



**REMINGTON
& VERNICK
ENGINEERS**

9 Allen Street
Toms River, NJ 08753
O: (732) 286-9220
F: (732) 505-8416

November 18, 2025

Ms. Dawn D'Agostino, Zoning Board Clerk
Jackson Township Zoning Board
95 West Veterans Highway
Jackson Township, New Jersey 08527

Re: Use Variance Application #3546 / Escrow #Z32635
Applicant: 51 Progress Place LLC
Location: 51 Progress Place
LM - Commercial Office / Light Industrial Zone
Block 2401, Lot 18
Our File: 1512-Z-549

FILE

Dear Ms. D'Agostino & Board Members:

REMINGTON & VERNICK ENGINEERS has received the above captioned Application for review. The Applicant seeks Use Variance Approval for the installation of a mobile concrete batch plant in the LM - Commercial Office/Light Industrial Zone.

The subject parcel is located on the south side of Progress Place approximately 1,000 ft westerly of Cedar Swamp Road (C.R. 527). The 4.89 acre site is located within the LM – Commercial Office/Light Industrial Zone & the Conservation Zone Overlay. The site contains wetlands in the central portion of the property.

On September 7, 2022 by memorialization of Zoning Board Resolution No. 2022-41, the Applicant (A&A Truck Parts, Inc.) was granted Preliminary & Final Site Plan Approval with Use Variance Approval for a parking lot for the storage of trucks, trailers, roll-off containers, shipping containers, construction equipment, such as backhoes, excavators and skid steers. The storage of non-hazardous materials was also approved. The site is currently developed as such.

This report consists of our review of the Subject Application for conformance with the Jackson Township Land Use and Development Regulations Ordinance (Chapter 244) and is limited to planning issues. Engineering and legal issues shall be reviewed by the Board Engineer and Solicitor, respectively.

Comments are limited to the information presented to date. The Applicant may present additional information and testimony at the Board hearing.

I. OWNER & APPLICANT INFORMATION

Applicant/Owner
51 Progress Place LLC Attn: David Rothenberg 1189 Lakewood Farmingdale Road Howell, NJ 07731 732-895-3999

II. SUBMITTALS

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
Letter of Transmittal	Dawn D'Agostino Zoning Board Clerk	10/16/2025	
Certificate of Zoning/Development Permit	Jeffrey M. Purpuro Zoning Officer	9/23/2025	
Resolution No. 2022-41	Zoning Board Acting Secretary	9/7/2022	
200 ft Certified Property Owners List	Peter Maher, CTA Tax Assessor	6/7/2023	
Land Development Application	Applicant	Undated	
Land Development Checklist		Undated	
Escrow Account & Fees		10/15/2025	
Variance Application		9/5/2025	
Statement of Operations		10/8/2025	
Letter of Consent		9/5/2025	
Certification by Owner and/or Applicant		9/5/2025	
Consent of Owner Form		9/5/2025	
Escrow Agreement		9/5/2025	
Right of Entry Consent Form		9/5/2025	
Deed of Ownership		4/27/2023	
Proof of Taxes Paid		7/24/2025	
Corporate Disclosure Form		10/9/2025	
Land Use Disclosure Statement		Undated	
Land Use Disclosure Statement	Adam Pfeffer, Esq. Levin, Shea, Pfeffer & Goldman, P.A.	Undated	
Request For 200 ft Property Owner's List	Emily Coughlan Professional Design Services, LLC	10/9/2025	
Land Use Disclosure Statement	Ian M. Borden, P.P. Professional Design Services, LLC	Undated	
Submission Letter		9/8/2025	
Letter of Transmittal		10/9/2025	
Letter of Transmittal		10/13/2025	
Preliminary & Final Major Site Plan of Tax Lot 8, Tax Block 2401, Township of Jackson, Ocean County, NJ, Sheet 2 of 16	William A. Stevens, P.E. Professional Design Services, LLC	12/16/2020	12/7/2023
Map of Survey	Steven Metelski Jr., P.L.S. Professional Design Services, LLC	4/6/2023	

III. ZONING

A. Use

1. The Applicant seeks Use Variance Approval for the installation of a mobile concrete batch plant in the LM - Commercial Office/Light Industrial Zone, which is governed by §244-62, where a mobile concrete batch plant is not a permitted principal use, and there is no principal use or principal building proposed or existing on-site. This may require a 'd-1' use variance.
2. On September 7, 2022 by memorialization of Zoning Board Resolution No. 2022-41, the Applicant (A&A Truck Parts, Inc.) was granted Preliminary & Final Site Plan Approval with Use Variance Approval for a parking lot for the storage of trucks, trailers, roll-off containers, shipping containers, construction equipment, such as backhoes, excavators and skid steers. The storage of non-hazardous materials was also approved.
3. The addition of the mobile concrete batch plant may be considered an expansion of a non-conforming use, which would require a 'd-2' use variance. Testimony shall be provided to determine the use variance required.

