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8-21-81

Answer to Counts #1-6 &  
Separate defenses by twp.

pgs. 4

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AUG 26 11 25 AM 1981

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SOMERSET COUNTY  
L. R. OLSON, CLERK

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27 David Dantchik  
CLERK

Entered

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Indexed

ANSWER  
TYPE

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Warren, N.J. 07060  
Attorneys for Defendant, Warren Township  
(201) 757-7800

TIMBER PROPERTIES, a Corporation of the  
State of New Jersey,

Plaintiff,

vs.

THE TOWNSHIP OF WARREN, a Municipal  
Corporation of the State of New Jersey,  
THE PLANNING BOARD OF THE TOWNSHIP OF  
WARREN and THE WARREN TOWNSHIP SEWERAGE  
AUTHORITY,

Defendants.

) SUPERIOR COURT OF NEW JERSEY  
) LAW DIVISION: SOMERSET COUNTY  
) DOCKET NO. L 67820-80 P.W.

) Civil Action

) ANSWER TO COUNTS 1 THROUGH 6  
) INCLUSIVE AND SEPARATE DEFENSES

The defendant, the Township of Warren, a municipal corporation of the  
State of New Jersey, having its principal place of business at 46 Mountain  
Boulevard, Warren, New Jersey, by way of answer to the complaint, says:

FIRST COUNT

1. The defendant has insufficient knowledge and belief with regard  
to the allegations contained in paragraph 1 of the complaint, and leaves the  
plaintiff to its proofs.

2. The defendant denies the allegations contained in paragraphs 2, 5, 6  
and 7 of the complaint.

3. The defendant admits the allegations contained in paragraph 3 of  
the complaint.

4. The defendant has insufficient knowledge and belief with regard to the allegations contained in paragraph 4 of the complaint and leaves plaintiff to its proofs. The defendant does admit, relative to paragraph 4, that the plaintiff's proposal for townhouses is contrary to the applicable zoning laws of the Township of Warren.

SECOND COUNT

1. The defendant repeats its answers to the first count and incorporates them herein as if set forth at length.

2. The defendant admits the allegations contained in paragraph 2 of the complaint.

3. The defendant denies the allegations contained in paragraph 3 of the complaint.

THIRD COUNT

1. The defendant repeats its answers to the first and second counts and incorporates them herein as if set forth at length.

2. The defendant admits the allegations contained in paragraph 2 of the complaint.

3. The defendant denies the allegations contained in paragraph 3 of the complaint.

FOURTH COUNT

1. The defendant repeats its answers to the first, second and third counts and incorporates them herein as if set forth at length.

2. The defendant admits the allegations contained in paragraph 2 of the complaint.

3. The defendant denies the allegations contained in paragraph 3 of the complaint.

FIFTH COUNT

1. The defendant repeats its answers to the first, second and third and

fourth counts and incorporates them herein as if set forth at length.

2. The defendant denies the allegations contained in paragraphs 2, 4 and 5 of the complaint.

3. The defendant admits the allegations contained in paragraph 3 of the complaint.

SIXTH COUNT

1. The defendant repeats its answers to the first, second, third, fourth and fifth counts and incorporates them herein as if set forth at length.

2. The defendant denies the allegations contained in paragraph 2 of the complaint.

SEPARATE DEFENSES

FIRST SEPARATE DEFENSE

Plaintiff has failed to exhaust administrative remedies.

SECOND SEPARATE DEFENSE

Plaintiff is barred by the statute of limitations (45 days) from maintaining the present litigation.

THIRD SEPARATE DEFENSE

Plaintiff is estopped from maintaining the present litigation.

FOURTH SEPARATE DEFENSE

The plaintiff is barred by laches from maintaining the present litigation.

FIFTH SEPARATE DEFENSE

The Township of Warren has provided for least cost housing within its borders.

KUNZMAN, COLEY, YOSPIA & BEENSTEIN, P.A.

BY: 

JOHN E. COLEY, JR., Attorney for  
Defendant, Warren Township

I hereby certify that a copy of the within answer was served within  
the time prescribed under Rule 4:6.

KUNZMAN, COLEY, ROSPIN & BERNSTEIN, P.A.

BY: 

JOHN E. COLEY, JR., Attorney for  
Defendant, Warren Township