

BRACH | EICHLER LLC

Kenneth A. Porro
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April 7, 2026

Via New Jersey Lawyers Service
The Honorable Sean D. Gertner, J.S.C.
Superior Court of New Jersey
Ocean County Courthouse
118 Washington Street
Toms River, New Jersey 08723

Re: In the Matter of the Application of the
Township of Toms River, County of Ocean, a
Municipal Corporation of the State of New Jersey
Docket No. OCN-L-331-25

Dear Judge Gertner:

Please note that Brach Eichler, LLC represents Petitioner, JD Jamestowne, LLC in the above referenced matter.

Enclosed please find a courtesy copy of Petitioner's Case Status filed on e-Courts on April 3, 2026.

Thank you for Your Honor's attention in this matter.

Respectfully Submitted,
Brach Eichler, LLC
/s/ Kenneth A. Porro
Kenneth A. Porro, Esq.
For the Firm

KAP: ek

Enclosure – Case Status filed on e-Courts on April 3, 2026

c: Honorable Mark A. Troncone, J.S.C. (ret.) (w/enclosure) (via New Jersey Lawyers Service)

Kendra Lelie, PP, AICP, LLA (w/enclosure) (via New Jersey Lawyers Service)

Notice to Party List (w/enclosure) (via e-courts Housing Element & Fair Share Portal)

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April 3, 2026

Via E-Courts and New Jersey Lawyers Service

The Honorable Sean D. Gertner, J.S.C.
Superior Court of New Jersey
Ocean County Courthouse
118 Washington Street
Toms River, New Jersey 08723

Re: In the Matter of the Application of the
Township of Toms River, County of Ocean, a
Municipal Corporation of the State of New Jersey
Docket No. OCN-L-331-25

PETITIONER, JD JAMESTOWNE, LLC – CASE STATUS

Dear Judge Gertner:

Please note that Brach Eichler, LLC represents Petitioner, JD Jamestowne, LLC in the above referenced matter.

We are in receipt of the following:

Your Honor's Decision and Order Finding the Municipal Housing Element and Fair Share Plan ("HEFSP") for the Fourth Round Housing Cycle Not Currently Compliant, Transferring the matter to Superior Court, and Extending Immunity per N.J.S.A. 52:27D-304.1(f)(2)(d) entered March 27, 2026.

In Response to the Township's Motion for Immunity, Petitioner - JD Jamestowne LLC offers the following status:

1. The proposed Jamestowne fair housing zoning overlay possess three waivers. Those land use site waivers relate to the number of site access points on public roadways and the distances between buildings. Respectfully, there is no land use reason for these waivers within the proposed Toms River revising land use ordinance in question. My client should not be required to go before the Toms River Planning Board and provide testimony as to why Jamestowne is seeking these waivers; and

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The Honorable Sean D. Gertner, J.S.C.

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2. JD Jamestowne, LLC is awaiting the Township's proposed PILOT agreement. The standard and customary PILOT agreement is anticipated to reflect a 30-year, 5% gross revenue formula; and

3. The Township is requesting a 40-year fair housing deed restriction (UHAC regulations), but the Township will only provide a 30-year PILOT. Hopefully the Court can assist as to these term inconsistencies.

Thank you for Your Honor's attention in this matter.

Respectfully Submitted,
Brach Eichler, LLC
/s/ Kenneth A. Porro
Kenneth A. Porro, Esq.
For the Firm

KAP: ek

c: All Counsel of Record Via E-Courts

Honorable Mark A. Troncone, J.S.C. (ret.) (via New Jersey Lawyers Service)

Kendra Lelie, PP, AICP, LLC (via New Jersey Lawyers Service)