

Eric David Becker, Esq. – NJ Atty. ID # 021321993
Law Office of Eric David Becker, LLC
194 Hillcrest Avenue
Wyckoff, New Jersey 07481
Phone: (201) 560-0822
Email: dbecker@davidbecker.esq.com
*Attorney for Defendant Township of Wyckoff
Planning Board*

ZACHARY FOX,

Plaintiff,

vs.

**TOWNSHIP OF WYCKOFF PLANNING
BOARD, JOHN DOE I, II, III and ABC
CORPORATION I, II, III,**

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

DOCKET NO.: BER-L-006782-26

CIVIL ACTION

**ANSWER, AFFIRMATIVE DEFENSES,
DESIGNATION OF TRIAL COUNSEL**

Defendant Township of Wyckoff Planning Board (“Defendant”), by and through its attorney, Eric David Becker, Esq., hereby answers Plaintiff Zachary Fox’s (“Plaintiff”) Complaint as follows:

THE PARTIES

1. This allegation presents a conclusion of law which Defendant cannot admit or deny and leaves Plaintiff to its proofs.
2. Admitted.
3. This allegation presents a conclusion of law which Defendant cannot admit or deny and leaves Plaintiff to its proofs.
4. This allegation presents a conclusion of law which Defendant cannot admit or deny and leaves Plaintiff to its proofs.

NATURE OF THE ACTION

5. This allegation presents facts and conclusions of law which Defendant cannot admit or deny and leaves Plaintiff to its proofs, though Defendant does admit that Plaintiff's application for variance relief as to its non-conforming fence was denied.

FACTS COMMON TO ALL COUNTS

6. Admitted.

7. Admitted as to the subject property being a corner lot, but denied as to the subject property being a conforming lot.

8. Admitted that the Wyckoff Zoning Board of Adjustment approved an application for Plaintiff's property on October 20, 2022 conditioned upon the submission of an acceptable landscape plan, with a memorializing resolution dated November 17, 2022. Denied as to the reference to Exhibit "A", as this was a Resolution from the Wyckoff Planning Board dated June 10, 2026.

9. Defendant lacks sufficient information to admit or deny this allegation and leaves Plaintiff to its proofs.

10. Denied, as the Defendant (Wyckoff Planning Board) was presented with and heard an application for variance relief as to Plaintiff's fence.

11. Defendant lacks sufficient information to admit or deny this allegation and leaves Plaintiff to its proofs.

12. Defendants lack sufficient information to admit or deny this allegation and leaves Plaintiff to its proofs.

13. This allegation asserts facts and a conclusion of law which Defendant cannot admit or deny and leaves Plaintiff to its proofs.

14. This allegation asserts facts and conclusions of law which Defendant cannot admit or deny and leaves Plaintiff to its proofs.

15. Defendant lacks sufficient information to admit or deny this allegation and leaves Plaintiff to its proofs.

16. Admitted that Defendant (Wyckoff Planning Board) voted to deny Plaintiff's application on November 12, 2025.

17. Denied, in that Defendant was not dismissive.

18. Admitted, with the further representation by the Plaintiff that it would amend its application proposing a fence that might satisfy the criteria warranting variance relief.

19. Admitted, as Plaintiff failed to amend its application with a proposed fence justifying variance relief.

20. Admitted.

21. Admitted.

FIRST COUNT

The Actions of the Board Were Arbitrary, Capricious and Unreasonable

22. Defendant repeats each and every response set forth above with the same force and effect as if more fully set forth at length herein.

23. Denied.

24. This allegation presents a conclusion of law which Defendant cannot admit or deny and leaves Plaintiff to its proofs.

25. Denied.

26. Denied.

27. Denied as to Plaintiff's assertion that Wyckoff's Land Use Boards have differing standards as to fences on corner lots.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

SECOND COUNT

The Board's Denial of the Variance for Plaintiff's Fence Was In Error and Subject To De

Novo Review

34. Defendant repeats each and every response set forth above with the same force and effect as if more fully set forth at length herein.