B. Other Provisions and Requirements in the LM Zone

1. Each use located in the LM Zone shall provide truck loading and unloading facilities on the same lot and in other than the required front yard so as to permit the transfer of goods in other than a public street. **This does not appear to be applicable to the proposed development. The Applicant shall provide testimony.**
2. No required off-street loading areas shall be located in any required front setback. **This does not appear to be applicable to the proposed development. The Applicant shall provide testimony.**
3. Where the LM Zone abuts a residential zone, whether along a property line or across a street, there shall be provided a one-hundred-foot buffer screening strip as set forth in §244-193. **This requirement is not applicable to the proposed development.**
4. Each use permitted in the LM Zone shall be served by a public sewage disposal system or by a private disposal system which meets the approval of the state and Township Boards of Health and the Jackson Township Municipal Utilities Authority. Any private disposal system shall be so designed as will, in the opinion of the Township Engineer, enable the system to be efficiently connected to the prospective public disposal system, when constructed. **This requirement is not applicable to the proposed development.**
5. All industrial activities or processes shall take place within a completely enclosed building. Incidental storage out of doors shall be shielded from any street or adjacent residential zone by fencing, landscaping, or other appropriate measure. **There are no buildings existing or proposed on-site. The Applicant shall provide testimony to discuss compliance with this requirement.**
6. Industrial parks containing such permitted uses as set forth herein shall have a total area of not less than 20 acres. All streets within industrial parks shall be private, and there shall be adequate provisions for repair and maintenance so as to relieve the Township of Jackson from any responsibility for the upkeep of such streets. **This requirement is not applicable to the proposed development.**
7. No use shall be conducted in such a way as to discharge any treated or untreated industrial waste, except as shall be approved by the Health Officer, Jackson Township Municipal Utilities

Authority and any applicable state agency having jurisdiction in such matters. **The Applicant shall provide testimony to discuss compliance with this requirement.**

C. Area & Bulk Standards

REGULATION	REQUIRED	PROPOSED	STATUS
Minimum Lot Area	3 Acres	4.89 Acres	Conforms
Minimum Lot Width	300 FT	260 FT(PV) ⁽¹⁾	Variance Previously Granted
Minimum Lot Frontage	150 FT	260 FT	Conforms
Minimum Lot Depth	300 FT	800 FT	Conforms
PRINCIPAL BUILDING			
Minimum Front Yard Setback	100 FT	N/A	N/A
Minimum Rear Yard Setback	50 FT	N/A	N/A
Minimum Side Yard Setback	30 FT	N/A	N/A
Minimum Side Yard Setback (Combined)	75 FT	N/A	N/A
Maximum Building Height	50 FT	TBD⁽⁵⁾	TBD
ACCESSORY BUILDING			
Minimum Front Yard Setback	Not Permitted	N/A	N/A
Minimum Rear Yard Setback	50 FT	N/A	N/A
Minimum Side Yard Setback	30 FT	N/A	N/A
Maximum Building Height	25 FT	TBD⁽⁶⁾	TBD
Maximum Building Coverage	40%	N/A	N/A
Maximum Impervious Coverage ⁽⁴⁾	75%	TBD	TBD
PARKING AREA SETBACKS			
Setback from ROW	20 FT	±13 FT(PV) ⁽²⁾	Variance Previously Granted
Setback from property line (Residential)	20 FT	N/A	N/A
Setback from property line (nonresidential)	10 FT	±1.5 FT(PV) ⁽³⁾	Variance Previously Granted

PV – Variance Previously Granted N/A – Not Applicable TBD – To Be Determined

- (1) The required minimum lot width is 300 ft, whereas 260 ft is existing. A variance was granted per Zoning Board Resolution No. 2022-41.
- (2) The minimum required parking area setback from the right-of-way is 20 ft, whereas the storage area is approximately 13 ft. A variance was granted per Zoning Board Resolution No. 2022-41.
- (3) The minimum required parking area setback from a nonresidential property line is 10 ft, whereas the storage area is approximately 1.5 ft. A variance was granted per Zoning Board Resolution No. 2022-41.

- (4) The required maximum impervious coverage is 75%, however all wetlands shall be excluded from the gross acreage for purposes of calculating maximum lot coverage (building and impervious) for nonresidential developments. The Applicant shall provide a calculation to ensure compliance.
- (5) Per §244-62D the maximum height of a principal structure is 35 ft, whereas the proposed concrete silo is proposed to be 35 ft. Testimony shall be provided to determine if the silo is considered a principal structure.
- (6) Per §244-62D the maximum height of an accessory structure is 25 ft, whereas the proposed concrete silo is proposed to be 35 ft. Testimony shall be provided to determine if the silo is considered an accessory structure, however there is no principal structure for the silo to be accessory to.

IV. CONSERVATION ZONE OVERLAY

- A. Per §244-45C(1) all properties which fall within the Conservation Zone Overlay shall be regulated by the underlying zone or district within which they are found, except that the following additional requirements shall apply.
 1. Per §244-45C(1)(a) all applications for major site plan or major subdivision approvals shall be required to submit a valid NJDEP letter of interpretation and/or permit which identifies all freshwater wetlands and wetlands buffers/transition areas on the property or properties included in the application before the application can be deemed complete.
 2. Per §244-45C(1)(b) all wetlands, wetlands buffers, transition areas, and riparian buffers must be properly identified and delineated on all submitted plans for major site plan or major subdivision approvals before the application can be deemed complete.
 3. Per §244-45C(1)(c) all wetlands, as identified and verified, pursuant to the LOI (letter of interpretation) shall be excluded from the gross acreage for purposes of calculating maximum lot coverage (building and impervious) for nonresidential developments.
 4. Per §244-45C(1)(d) all required setbacks shall be taken from the wetlands limits pursuant to the LOI (letter of interpretation).

V. VARIANCE ISSUES

With the exception of the following, Site Plan issues are deferred to the Board Engineer.

- A. The Applicant shall provide an updated survey to show the existing improvements on the site.
- B. Our office recommends that the Applicant provide photographs of the site.
- C. Details relating to the proposed mobile concrete batch plant should be provided for review.
- D. The Applicant should provide testimony to discuss the proposed operation of the mobile concrete batch plant use in sufficient detail to indicate the effects of the use in producing traffic congestion, noise, glare, air pollution, fire hazards or safety hazard, the hours of operation of the use and the number of employees.
- E. The Statement of Operations indicates that "No employees are anticipated to be at the site during normal hours of operation with the exception of dropping off or picking up a vehicle, equipment, or supplies." Testimony shall be provided to discuss how the mobile concrete batch plant is self-sufficient and does not require employees to operate the manufacturing and distribution of the concrete.
- F. The Applicant should address the impact of the application on the following:
 1. Compatibility of the proposed use with surrounding uses; and
 2. Mitigating factors for the use variance.

- G. The Applicant should address the following items for the Board to be able to evaluate the impact of the proposed application on the neighboring properties and the Township:
 - 1. That the use will not injure or detract from the use of neighboring property.
 - 2. That the use will not detract from the character of the neighborhood.
 - 3. That the use of property adjacent to the area included in the plan is adequately safeguarded.
 - 4. That the property is suitable for the intended use.
 - 5. That the use will serve the best interests of the Township.
 - 6. That the use will not adversely affect public sewers and facilities such as water, sewer, police, and fire protection.
 - 7. That the use will not adversely affect the drainage facilities in the adjacent neighborhood.
 - 8. That the use will not adversely affect the safe flow of highway traffic and that adequate roadway access is provided to protect roadways from undue congestion and hazards.
- H. The Applicant should provide testimony to indicate where the mobile concrete batch plant will be located on the site. Should a use variance be granted, an amended site plan approval may be required.
- I. The Statement of Operations indicates that “A cement silo is required having a height of 35 ft.” Testimony shall be provided to discuss if the silo would be considered a principal structure. If considered a principal structure, the height of 35 ft would conform to the maximum height requirement. If considered an accessory structure a bulk variance would be required. If not considered either, it should be determined the relief required for the proposed silo.
- J. The Applicant shall provide testimony regarding the history of the site including previous approvals, including any variances and design waivers granted for the site.
- K. The Applicant shall provide to discuss the number of cement trucks anticipated to enter and leave the site. The traffic impacts as a result of the proposed use shall be discussed.
- L. The Applicant shall provide testimony to discuss the need for water service to the site.
- M. Should any tree removal be required, the Applicant will be required to obtain approval from the Township Forester.
- N. Our office defers all fire prevention and fire safety issues to the Township Fire Official.
- O. Issues related to the Affordable Housing Non-Residential Development Fee are deferred to the Board Solicitor.

VI. VARIANCE(S) & WAIVERS

- A. Applicant requests Variance relief under N.J.S.A. 40:55D-70(d), commonly referred to as a “use” variance in order to install a mobile concrete batch plant in the LM Commercial Office/ Light Industrial Zoning District. Testimony shall be provided to determine if a ‘d-1’ or ‘d-2’ use variance is required.
- B. Additional variance or waiver relief may be required pending Applicant's response to the issues identified in the body of this report.

In order for the Board to grant a ‘d’ variance, The Applicant has the burden of demonstrating “Special Reasons” for granting the use variance as well as offering an “enhanced quality of proof” which states that the variance is not inconsistent with the intent and purpose of the master plan and zoning ordinance (Positive Criteria). The applicant should also demonstrate that the requested relief can be granted without substantial

detriment to the public good and will not impair the intent and purpose of the zone plan and zoning ordinance (Negative Criteria).

“Special Reasons”, the applicant should demonstrate that the proposed use carries out the purposes of zoning as listed in 40:55D-2 of the Municipal Land Use Law or that the refusal to allow the project would impose an undue hardship on the applicant. The applicant must present support for the first test within a Statement of Reasons contending that the proposed use promotes the purpose of zoning. In lieu of the Statement of Reasons, the applicant should provide a statement regarding the undue hardship which must relate to the land in question or unique conditions of the site.

With respect to the first portion of the Negative Criteria, the applicant must demonstrate that the requested relief can be granted without substantial detriment to the public good. The applicant must demonstrate that the proposed use will not have a negative impact on the adjacent properties, and that it will not cause such damage to the character of the neighborhood as to constitute “substantial detriment to the public good”. The applicant shall provide testimony at the Zoning Board hearing.

In the second prong of the Negative Criteria, the applicant must demonstrate that the requested relief will not impair the intent and purpose of the zone plan and zoning ordinance. Testimony should be provided as to why the proposal will not impair the intent and purpose of the HC Zone and the Township Master Plan.

Both the Positive Criteria and Negative Criteria must be satisfied in order for the Board to grant ‘d’ variance relief. The granting of a ‘d’ variance requires five (5) affirmative votes.

In order for the Board to grant a ‘c’ variance, an Applicant need only satisfy the Positive Criteria (although no variance may be granted which will be detrimental to the public good or the City’s Zone Plan). The granting of a ‘c’ variance requires the affirmative vote of a majority of the Board members present at the hearing.

Under N.J.S.A. 40:55D-2, the MLUL enumerates as its purposes:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;*
- b. To secure safety from fire, flood, panic, and other natural and man-made disasters;*
- c. To provide adequate light, air, and open space;*
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county, and the State as a whole;*
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;*
- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;*
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all NJ citizens;*
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;*

- i. *To promote a desirable visual environment through creative development techniques and good civic design and arrangement;*
- j. *To promote the conservation of historic sites and districts, open space, energy resources, and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;*
- k. *To encourage planned unit developments which incorporate the best features of design and relate the type, design, and layout of residential, commercial, industrial, and recreational development to the particular site;*
- l. *To encourage senior citizen community housing construction;*
- m. *To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;*
- n. *To promote utilization of renewable energy resources;*
- o. *To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.*

Variance Justification

Applicant has provided no justification for the variances required. ***Applicant is asked to address these issues within the context of the requirements for variance relief detailed above.***

Any resubmissions in response to this report should be accompanied by a point-by-point response to all items, *with revisions on the plans clouded or highlighted to indicate changes.* In order to facilitate the Board's decision making process, Applicants are strongly encouraged to resolve as many items as possible prior to the hearing on this matter.

As always, Board members, Applicants and their professionals should feel free to contact me in our Toms River office if they have any questions or require additional information.

God Bless America,

REMINGTON & VERNICK ENGINEERS



Ernest J. Peters, Jr., P.E., P.P., C.M.E.
Board Planner

MMG/EJP:mr

cc: Mr. Jeff Purpuro - Zoning Officer
Ms. Gina Tumolo – Assistant Zoning Officer
Mr. Jean Cipriani, Esq. – Zoning Board Attorney
Mr. Mark Rohmeyer, P.E. – Zoning Board Engineer
51 Progress Place, LLC – Applicant/Owner (droth@dmserveus.com)
Mr. Salvatore Alfieri, Esq. – Applicant's Attorney (salfieri@cgajlaw.com)
Mr. William A. Stevens, P.E., Applicant's Engineer (bstevens@pds-nj.com)
Mr. Ian M. Borden, P.P., Applicant's Planner (iborden@pds-nj.com)