

AM- Hawaii v. Far Hills

9/29/81

Answer of Δ Planning Board of Far Hills
to TI's complaints

P-6

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Clerk

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Far Hills

Plaintiff

ALOIS HAUEIS, ERNA HAUEIS,
JOHN OCHS and PRISCILLA OCHS,

vs.

Defendant

THE BOROUGH OF FAR HILLS, THE PLANNING
BOARD OF FAR HILLS, THE BOROUGH COUNCIL
OF FAR HILLS, and HENRY ARGENTO, THE
MAYOR OF FAR HILLS

SUPERIOR COURT OF
NEW JERSEY
LAW DIVISION
SOMERSET COUNTY
Docket No. L-73360-80

CIVIL ACTION
ANSWER OF DEFENDANT
PLANNING BOARD OF
FAR HILLS

Defendant, The Planning Board of Far Hills, having its principal office at Boro Hall, Prospect Street, Far Hills, New Jersey, by way of Answer to the Complaint, says:

ANSWER TO FIRST COUNT

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1.

2. This defendant admits the allegations of paragraph 2 relative to constitution of the Planning Board and denies the balance.

3. The allegations of paragraph 3 are not directed at this defendant.

4. This defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraphs 4, 5, 6 and 7.

5. This defendant denies the allegations of paragraph 8.

6. This defendant denies the allegations of paragraph 9.

7. In response to the allegations of paragraphs 10 and 11; this defendant makes reference to the official zoning ordinance of the Borough of Far Hills for the precise language therein, meaning and intent thereof.

8. This defendant denies the allegations of paragraph 12.

9. This defendant denies the allegations of paragraph 13.

10. In response to the allegations of paragraph 14, this defendant makes reference to the official minutes and other records of the Planning Board of the Borough of Far Hills for the precise sequence of events and action taken on any applications by plaintiffs or their attorneys seeking multi-family development.

11. This defendant denies the allegations of paragraph 15.

12. This defendant denies the allegations of paragraph 16.

13. This defendant denies the allegations of paragraph 17.

14. This defendant denies the allegations of paragraph 18.

ANSWER TO SECOND COUNT

1. This defendant repeats its answers to each and every paragraph of the First Count and incorporates them in this Count.

2. This defendant denies the allegations of paragraph 20.

3. This defendant denies the allegations of paragraph 21.

4. This defendant denies the allegations of paragraph 22.

ANSWER TO THIRD COUNT

1. This defendant repeats its answers to each and every paragraph of the previous Counts and incorporates them in this Count.

2. This defendant denies the allegations of paragraph 24.

3. This defendant denies the allegations of paragraph 25.

4. This defendant denies the allegations of paragraph 26.

5. This defendant denies the allegations of paragraph 27.

6. This defendant denies the allegations of paragraph 28.

ANSWER TO FOURTH COUNT

1. This defendant repeats its answers to each and every paragraph of all previous Counts and incorporates them herein by reference.

2. In response to the allegations of paragraph 30, this defendant makes reference to the official zoning ordinance of the Borough of Far Hills for the precise language therein, meaning and intent thereof.

3. This defendant denies the allegations of paragraph 31.

4. This defendant denies the allegations of paragraph 32.

5. This defendant denies the allegations of paragraph 33.

FIRST SEPARATE DEFENSE

Plaintiffs have failed to exhaust their administrative remedies before defendants Borough of Far Hills, Planning Board of the Borough of Far Hills or Board of Adjustment of the Borough of Far Hills.

SECOND SEPARATE DEFENSE

Plaintiffs do not have standing to attack that portion of the zoning ordinance of the Borough of Far Hills related to its treatment of family units.

THIRD SEPARATE DEFENSE

Plaintiffs' property which is the subject matter of this litigation has been in the same ownership for a substantial period of time and subject to the same zoning restrictions during that period. Plaintiffs (or some of them) are developers and were well aware of zoning affecting their property for many years and failed to take any action seeking relief from applicable zoning either prior or subsequent to the Mt. Laurel decision. Accordingly, plaintiffs are now barred from seeking any relief based upon principles of laches, waiver and estoppel.

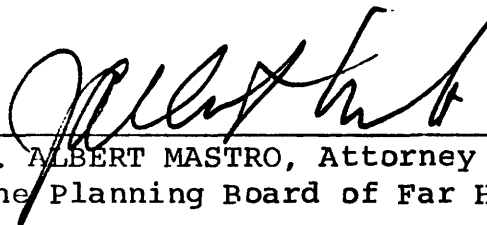


J. ALBERT MASTRO, Attorney for
The Planning Board of Far Hills

Dated: September 29, 1981

CERTIFICATION

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



J. ALBERT MASTRO, Attorney for
The Planning Board of Far Hills

Dated: September 29, 1981