35. This allegation presents a conclusion of law which Defendant cannot admit or deny and leaves Plaintiff to its proofs.

36. This allegation presents a conclusion of law which Defendant cannot admit or deny and leaves Plaintiff to its proofs.

37. This allegation presents a conclusion of law which Defendant cannot admit or deny and leaves Plaintiff to its proofs.

38. Denied as to Plaintiff's allegation that the denial resolution lacked recognizable findings of fact, and was capricious and unreasonable.

39. Denied.

40. Denied.

41. Denied.

WHEREFORE, Defendant, Township of Wyckoff Planning Board demands dismissal of this Complaint, including fees, costs and all other remedies this Court finds equitable and just.

AFFIRMATIVE DEFENSES

1. The Complaint fails to set forth a claim on which relief can be granted against Defendant.

2. The damages alleged in the Complaint were proximately caused by Plaintiff's own willful or intentional conduct.

3. Plaintiff lacks standing to bring one or more claims asserted in the Complaint.

4. Defendant reserves the right to move at any time prior to the trial date of this matter to dismiss the Complaint on the following grounds:

(a) The court lacks jurisdiction over the subject matter;

(b) The court lacks personal jurisdiction over Defendant;

(c) The Complaint fails to set forth a claim on which relief can be granted against Defendant;

(d) Any damages or injuries that may have been suffered by the Plaintiff were not proximately caused by the conduct of Defendant;

(e) The Plaintiff's claims are barred, in whole or in part, to the extent that Plaintiff failed to mitigate damages;

(f) Defendant cannot be liable to the Plaintiff as alleged in the Complaint by operation of the Doctrines of Superseding and/or Intervening Cause;

5. The claims are barred by the Statute of Limitations.

6. The discovery rule does not apply, and Plaintiff are barred from maintaining the within suit.

7. Any and all damages and/or personal injuries sustained by Plaintiff were the result of the acts, negligence and/or omissions of third persons or parties over whom Defendant exercised no control, supervisor or dominion and for whom Defendant is not responsible.

8. Plaintiff's claims are barred because Defendant neither committed nor failed to commit any act that damaged Plaintiff.

9. The claims are barred by the doctrine of waiver.

10. The claims are barred by the doctrine of estoppel.

11. The claims are barred by the doctrine of laches.

12. The claims are barred by the doctrine of unclean hands.

13. The claims are barred by the breach of contract by other parties.

14. These claims are barred by the negligence of other parties.

15. The claims are barred by the entire controversy doctrine.

16. This Complaint is barred by res judicata.

17. To the extent that any cause of action set forth in the Complaint seeks damages for which payment was received from collateral sources, such damages are barred.

18. Plaintiff's claims are barred because of Plaintiff's failure to join necessary and indispensable parties.

19. Plaintiff is not entitled to equitable relief because they have an adequate remedy at law.

20. Plaintiff, as a matter of law, are not entitled to enhanced damages or an award of attorney's fees and expenses.

21. The Complaint frivolous in nature as it relates to Defendant and violates the Frivolous Litigation Act, N.J.S.A. 2A:15-59.1 and Rule 1:4-8.

22. Plaintiff, with claims being known failed to preserve material evidence, and as a result, Defendants reserve the right to assert a claim for Spoliation.

23. Defendants incorporate and adopt by reference any and all other and/or additional defenses raised or to be raised by any other party, and expressly reserve the right to amend and supplement its defenses herein to assert additional defenses and to make further admission upon completion of further investigation and discovery.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Eric David Becker, Esq. is designated as trial counsel.

DEMAND FOR STATEMENT OF DAMAGES

Pursuant to R. 4:5-2, Defendant Township of Wyckoff Planning Board demands that Plaintiff provide a written statement of damages claimed within five days.

