

AM - Hauels v. Far Hills

5/13/82

Affidavit of Marcia Braun
+ supporting letter

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VOGEL AND CHAIT
A Professional Corporation
Maple Avenue at Miller Road
Morristown, New Jersey 07960
(201) 538-3800
ATTORNEYS FOR PLAINTIFFS

Plaintiff : SUPERIOR COURT OF
NEW JERSEY
: LAW DIVISION
ALLOIS HAUEIS, ERNA HAUEIS, : SOMERSET COUNTY
JOHN OCHS and PRISCILLA OCHS, :
: DOCKET NO. L-73360-80
: vs. :
Defendant :
: CIVIL ACTION
THE BOROUGH OF FAR HILLS, THE PLANNING: AFFIDAVIT
BOARD OF FAR HILLS, THE BOROUGH COUNCIL
OF FAR HILLS, and HENRY ARGENTO, THE
MAYOR OF FAR HILLS. :

STATE OF NEW JERSEY:
: SS.:
COUNTY OF MORRIS : :

MARCIA BRAUN, of full age, being duly sworn according to law, upon her oath, deposes and says:

1. I am an attorney with the firm of Shanley & Fisher, P.C., 95 Madison Avenue, Morristown, New Jersey. I formerly represented

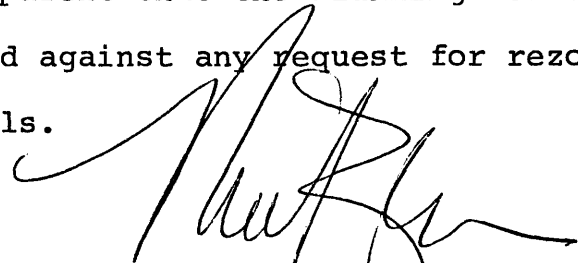
Messrs. John Ochs and Alois Hâueis on matters relating to their property in Far Hills, New Jersey.

2. On July 9, 1981, I wrote to the Planning Board of the Borough of Far Hills on behalf of Messrs. Alois Haueis and John Ochs, requesting that the Planning Board schedule a hearing to consider an application for the rezoning of Messrs. Haueis' and Ochs' property located at the corner of Route 202 and Sunnybranch Road to permit the use of the property for townhouses.

(See Exhibit 1).

3. During the summer of 1981, I had a telephone conversation with Mr. Richard Herold, Chairman of the Planning Board of the Borough of Far Hills, in which he stated to me that: "We don't want townhouses in Far Hills. This is not the kind of use we want in Far Hills". He also told me that plaintiffs were wasting their time in requesting a rezoning.

In view of the above comments by Mr. Herold, I knew that it would be futile and a waste of time and money for Messrs. Ochs and Haueis to proceed before the Planning Board with a request for a rezoning. It was also apparent that the Planning Board Chairman was strongly prejudiced against any request for rezoning to permit townhouses in Far Hills.



MARCIA BRAUN

SWORN AND SUBSCRIBED
BEFORE ME THIS 13th DAY
OF May 1982.



ANTOINETTE RIBANO
A Notary Public of New Jersey
My Commission Expires July 1, 1986

EXHIBIT 1.

July 9, 1981

Mr. Richard Herold, Chairman
Far Hills Planning Board
Municipal Building
Peapack Road
Far Hills, New Jersey 07931

Re: Hausis and Ochs
Block 6A, Lots 4-7

Dear Mr. Herold:

The undersigned represents Messrs. Alois Hausis and John Ochs, owners of Block 6A, Lots 4-7 in Far Hills Borough, located at the corner of Route 202 and Sunnybranch Road.

The owners propose that the zoning ordinance for the captioned premises be amended to permit the property to be used for townhouse development. As I am sure you are aware, this property adjoins the railroad and commercial center of the Borough and, we feel, would be a most appropriate location for this type of development.

May I please hear from you regarding a date when we may appear before your Board, together with our experts, to discuss this matter further. If we could be placed on the August agenda, this would be most appreciated.

We will submit written reports, survey, and architectural and engineering data to you as soon as you have advised us of the hearing date.

Thanking you for your attention to this matter, I remain

Sincerely, yours,

SHANLEY & FISHER

Marcia Braun

MB/cd
Certified No. 3348940
cc: Mr. Al Hausis