

AM - Howe's v. Far Hills

5/14/82

Affidavit in opposition to Δ 's motion for
summary judgment of John Ochs

p2

AM 000279 ✓

VOGEL AND CHAIT
A PROFESSIONAL CORPORATION
MAPLE AVENUE AT MILLER ROAD
MORRISTOWN, NEW JERSEY 07960
(201) 538-3800
ATTORNEYS FOR PLAINTIFFS

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

AFFIDAVIT IN OPPOSITION TO
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT.

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

JOHN OCHs, of full age, being duly sworn according to law,
upon his oath, deposes and says:

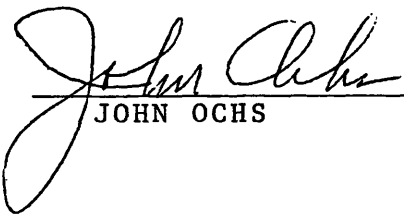
1. I am a resident of the Borough of Far Hills and my
address is Sunnybranch Road, Far Hills, New Jersey. I have
resided in Far Hills for the past 14 years.

2. I purchased the property which is the subject of this
law suit in 1952.

3. I have read the Affidavit of Alois Haueis and I affirm and reiterate the statements made by Mr. Haueis in his Affidavit. The statements contained in Mr. Haueis' Affidavit are true and I incorporate them herein.

4. As presently zoned, with the minimum lot size of 10 acres, our 19 acre tract would only permit one single family structure. This is unreasonable and confiscatory and it is impossible for me to sell the property with only one or even two single family structure in this location. It is my understanding that nearly 90% of the Borough of Far Hills is zoned for 10 acre minimum lot size and I cannot see any reason why the 19 acres located directly adjacent to the train station and Route 202 should be zoned to permit only one single family house.

5. I request that the Court deny the motion for summary judgment in view of the futility of our proceedings before any local authorities and in view of the irreparable harm to our constitutional rights which would result from the delay caused if we were compelled to return to local authorities that are obviously predisposed against our request.



JOHN OCHS

SWORN AND SUBSCRIBED
BEFORE ME THIS 14th DAY
OF May 1982.



DOLORES NEWTON
A Notary Public of New Jersey
My Commission Expires Jan. 24, 1983