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Attorneys for Defendant/Interested Party  
Meridia Toms River 40 Urban Renewal LLC

IN THE MATTER OF THE APPLICATION  
OF THE TOWNSHIP OF TOMS RIVER,  
COUNTY OF OCEAN, A Municipal  
Corporation of the State of New Jersey,

SUPERIOR COURT OF NEW JERSEY  
OCEAN COUNTY: LAW DIVISION  
DOCKET NO. OCN-L-331-25

Civil Action

**CHALLENGE TO MUNICIPAL  
HOUSING ELEMENT AND FAIR  
SHARE PLAN PURSUANT TO AOC  
DIRECTIVE #14-24**

Defendant / Interested Party MERIDIA TOMS RIVER 40 URBAN RENEWAL LLC, a New Jersey limited liability company, with offices at 201 South Wood Avenue, Linden, New Jersey 07036, having previously served an Answer to the Complaint filed by the Township of Toms River, files this challenge to the Township of Toms River’s housing element and fair share plan pursuant to Directive #14-24 of the Administrative Office of the Courts:

1. Defendant / Interested Party Meridia Toms River 40 Urban Renewal LLC is the owner and designated redeveloper of property in the Township of Toms River at 40 & 48 West Water Street and 511 Irons Street, formally designated as Block 569, Lots 3, 4, 5, 5.01, 10 and 11 on the tax map of the Township of Toms River (the “Property”), and has committed to provide 43 units of affordable housing in its approved redevelopment project.

2. Defendant challenges the Township's housing element and fair share plan as it is not in compliance with the Fair Housing Act, (N.J.S.A. 52:27D-301 et al.) and the Mount Laurel doctrine.

3. Pursuant to this Court's May 9, 2025 Order Fixing Municipal Obligations, the present need obligation of the Township is 526 affordable units and the prospective need obligation is fixed as 649 affordable units for the Fourth Round housing cycle.

4. In furtherance of the Decision and Order, the Township submitted its Fourth Round Housing Element and Fair Share Plan on June 20, 2025.

5. The Township in its Plan has removed the Meridia Property and all its credits from its compliance tables "pending resolution of the litigation and given that the redevelopment plan pursuant to which the development was approved has been repealed."

6. As noted in Complaints filed by this Defendant in Meridia Toms River 40 Urban Renewal LLC v. Township of Toms River, et al., Docket No. OCN-L-2065-24 and Merida Toms River 40 Urban Renewal LLC v. Township of Toms River, et al., Docket No. OCN-L-3326-24, the Township has not acted in good faith with respect to providing affordable housing in the Township of Toms River. The Township has improperly sought to terminate Defendant's Redevelopment Agreement and approvals, which provide 43 affordable units as a substantial contribution to satisfy the Township's affordable housing obligations, and has sought to repeal the Water Street Redevelopment Plan which would provide 100 affordable residential units as an essential component of the Township's Third Round Housing Element and Fair Share Plan and the Township's Settlement Agreement and Compliance Plan with Fair Share Housing Center. Plaintiff cannot be trusted to provide affordable housing in the Township.

7. The Township has improperly breached the Redevelopment Agreement with Defendant, has failed to honor its obligations under the Redevelopment Agreement, and has obstructed Defendant from obtaining approvals and in financing.

8. The Township has improperly sought to repeal all ordinances relating to the Downtown Core Redevelopment Plan and Waterfront Redevelopment Plan in order to prevent Merida's development.

9. The Township's improper conduct and bad faith are depriving the development of affordable housing in violation of the Fair Housing Act and Mount Laurel doctrine.

10. Defendant reserves its rights pursuant to its pending actions and raised in this Objection, so that the Property is included in the Township's Plan upon resolution of the litigation.

**WHEREFORE**, Defendant Meridia Toms River 40 Urban Renewal LLC. demand judgment be entered in its favor and against Plaintiff as follows:

- a. Denying all relief sought by Plaintiff in its Complaint;
- b. Declaring that the Township's Housing Element and Fair Share Plan is not in compliance with the Fair Housing Act and the Mt. Laurel doctrine.
- c. Ordering the Township to revise its Housing Element and Fair Share Plan to include Defendant's property in the Plan.
- d. Declaring that Plaintiff is in violation of its constitutional duty to create sufficient realistic opportunities for the construction of safe, decent housing affordable to low- and moderate-income families to satisfy Plaintiff's fair share of the unmet regional need for such housing;

- e. Denying Plaintiff's request for immunity from exclusionary zoning litigation for the Fourth Round.
- f. Awarding attorneys' fees;
- g. Awarding costs of suit; and
- h. Awarding such other relief as the Court deems equitable and just.

**GREENBAUM, ROWE, SMITH & DAVIS LLP**  
Attorneys for Defendant/Interested Party  
Meridia Toms River 40 Urban Renewal LLC

By:   
Steven Firkser

Dated: August 29, 2025

**CERTIFICATION PURSUANT TO R. 4:5-1**

Pursuant to R. 4:5-1, the undersigned attorneys for Defendant certify to the best of their knowledge, information and belief, the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated, other than the following actions:

Meridia Toms River 40 Urban Renewal LLC v. Township of Toms River, et al., Docket No. OCN-L-2065-24

Merida Toms River 40 Urban Renewal LLC v. Township of Toms River, et al., Docket No. OCN-L-3326-24

At the present time, Defendant knows of no other parties who should be joined in the within action.

**CERTIFICATION PURSUANT TO R. 1:38**

I certify that confidential personal identifiers, if any, have been redacted from documents now submitted to the Court, and will be redacted from all documents submitted in the future in accordance with the Rules of Court.

GREENBAUM, ROWE, SMITH & DAVIS LLP  
Attorneys for Defendant/Interested Party  
Meridia Toms River 40 Urban Renewal LLC

By: \_\_\_\_\_

  
Steven Firkser

Dated: August 29, 2025

**CERTIFICATION OF SERVICE**

I hereby certify that the within pleading was filed and served within the time prescribed by Rule 4:6-1 and Directive #14-24.

GREENBAUM, ROWE, SMITH & DAVIS LLP  
Attorneys for Defendant/Interested Party  
Meridia Toms River 40 Urban Renewal LLC

By: \_\_\_\_\_

  
Steven Firkser

Dated: August 29, 2025