

RESOLUTION

WHEREAS, pursuant to a Deed dated December 3, 2001, the Township transferred ownership of certain Township-owned land known as Tax Lot 1 in Block 140.02, also referred to as “Rear of Winfield Street at Montclair municipal boundary line” (“the West Orange Lot”) to Lafayette Sq. Construction Company, L.L.C., subject to the following restriction (the “Deed Restriction”):

The erection of any structure on the Property and development of the Property as a separate building lot is prohibited, in perpetuity.
Decorative fencing and landscaping shall be permitted; and

WHEREAS, the aforementioned Deed was recorded in the Essex County Register’s Office on February 13, 2002, in Book 5861, Page 316 (the “West Orange Deed”); and

WHEREAS, the West Orange Lot was adjacent to and bordering the municipal boundary line between West Orange and Montclair; and

WHEREAS, a single-family home was subsequently constructed on the Montclair property known as Block 1101, Lot 19.02, on the Montclair Tax Maps and commonly known as 5 Stonebridge Court, Montclair, New Jersey (“the Montclair Lot”); and

WHEREAS, the West Orange Lot was conveyed to Edward Moed and Pamela J. Moed, husband and wife, by Deed dated December 28, 2004 and recorded in the Essex County Register’s Office on January 5, 2005 in Book 6142, Page 73, and the Montclair Lot was conveyed to Edward Moed and Pamela J. Moed, husband and wife, by Deed dated December 15, 2004 and recorded in the Essex County Register’s Office on January 5, 2005 in Book 6142, Page 105 ; and

WHEREAS, in 2007, Mr. & Mrs. Moed obtained West Orange Building Permit #2007-0268 permitting them to construct an in-ground pool, together with associated electrical, plumbing, brick decking/patio and fencing accessories and improvements (collectively, “the pool improvements”), on the West Orange Lot and the pool improvements were constructed and a Certificate of Approval issued by the Township of West Orange on August 27, 2007, and property taxes have been assessed and paid annually to the Township of West Orange based on the value is of said improvements since 2008; and

WHEREAS, the intention of the aforementioned Deed Restriction was to prevent development of the landlocked West Orange Lot as a separate building lot with a residential structure; and

WHEREAS, the West Orange Lot and the Montclair Lot together with the improvements thereon were recently purchased by ROBERT COVIELLO and LISA LAZARUS, husband and

wife, (collectively, “the Property Owners”), from Mr. & Mrs. Moed for their use as a single-family residence, including the pool improvements on the West Orange Lot; and

WHEREAS, the Township wishes to correct, clarify and/or modify the terms of the Deed Restriction to confirm that the restriction does not prohibit the construction or maintenance of in-ground swimming pools, including the current pool improvements or the replacement thereof; and

WHEREAS, the Township of West Orange and the Property Owners have come to an agreement, a copy of which is annexed hereto, providing that the Deed Restriction shall be amended to read, “The erection of any structure on the Property, except an in-ground pool, and development of the Property as a separate building lot is prohibited in perpetuity. Decorative fencing, landscaping, and brick decking or stone patio appurtenant to an in-ground pool shall be permitted.”; and

WHEREAS, it is further agreed that said Agreement shall be recorded in the Essex County Register’s Office and its terms shall run with the land and be binding upon and inure to the benefit of the Property Owners and all future owners of the West Orange Lot, their successors and assigns;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange, that the Mayor be and hereby is authorized to execute the attached Agreement to Modify Deed Restriction, and be it further

RESOLVED that the Municipal Clerk be and hereby is authorized to attest to the Mayor’s signature on said Agreement, that the fully executed Agreement shall be recorded in the Essex County Register’s Office, and a copy of the Resolution shall be made available in the Clerk’s Office in accordance with the applicable law.

Karen Carnevale, R.M.C.
Municipal Clerk

Michele Casalino
Council President

Adopted: November 24, 2020