

ML2 - Cranbury

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Answer to complaint counts
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HUFF, MORAN & BALINT
Cranbury - South River Road
Cranbury, N.J. 08512
(609) 655-3600
Attorneys for Defendant, Township
Committee of the Township of Cranbury

Plaintiff,

LAWRENCE ZIRINSKY,

v.

Defendants,

THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CRANBURY, A Municipal Corporation,
and THE PLANNING BOARD OF THE TOWNSHIP
OF CRANBURY

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX
COUNTY

Docket No. L 079309-83 P.W.

Civil Action

Plaintiffs,

JOSEPH MORRIS and ROBERT MORRIS,

v.

Defendants,

TOWNSHIP OF CRANBURY IN THE COUNTY
OF MIDDLESEX, a municipal corporation
of the State of New Jersey

Docket No. L 054117-83

ANSWER

Plaintiffs,
GARFIELD & COMPANY,

v.

Docket No. L 055956-83 P.W.

Defendants,
MAYOR AND THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF CRANBURY, a
municipal Corporation, and the
members thereof; PLANNING BOARD OF
THE TOWNSHIP OF CRANBURY, and the
members thereof.

Plaintiffs,
CRANBURY DEVELOPMENT CORPORATION, a
Corporation of the State of New
Jersey,

v.

Docket No. L 59643-83

Defendants,
CRANBURY TOWNSHIP PLANNING BOARD
and the TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY,

Plaintiffs,
BROWNING-FERRIS INDUSTRIES OF SOUTH
JERSEY, INC., A corporation of the
State of New Jersey, RICHCRETE
CONCRETE COMPANY, a corporation
of the State of New Jersey and
MID-STATE FILIGREE SYSTEMS, INC.,
a Corporation of the State of New
Jersey,

v.

Docket No. L 058046-83 P.W.

Defendants,
CRANBURY TOWNSHIP PLANNING BOARD
and THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY,

Plaintiff,
URBAN LEAGUE OF GREATER NEW
BRUNSWICK, et al.

CHANCERY DIVISION: MIDDLESEX
COUNTY

Docket No. C 4122-73

v.

Defendants,
THE MAYOR AND COUNCIL OF THE BOROUGH
OF CARTERET, et al.

Plaintiff,
CRANBURY LAND COMPANY, a New Jersey
Limited Partnership,

Docket No. L 070841-83 P.W.

v.

Defendants,
CRANBURY TOWNSHIP, a municipal
corporation of the State of New
Jersey located in Middlesex
County, New Jersey

The defendants The Township Committee of the Township
of Cranbury, a municipal corporation of the County of Middlesex
and State of New Jersey, with offices at 23-A North Main Street,
Cranbury, New Jersey, by way of Answer to the Complaint of the
plaintiff says:

FIRST COUNT

1. Defendant, Township Committee is without
sufficient information to form a belief as to the truth of
the allegations contained in paragraph 1 of the first
count and leaves plaintiff to his proofs.

2. The allegations of paragraph 2 of the First Count of the complaint are admitted.

3. The allegations of paragraph 3 of the First Count of the complaint are admitted.

4. The allegations of paragraph 4 of the First Count of the complaint are admitted.

5. Defendant is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 5 of the first count and leaves plaintiff to his proofs.

6. Defendant is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 6 of the first count and leaves plaintiff to his proofs.

7. Defendant denies all allegations contained in paragraph 7 of the first count.

8. Defendant, Township Committee admits the recommendation of the Planning Board described in paragraph 8 of the first count of the complaint, but denies that that recommendation was in any way contrary to the decisions of the Chancery Division or the State Development Guide Plan.

9. Defendant admits the allegations of paragraph 9 of the First Count.

10- Defendant, Township Committee admits that the Supreme Court decision in Mount Laurel II upheld the decision of the Chancery Division in Urban League, etc., but further states that the ordinance referred to in Mount Laurel II is not the ordinance which is presently in effect in Cranbury Township.

11. Defendant, Township Committee states that the Supreme Court opinion in Mount Laurel II speaks for itself.

12. Defendant denies all allegations contained in paragraph 12 of the first count.

13. Defendant is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 13 of the first count and leaves plaintiff to his proofs.

14. Defendant is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 14 of the first count and leaves plaintiff to his proofs.

15. Defendant is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 15 of the first count and leaves plaintiff to his proofs.

16. Defendant is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 16 of the first count and leaves plaintiff to his proofs.

17. Defendant admits allegations contained in paragraph 17 of the first count.

18. With regard to the various allegations contained in paragraph 18 of the first count of the complaint, the defendant, Township Committee, states that its zoning ordinance speaks for itself.

