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8-29-81

Answer by Turp Planning Board

PS. 3

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AUG 24 1981

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Alvin Runkle
CLERK

AUG 27 11 12 AM 1981

SOMERSET COUNTY
P. OLSON CLERK

Entered

Indexed

HANDELMAN & JACOBS

381 NORTH AVENUE

DUNELLEN, NEW JERSEY 08812

(201) 968-2525

ATTORNEYS FOR Defendant, The Planning Board of the Township of Warren

Plaintiff

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

vs.

Defendant

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.

SUPERIOR COURT OF
NEW JERSEY
LAW DIVISION
SOMERSET COUNTY

Docket No. L-67820-80
P.W.

CIVIL ACTION

ANSWER

Defendant, The Planning Board of the Township of Warren, having its principal office at 46 Mountain Boulevard in the Township of Warren, Somerset County, New Jersey, by way of answer, says

ANSWER

FIRST COUNT THROUGH SIXTH COUNT AND EIGHTH COUNT

1. None of the allegations of the First Count through the Sixth Count and the Eighth Count of the Complaint apply or are directed to this Defendant, and accordingly this Defendant makes no response thereto, and denies any allegations that may be construed to apply to this Defendant.

ANSWER TO SEVENTH COUNT

1. This Defendant repeats its answers to the allegations of the First Count through the Sixth Count and incorporates them in this Count.

2. The allegations of paragraph 2 are admitted.

3. The allegations of paragraph 3 are admitted.

4. The allegations of paragraph 4 are denied except to admit that the Plaintiff submitted a presentation to this Defendant concerning the feasibility of the development of the Plaintiff's lands for townhouses.

5. The allegations of paragraph 5 are admitted.

6. The allegations of paragraph 6 are denied.

SEPARATE DEFENSES

FIRST SEPARATE DEFENSE

1. The Plaintiff has failed to state a cause of action against the Defendant, The Planning Board of the Township of Warren, upon which relief can be granted.

SECOND SEPARATE DEFENSE

1. On March 3, 1981, and March 9, 1981, the Plaintiff made its presentation to the Defendant Planning Board and as a result thereof, this Defendant has instructed its Planner to review the land use element of the Defendant Township's Master Plan and to submit factual conclusions and recommendation for the Defendant Planning Board's consideration. Presently, such study by the Planner is being undertaken, and upon its receipt, the Defendant Planning Board shall immediately address itself

to and consider the question.

2. As a result thereof, the Plaintiff has failed to exhaust its administrative remedies.

HANDELMAN & JACOBS

By 

Eugene W. Jacobs, Attorney for
Defendant, The Planning Board
of the Township of Warren

I hereby certify that the within pleading was served within the time period provided by Rule 4:6.

HANDELMAN & JACOBS

By 

Eugene W. Jacobs, Attorney for
Defendant, The Planning Board
of the Township of Warren