

AM- Haueis v. Far Hills

10/2/81

Answer of Δs The Borough of Far Hills  
to π's complaints

P 15

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*Th. Louis Pembick*  
Clerk

Attorneys for Defendants,  
The Borough 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

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

Plaintiffs,

vs.

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,

Defendants.

*Indexed* CIVIL ACTION

ANSWER OF DEFENDANTS  
THE BOROUGH OF FAR HILLS,  
THE BOROUGH COUNCIL OF FAR HILLS,  
and HENRY ARGENTO, THE MAYOR  
OF FAR HILLS

Defendants, The Borough of Far Hills, having its office at Borough Hall, Prospect Street, Far Hills, New Jersey 07931, The Borough Council of Far Hills and Henry Argento, the Mayor of Far Hills, located at Borough Hall, Prospect Street, Far Hills, New Jersey 07931 by way of Answer to the Complaint, say:

ANSWER TO FIRST COUNT

1. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations

of paragraph 1.

2. Defendants admit the allegations of paragraph 2 pertaining to the constitution of the Planning Board and deny the balance of the paragraph.

3. Defendants admit the allegations of paragraph 3 as to legal power and duty but deny the balance of the paragraph.

4. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 4, 5, 6 and 7.

5. Defendants deny the allegations of paragraph 8.

6. Defendants deny the allegations of paragraph 9.

7. In response to the allegations of paragraphs 10 and 11, defendants refer to the official zoning ordinance of the Borough of Far Hills for the precise language therein, and the meaning and intent thereof.

8. Defendants deny the allegations of paragraph 12.

9. Defendants deny the allegations of paragraph 13.

10. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14.

11. Defendants deny the allegations of paragraph 15.

12. Defendants deny the allegations of paragraph 16.

13. Defendants deny the allegations of paragraph 17.

14. Defendants deny the allegations of paragraph 18.

ANSWER TO SECOND COUNT

1. Defendants repeat their answers to each and every paragraph of the First Count and incorporate them in this Count.

2. Defendants deny the allegations of paragraph 20.

3. Defendants deny the allegations of paragraph 21.

4. Defendants deny the allegations of paragraph 22.

ANSWER TO THIRD COUNT

1. Defendants repeat their answers to each and every paragraph of the previous Counts and incorporate them in this Count.

2. Defendants deny the allegations of paragraph 24.

3. Defendants deny the allegations of paragraph 25.

4. Defendants deny the allegations of paragraph 26.

5. Defendants deny the allegations of paragraph 27.

6. Defendants deny the allegations of paragraph 28.

ANSWER TO FOURTH COUNT

1. Defendants repeat their answers to each and every paragraph of the previous Counts and incorporate them in this Count.

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

3. Defendants deny the allegations of paragraph 31.
4. Defendants deny the allegations of paragraph 32.
5. Defendants deny 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 have failed to comply with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

#### THIRD SEPARATE DEFENSE

Plaintiffs have failed to comply with the Zoning Ordinance of the Borough of Far Hills.

#### FOURTH SEPARATE DEFENSE

Plaintiffs have failed to establish a sufficient record in any proceedings before the Far Hills Planning Board or Zoning Board of Adjustment to warrant the relief sought.

#### FIFTH SEPARATE DEFENSE

The allegations set forth in the Complaint fail to state a claim for relief.

#### SIXTH SEPARATE DEFENSE

Plaintiff's claims are not ripe for judicial review.

#### SEVENTH SEPARATE DEFENSE

Plaintiffs do not have standing to attack this portion of the zoning ordinance of the Borough of Far Hills related

to its treatment of family units.

EIGHTH SEPARATE DEFENSE

Defendants and each of them at all times acted pursuant to applicable law and statutes.

WHEREFORE, defendants, the Borough of Far Hills, the Borough Council of Far Hills, and Henry Argento, the Mayor of Far Hills demand judgment dismissing the Plaintiffs' Complaint.

SCHAFF, MOTIUK & HORNBY  
Attorneys for Defendants,  
The Borough of Far Hills,  
The Borough Council of Far Hills,  
and Henry Argento, the Mayor of  
Far Hills

Dated: October 2<sup>nd</sup>, 1981

By: Robert K. Hornby  
Robert K. Hornby

CERTIFICATION

I hereby certify that a copy of the within pleading has been served within the time prescribed by the Rules.

SCHAFF, MOTIUK & HORNBY  
Attorneys for Defendants,  
The Borough of Far Hills,  
The Borough Council of Far Hills,  
and Henry Argento, the Mayor of  
Far Hills

Dated: October 2<sup>nd</sup>, 1981

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