19. Defendant admits allegations contained in paragraph 19 of the first count.

20. Defendant admits allegations contained in paragraph 20 of the first count.

21. Defendant admits allegations contained in paragraph 21 of the first count.

22. With respect to the various allegations contained in paragraph 22 of the complaint the defendant, Township Committee, states that the zoning ordinance speaks for itself.

23. Defendant admits allegations contained in paragraph 23 of the first count.

24. Defendant denies each and every allegation contained in paragraph 24 of the first count.

25. Defendant denies each and every allegation contained in paragraph 25 of the first count.

26. Defendant denies each and every allegation contained in paragraph 26 of the first count.

27. Defendant denies each and every allegation contained in paragraph 27 of the first count.

SECOND COUNT

1. Defendant, Township Committee, admits its answers to the allegations contained in paragraphs 1 through 27 of the first count of the complaint as if set forth in full herein.

2. Defendant denies each and every allegation contained in paragraph 2 of the second count.

~~3. Defendant denies each and every allegation contained~~
in paragraph 3 of the second count.

4. With respect to the allegations contained in paragraph 4 of the second count of the complaint, defendant, Township Committee, states that its zoning ordinance speaks for itself.

5. In his allegations contained in paragraph 5 of count two of the complaint, the plaintiff accurately states the numbers but seems to fail to grasp the fact that the ordinance does not require the acquisition of legal fee title to the land in the agricultural zone, but merely the acquisition of development easements to that land, therefore the statement that the developer would have to acquire an additional 40 acres is mistaken. The developer would only have to acquire development easements on 40 acres of land in the A-100 Zone.

6. Defendant admits allegations contained in paragraph 6 of the second count.

7. Defendant denies each and every allegation contained in paragraph 7 of the second count.

8. Defendant denies each and every allegation contained in paragraph 8 of the second count.

THIRD COUNT

1. Defendant Township Committee repeats its answers to the allegations contained in paragraphs 1 through 27 of the first count and 1 through 8 of the second count as if set forth in full herein.

2. Defendant admits allegations contained in paragraph 2 of the third count.

3. Defendant admits allegations contained in paragraph 3 of the third count.

4. Defendant denies each and every allegation contained in paragraph 4 of the third count.

5. Defendant denies each and every allegation contained in paragraph 5 of the third count.

6. Defendant denies each and every allegation contained in paragraph 6 of the third count.

7. Defendant denies each and every allegation contained in paragraph 7 of the third count.

FOURTH COUNT

1. Defendant Township Committee repeats its answers to the allegations contained in paragraphs 1 through 27 of the first count, 1 through 8 of the second count and 1 through 7 of the third count as it set forth in full herein.

2. Defendant admits allegations contained in paragraph 2 of the fourth count.

3. Defendant denies each and every allegation contained in paragraph 3 of the fourth count.

4. Defendant denies each and every allegation contained in paragraph 4 of the fourth count.

5. Defendant admits allegations contained in paragraph 5 of the fourth count.

6. Defendant denies each and every allegation contained in paragraph 6 of the fourth count.

7. Defendant denies each and every allegation contained in paragraph 7 of the fourth count.

8. Defendant denies each and every allegation contained in paragraph 8 of the fourth count.

9. Defendant denies each and every allegation contained in paragraph 9 of the fourth count.

FIRST SEPARATE DEFENSE

Plaintiff has failed to exhaust its administrative remedies.

SECOND SEPARATE DEFENSE

Plaintiff lacks standing to raise the constitutional arguments contained in its complaint.

THIRD SEPARATE DEFENSE

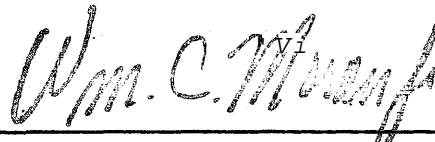
The State Development Guide Plan referred to in the complaint is not the proper state development guide plan map with reference to the Township of Cranbury.

FOURTH SEPARATE DEFENSE

The complaint was not filed within the time limits

CERTIFICATION

I certify that the within answer was filed within the time permitted under Rule of Court.

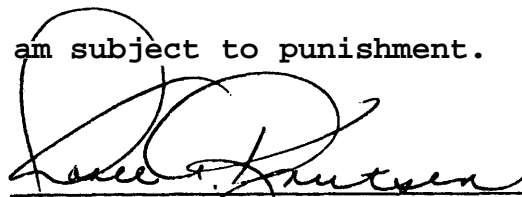


WILLIAM C. MORAN, #R.

PROOF OF SERVICE

On January 3, 1984, I mailed to all counsel of record in the above entitled action, a copy of the within Answer by regular mail to their respective addresses.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.



DOREE A. KNUTSEN