



RAINONE
COUGHLIN
MINCHELLO
ATTORNEYS AT LAW

Louis N. Rainone
Craig J. Coughlin*
David L. Minchello
Ronald H. Gordon
Carol A. Berlen
Brian P. Trelease*
Matthew R. Tavares*
Michael R. Burns †
Christopher D. Zingaro
John P. Harrington
Harlynn A. Lack*
Donna J. Dorgan

Marguerite Schaffer
Of Counsel

555 US Highway One South, Suite 440
Iselin, New Jersey 08830
732-709-4182 (P)
732-791-1555 (F)

150 Morristown Road, Suite 105
Bernardsville, NJ 07924
908-953-9300 (P)
908-953-2969 (F)

Please Respond to Iselin Office

Frank J. Dyevoich*
Lonnie J. Hinton, Jr.,
Aaron L. Rainone
Michael M. Wuest*
Scott A. Aitken, Jr.
Alexander M. Avellan
Sarah E. Fitzpatrick
Raymond J. Stine
Douglas M. Angoff
Vincent M. Coughlin
Nicholas A. Coughlin
Priyanka Patel
Palmer J. Richardson

* Also admitted in New York
Δ Also admitted in DC
† Also admitted in Pennsylvania

CZingaro@NJRCMLAW.com

March 12, 2026

Via Electronic Mail

Honorable Sean D. Gertner, J.S.C.
Superior Court of New Jersey
Ocean County Courthouse, 2nd Floor
Toms River, New Jersey 08754

**Re: IMO the Application of the Township of Toms River [Mt. Laurel]
Docket No.: OCN-L-331-25**

Dear Judge Gertner:

This office represents the Township of Toms River (the “Township”) in the above-referenced matter. On March 6, 2026, the parties in this matter appeared before the Court for a Case Management Conference. At that time, the Township advised through counsel that ordinances were adopted on first reading and scheduled for second reading to implement the Township’s modified Fourth Round compliance structure. That compliance structure had been approved by the Township Council on December 10, 2025 when it approved a Settlement Agreement with Fair Share Housing Center. The ordinances were introduced on February 25, 2026, with second reading scheduled for March 11, 2026.

The Township further advised that the Planning Board was scheduled to meet to consider an Amendment to the Housing Element and Fair Share Plan (the “Amended HEFSP”) incorporating the modified compliance structure. The Planning Board adopted the Amended HEFSP at a public hearing on March 10, 2026. Finally, at the Case Management Conference, the Township identified that a resolution was adopted by the Township Council memorializing its support for the use of an alternative Fourth Round affordable compliance mechanism that could be utilized, if necessary, in place of an existing preservation mechanism in the Township’s compliance structure. The Council approved that resolution on February 25, 2026. As

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memorialized therein, the alternative compliance mechanism for inclusion in the Amended HEFSP would consist of a 100% affordable housing project at property designated as Block 171, Lots 23 and 42 that could provide an equivalent number of units and bonus credits as the existing preservation mechanism known as “Hope’s Crossing.”

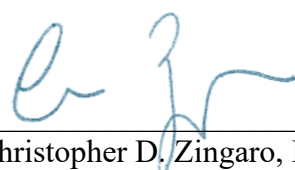
At the Case Management Conference, the Court identified, *sua sponte*, that it had been considering the issuance of an order extending immunity beyond the upcoming March 15, 2026 deadline. It is the undersigned’s recollection that no party indicated its intent to oppose such relief. In light of the Court’s stated consideration of that issue, the absence of any opposition, and the imminence of the March 15, 2026 deadline, the Township respectfully requests the issuance of such an order prior to that date.

Mount Laurel jurisprudence has long recognized that temporary immunity from exclusionary zoning litigation serves an essential gatekeeping function over the Mount Laurel process. See In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1, 32-34 (2015). Such immunity ensures that municipalities making a good faith effort towards compliance with their constitutional housing obligations are protected from builder’s remedy lawsuits while a court reviews a municipality’s compliance posture. Ibid.

The Township further requests an opportunity to reappear on a scheduled date to update the Court regarding the Township’s good faith efforts to bring this matter to a resolution and to request, following any further necessary actions and discussions among the parties, the scheduling of a Fairness and Compliance Hearing so that a Compliance Certificate may be issued. While I will be out of the office during the week of March 16, 2026, should the Court hold a conference next week, I will endeavor to make myself available at the Court’s convenience.

Thank you for the Court’s attention and courtesies.

Respectfully submitted,
RAINONE COUGHLIN MINCHELLO, LLC
Attorneys for the Township of Toms River

By: 

Christopher D. Zingaro, Esq.

cc: All Parties, *via e-Courts*