

HAROLD RITVO, P.C.
ONE UNIVERSITY PLAZA
HACKENSACK, NJ 07601
(201) 487-5600
Attorneys for Defendant

_____	:	SUPERIOR COURT OF NEW JERSEY
554 QUEEN ANNE ROAD, INC.	:	LAW DIVISION-BERGEN COUNTY
	:	DOCKET NO. BER-L-12194-10
Plaintiff	:	
vs.	:	Civil Action
TEANECK BOARD OF ADJUSTMENT	:	
Defendant	:	ANSWER
_____	:	

Defendant, TEANECK BOARD OF ADJUSTMENT, with offices located at 818 Teaneck Road, Teaneck, New Jersey 07666, by way of Answer to Plaintiff's Complaint, says:

AS TO NATURE OF THE PROCEEDING

1. It denies the allegations contained in paragraph 1.
2. It denies the allegations contained in paragraph 2.
3. It denies the allegations contained in paragraph 3.
4. It denies the allegations contained in paragraph 4.
5. It denies the allegations contained in paragraph 5.
6. It denies the allegations contained in paragraph 6.
7. It denies the allegations contained in paragraph 7.
8. It denies the allegations contained in paragraph 8.
9. It denies the allegations contained in paragraph 9.

AS TO PARTIES

10. It denies the allegations contained in paragraph 10.

11. It admits the allegations contained in paragraph 11.

AS TO PROPERTY

12. It admits the allegations contained in paragraph 12.

13. It admits the allegations contained in paragraph 13.

14. It admits the allegations contained in paragraph 14.

AS TO FACTUAL BACKGROUND

15. It neither admits nor denies the allegations contained in paragraph 15, as it is without sufficient knowledge or information upon which to form a belief as to the truth thereof.

16. It neither admits nor denies the allegations contained in paragraph 16, as it is without sufficient knowledge or information upon which to form a belief as to the truth thereof.

17. It neither admits nor denies the allegations contained in paragraph 17, as it is without sufficient knowledge or information upon which to form a belief as to the truth thereof.

18. It neither admits nor denies the allegations contained in paragraph 18, as it is without sufficient knowledge or information upon which to form a belief as to the truth thereof.

19. It neither admits nor denies the allegations contained in paragraph 19, as it is without sufficient knowledge or information upon which to form a belief as to the truth thereof.

20. It neither admits nor denies the allegations contained in paragraph 20, as it is without sufficient knowledge or information upon which to form a belief as to the truth thereof.

21. It neither admits nor denies the allegations contained in paragraph 21, as it is without sufficient knowledge or information upon which to form a belief as to the truth thereof.

22. It denies the allegations contained in paragraph 22, except it admits that certain variances were required by Plaintiff in its application.

23. It denies the allegations contained in paragraph 23, except it admits that the record speaks for itself.

24. It denies the allegations contained in paragraph 24.

25. It denies the allegations contained in paragraph 25, except it admits that the record and the Resolution of the Board speak for themselves.

26. It denies the allegations contained in paragraph 26, except it admits that the record speaks for itself.

27. It denies the allegations contained in paragraph 27, except it admits that the record speaks for itself.

28. It denies the allegations contained in paragraph 28.

29. It admits the allegations contained in paragraph 29.

30. It denies the allegations contained in paragraph 30, except it admits that the Resolution of the Board and the record speak for themselves.

31. It denies the allegations contained in paragraph 31, except it admits that the Resolution of the Board speaks for itself.

32. It denies the allegations contained in paragraph 32, except it admits that the Resolution of the Board speaks for itself.

33. It denies the allegations contained in paragraph 33.

34. It denies the allegations contained in paragraph 34.

35. It denies the allegations contained in paragraph 35.

36. It denies the allegations contained in paragraph 36.

37. It denies the allegations contained in paragraph 37.

38. It neither admits nor denies the allegations in paragraph 38, as it is without sufficient knowledge or information upon which to form a belief as to the truth thereof.

39. It denies the allegations contained in paragraph 39.

AS TO FIRST CAUSE OF ACTION

40. It repeats each and every answer to each and every allegation contained in paragraphs 1 through 39 as if the same were set forth at length herein.

41. It denies the allegations contained in paragraph 41, except it admits that the Resolution of the Board and the record speak for themselves.

42. It denies the allegations contained in paragraph 42.

43. It denies the allegations contained in paragraph 43, except it admits that the Resolution of the Board and the record speak for themselves.

44. It denies the allegations contained in paragraph 44, except it admits that the Resolution of the Board and the record speak for themselves.

