulk pickup. Therefore, Plaintiffs and the Monaghans recognize that in the future the parties may be required to bring their trash, recycling and bulk pickup materials to the public roadway for pickup.

- 7) The Parties consent that the mailing addresses of the properties on Cook Lane, including 12 Cook Lane, 10 Cook Lane and 6 Cook Lane are to remain the same unless changed by a greater authority than the Township (i.e. the United States Postal Service, etc.).

**IT IS FURTHER ORDERED** that a copy of the Order shall be deemed served upon all counsel of record on the date it is uploaded to eCourts.

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Hon. Jodi Lee Alper P.J. Ch.

We hereby consent to the form of this Order.

*[Signatures on Following Pages]*

**O'TOOLE SCRIVO, LLC**  
Attorneys for Plaintiffs,  
*Larry Schwartz and Teena  
Schwartz*

By: \_\_\_\_\_  
JOSHUA A. ZIELISNKI, ESQ.

Dated:

**ALOIA LAW FIRM LLC**  
Attorneys for Defendants,  
*Township of Verona*

By: \_\_\_\_\_  
BRIAN J. ALOIA, ESQ.

Dated:

**BASHWINER AND DEER, LLC**  
Attorneys for Defendants,  
*Thomas Monaghan and Anne  
Djordjevic*

By: \_\_\_\_\_  
JACK BASHWINER, ESQ.

Dated: