

Attorney's Fees

9-2-84

O&Y v. Old Bridge.

- Answer

A#000015A

Ass 4

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Attorney for Defendant, Planning Board of Old Bridge Township

O & Y OLD BRIDGE DEVELOPMENT CORPORA-
TION, a DELAWARE CORPORATION

:
: SUPERIOR COURT OF NEW
: JERSEY

VS.

: LAW DIVISION

: MIDDLESEX/OCEAN COUNTY

THE TOWNSHIP OF OLD BRIDGE TOWNSHIP
IN THE COUNTY OF MIDDLESEX, a Municipi-
pal Corporation of the State of New
Jersey, THE PLANNING BOARD OF OLD
BRIDGE TOWNSHIP and THE TOWNSHIP
COUNCIL OF THE TOWNSHIP OF OLD BRIDGE

: DOCKET No. L-009337-84

: CIVIL ACTION

: ANSWER

Defendant, Planning Board of the Township of Old Bridge

by way of Answer to the Complaint of the Plaintiff, says:

FIRST COUNT

1. The allegations contained in paragraph 1 are admitted.
2. The allegations contained in paragraph 2 are admitted
3. The allegations contained in paragraph 3 are admitted

except that the Master Plan does, in fact, contain the rationale
for the 1983 Land Development Ordinance.

+ pp 5, 6, 10

confirm or deny the allegations contained in paragraphs 47, 48 and 49 and leaves plaintiff to its proofs.

WHEREFOR, this defendant demands:

- (a) dismissal of the suit; and
- (b) cost of suit and counsel fees.

SECOND COUNT

1. This defendant repeats the answers to the First Count as if set forth herein at length.
2. The allegations contained in paragraph 2 are denied.
3. The allegations contained in paragraph 3 are denied.
4. The allegations contained in paragraph 4 are denied.
5. The allegations contained in paragraph 5 are denied.
6. The allegations contained in paragraph 6 are denied.
7. The allegations contained in paragraph 7 are denied.
8. The allegations contained in paragraph 8 are denied.
9. The allegations contained in paragraph 9 are denied.
10. The allegations contained in paragraph 10 are denied.
11. See answer to paragraph 8 herein.
12. The allegations contained in paragraphs 12 through 17 are denied.

WHEREFOR, this defendant demands:

- (a) dismissal of the suit; and
- (b) counsel fees and cost of suit.

THIRD COUNT

1. This defendant repeats the answers to the First and

Second Counts as if set forth more fully herein at length.

2. The allegations contained in paragraph 2 are denied.

3. The allegations contained in paragraph 3 are denied.

4. The allegations contained in paragraph 4 are denied including subparagraphs a through l.

WHEREFOR, this defendant demands:

(a) dismissal of the suit; and

(b) counsel fees and cost of suit.

FOURTH COUNT

1. This defendant repeats the answer to the First, Second and Third Counts as if set forth more fully herein at length.

2. The allegations contained in paragraph 2 are denied.

3. The allegations contained in paragraph 3 are admitted.

4. The allegations contained in paragraph 4 are denied including subparagraphs a through i.

5. The allegations contained in paragraph 5 are denied including subparagraphs a through c.

6. The allegations contained in paragraphs 6 and 7 are denied.

WHEREFOR: this defendant demands

(a) dismissal of the suit; and

(b) counsel fees and cost of suit.

SEPARATE DEFENSES TO ALL COUNTS OF THE COMPLAINT

FIRST SEPARATE DEFENSE

This defendant reserves the right, on or before the

Old Bridge has significantly overzoned vast amounts of land for Planned Unit Developments in conformance with the standards contained in the Mt. Laurel II decision. Recently adopted zoning provisions governing Planned Unit Development applications provide for a three step application to permit the vesting of rights during the first step in a manner which eliminates significant expenditure of "up front" dollars by developers for engineering and site details in conjunction with large scale Planned Unit Development applications. Said zoning provisions also contain bonus provisions for low and moderate income housing. These provisions have been utilized by builders, are workable and will provide Mt. Laurel II type housing.

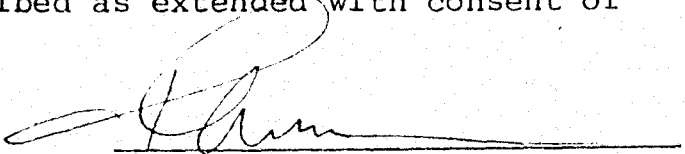
The applications set forth in Exhibit A attached hereto and made a part hereof, represent development approvals granted pursuant to the regulations challenged by the plaintiff. The scored applications represent significant development approvals which total 4872 units of housing.

Dated: April 2, 1984

By: 

Thomas Norman, Attorney for
Defendant, Planning Board of
The Township of Old Bridge

I hereby certify that a copy of the within ANSWER was served within the time prescribed as extended with consent of the plaintiff.


Thomas Norman