45. It denies the allegations contained in paragraph 45.

46. It denies the allegations contained in paragraph 46.

47. It denies the allegations contained in paragraph 47.

48. It denies the allegations contained in paragraph 48.

49. It denies the allegations contained in paragraph 49.

50. It denies the allegations contained in paragraph 50.

51. It denies the allegations contained in paragraph 51.

52. It denies the allegations contained in paragraph 52.

53. It denies the allegations contained in paragraph 53.

54. It denies the allegations contained in paragraph 54.

55. It denies the allegations contained in paragraph 55, except it admits that the record speaks for itself.

56. It denies the allegations contained in paragraph 56.

57. It denies the allegations contained in paragraph 57.

58. It denies the allegations contained in paragraph 58.

AS TO SECOND CAUSE OF ACTION

59. It repeats each and every answer to each and every allegation contained in paragraphs 1 through 39 and the First Cause of Action as if the same were set forth at length herein.

60. It denies the allegations contained in paragraph 60.

61. It denies the allegations contained in paragraph 61.

62. It denies the allegations contained in paragraph 62.

63. It denies the allegations contained in paragraph 63.

64. It denies the allegations contained in paragraph 64.

65. It denies the allegations contained in paragraph 65.

66. It denies the allegations contained in paragraph 66.

67. It denies the allegations contained in paragraph 67.

68. It denies the allegations contained in paragraph 68.

69. It denies the allegations contained in paragraph 69.

AS TO THIRD CAUSE OF ACTION

70. It repeats each and every answer to each and every allegation contained in paragraphs 1 through 39, the First Cause of Action and the Second Cause of Action as if the same were set forth at length herein.

- 71. It denies the allegations contained in paragraph 71.
- 72. It denies the allegations contained in paragraph 72.
- 73. It denies the allegations contained in paragraph 73.
- 74. It denies the allegations contained in paragraph 74.
- 75. It denies the allegations contained in paragraph 75.
- 76. It denies the allegations contained in paragraph 76.
- 77. It denies the allegations contained in paragraph 77.

AS TO FOURTH CAUSE OF ACTION

78. It repeats each and every answer to each and every allegation contained in paragraphs 1 through 39, the First Cause of Action, the Second Cause of Action and the Third Cause of Action as if the same were set forth at length herein.

- 79. It denies the allegations contained in paragraph 79.
- 80. It denies the allegations contained in paragraph 80.
- 81. It denies the allegations contained in paragraph 81.
- 82. It denies the allegations contained in paragraph 82.

AS TO FIFTH CAUSE OF ACTION

83. It repeats each and every answer to each and every allegation contained in paragraphs 1 through 39, the First Cause of Action, the Second Cause of Action, the Third Cause of Action and the Fourth Cause of Action as if the same were set forth at length herein.

- 84. It denies the allegations contained in paragraph 84.
- 85. It denies the allegations contained in paragraph 85.
- 86. It denies the allegations contained in paragraph 86.
- 87. It denies the allegations contained in paragraph 87.

88. It denies the allegations contained in paragraph 88.

89. It denies the allegations contained in paragraph 89.

90. It denies the allegations contained in paragraph 90.

91. It denies the allegations contained in paragraph 91.

92. It denies the allegations contained in paragraph 92.

WHEREFORE, Defendant demands judgment against Plaintiff:

A. Dismissing Plaintiff's Complaint;

B. For counsel fees and costs of suit; and

C. For such other relief as the Court may deem equitable and just.

SEPARATE DEFENSES

FIRST SEPARATE DEFENSE

Plaintiff's claims are barred by its failure to state a cause of action upon which relief can be granted.

SECOND SEPARATE DEFENSE

Plaintiff's claims are barred by the equitable Doctrine of Estoppel.

THIRD SEPARATE DEFENSE

Plaintiff's claims are barred by the equitable Doctrine of Laches.

FOURTH SEPARATE DEFENSE

Plaintiff's claims are barred by the equitable Doctrine of Unclean Hands.

FIFTH SEPARATE DEFENSE

Plaintiff's claims are barred by the equitable Doctrine of Waiver.

SIXTH SEPARATE DEFENSE

Plaintiff's claims are barred by the equitable Doctrine of Accord and Satisfaction.

SEVENTH SEPARATE DEFENSE

Plaintiff's claims are barred by the equitable Doctrine of Release.

HAROLD RITVO, P.C.
Attorneys for Defendant

By _____
HAROLD RITVO, ESQ.

Dated: February 4, 2011

CERTIFICATION

We hereby certify that the within Answer was filed and served within the time prescribed
by the Rules of Court.

HAROLD RITVO, P.C.
Attorneys for Defendant

By _____
HAROLD RITVO, ESQ.

Dated: February 4, 2011