DEMAND FOR DOCUMENTS REFERENCED IN PLEADINGS

Pursuant to Rule 4:18-2, Defendant hereby request production of copies of all documents referenced in the Complaint within five (5) days of the service of this written demand.

NOTICE PURSUANT TO RULES 1:5-1(A) AND 4:17-4(C)

Please take notice that the undersigned attorney does hereby demand that each party herein serve pleadings, interrogatories and all answers thereto received from any party, including any documents, papers and other material referred to therein upon the undersigned. Please take further notice that this is a continuing demand.

RESERVATION OF RIGHTS

Plaintiff's Claims in this action are both contractually improper and submitted for an improper purpose, such as to harass, cause unnecessary delay or needlessly increase cost of litigation. Accordingly, Defendants hereby reserve the right to seek enforcement of R. 1:4-8 and/or N.J.S.A. 2A:15-59.1.

DENIAL OF ALL CROSS-CLAIMS

If any defendant(s), either currently named or added in the future, asserts a cross-claim against this Defendant, Defendant denies all present and future cross-claims, to the extent that co-defendants may be able to prove any fault on the part of Defendant.

CERTIFICATION AS TO REDACTION OF REQUIRED PERSONAL IDENTIFIERS

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

CERTIFICATION

Pursuant to the requirements of Rule 4:5-1 (NOTICE OF OTHER ACTIONS), I, the undersigned, do hereby certify to the best of my knowledge, information and belief, that except as hereinafter indicated, the subject matter of the controversy referred to in the within pleading is not the subject of any other Cause of Action, pending in any other Court, or of a pending Arbitration Proceeding, nor is any other Cause of Action or Arbitration Proceeding contemplated;

1. OTHER ACTIONS PENDING..... YES ☐ NO ☒

A. If YES - Parties to other Pending Actions.

B. In my opinion, the following parties should be joined in the within pending Cause of Action.

2. OTHER ACTIONS CONTEMPLATED?..... YES ☐ NO ☒

A. If YES - Parties contemplated to be joined, in other Causes of Action.

3. ARBITRATION PROCEEDINGS PENDING?..... YES ☐ NO ☒

A. If YES - Parties to Arbitration Proceedings.

B. In my opinion, the following parties should be joined in the pending Arbitration Proceedings.

4. OTHER ARBITRATION PROCEEDINGS CONTEMPLATED?..... YES ☐ NO ☒

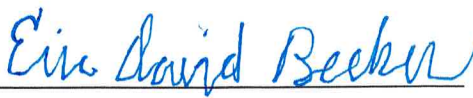
A. If YES - Parties contemplated to be joined to Arbitration Proceedings.

In the event that during the pendency of the within Cause of Action, I shall become aware of any change as to any facts stated herein, I shall file an amended certification and serve a copy thereof on all other parties (or their attorneys) who have appeared in said Cause of Action.

CERTIFICATION PURSUANT TO R. 4:6-1

The undersigned certifies that this Answer was served and filed within the time allowed by R. 4:6-1.

Eric David Becker, Esq.
Law Office of Eric David Becker, LLC
Attorney for Defendant
Township of Wyckoff Planning Board

By: 
Eric David Becker, Esq.

Dated: August 26, 2026

Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-006782-26

Case Caption: FOX ZACHARY VS TOWNSHIP OF WYCKOFF PLANNING

Case Initiation Date: 07/17/2026

Attorney Name: ERIC DAVID BECKER

Firm Name: ERIC DAVID BECKER

Address: 194 HILLCREST AVENUE

WYCKOFF NJ 07481

Phone: 2016891326

Name of Party: PLAINTIFF : ZACHARY FOX

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: ACTIONS IN LIEU OF PREROGATIVE WRITS

Document Type: Answer

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: ZACHARY FOX? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO Medical Debt Claim? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

08/26/2026
Dated

/s/ ERIC DAVID BECKER
Signed

