

**Table ES-7**  
**Response to Comments on Jackson Township Draft Land Use Plan**

Block	Lot	Comment	Response
601	1,2,25,26,42 &43	Metedeconk National Golf club has requested that their land holdings be included in the proposed sewer service area to advance the State Plan, the Township Master Plan, and an approved General Development Plan in a letter dated May 19, 2009 from their consultant, PDS, to the Ocean County Planning Board.	A review of the General Development Plan has determined that the Land Use Plan conforms with the areas that have been set aside as a Golf overlay zone by including these areas within the CR2 district; and the areas set aside for estate residential homes by including these areas in a Rural Residential (R-2) planning district. The only area of conflict in the draft Land Use Plan was with regard to the area at the intersection of Cedar Swamp Road and Interstate 195 which is shown as an Office/Business park in the General Development Plan. This area has been added to the LM Planning district and the Utility Plan is proposing that sewer service extend to the portion of the tract included in the LM Planning District.
19301	4	The Land Use Plan proposes to change the subject tract from a Regional Growth Area-2 to a Rural Development (RD) Management district. The owner's representative contends (PDS) that the proposed change is inconsistent with the Comprehensive Management Plan (CMP); the Toms River Corridor Study; the Joint Land Use Study; and the NJDEP Water Quality Management Plan and specifically objects to the overlay Conservation Planning District. These comments were contained in a letter dated June 1, 2009 and presented at the public hearing on the same date.	<p><b>CMP Inconsistency.</b> The owner's representative contends that any proposed change to the CMP is inconsistent with that Plan. Based on that position, the CMP cannot be modified regardless of whether it represents sound planning. The Land Use Plan contends that the Pinelands Commission did not fully recognize the impacts of the air training mission at NAES Lakehurst on adjacent lands when it established the regional growth areas. The Land Use Plan further contends that the proposed changes are consistent with the intent and objectives of the CMP and that the municipal plan certification process should be used to discuss the proposed changes to the management districts with the Pinelands Commission.</p> <p><b>Toms River Corridor Study.</b> The draft Land Use Plan is fully compatible with the Toms River Corridor Study since it will protect areas of high environmental integrity, increase the protection of the river corridor, and improve the linkage between defined critical habitats.</p> <p><b>Joint Land Use Study (JLUS).</b> The JLUS is a guidance document that will be updated over time. The study includes specific concerns about the impacts of the regional growth areas on the military mission and recognizes that the regional growth areas were established without a full assessment of land use compatibility. The Land Use Plan states that the development of the regional growth areas will create unnecessary conflicts between future residents and the Joint Base training mission, which would be detrimental to the residential environment and to the military mission. The Land Use Plan seeks to establish a compatible land use strategy in full accordance with the joint Land Use Study by creating an Air Installation Land Use Compatibility overlay zone and by proposing changes to the nature and intensity of the future land use within this zone.</p> <p><b>NJDEP Water Quality Management Rules.</b> The Utility Plan has been included in the Master Plan and recommends that the sewer service be provided to the revised Regional Growth areas and any areas that have all necessary local, regional, and state permit (TWA) approvals. The Utility Plan does not recommend providing service to lands that do not have all necessary approvals that conflict with the recommendations of the Land Use Plan. The statement that lands will remain in the sewer service in contravention of the Land Use Plan may not be accurate. If the regional growth areas were to change, the sewer service area would change as well.</p> <p><b>Conservation Planning District.</b> The Land Use Plan is proposing that the Conservation Planning district be the basis of an overlay zoning district. The Land Use Plan indicates that adjustments would be made in the development density calculations if this approach were to be accepted by the Pinelands Commission. This issue will be the subject of discussions with the Pinelands Commission during the Master Plan certification process. The statement that the requirement of the issuance of a LOI is in conflict with the CMP is not accurate. The statement that the Land Use Plan requires that a habitat suitability determination be issued by the NJDEP before a development application is made is also not accurate.</p>
19403	6	Comment letter is substantially the same as that prepared for Block 19301; Lot 4	Response is that same as that for the comment on Block 19301; Lot 4
19403	2	Comment letter is substantially the same as that prepared for Block 19301; Lot 4	Response is that same as that for the comment on Block 19301; Lot 4
19403	19,20	Comment letter is substantially the same as that prepared for Block 19301; Lot 4	Response is that same as that for the comment on Block 19301; Lot 4
20501	27	Comment letter is substantially the same as that prepared for Block 19301; Lot 4	Response is that same as that for the comment on Block 19301; Lot 4
2101	22,23,24 & 26	Ian Borden of PDS used this property to illustrate objections to the provisions of the Land Use and Conservation Plan Elements in a letter dated June 1, 2009 and in public hearing comments on the same date. Specifically, he contends that <ol style="list-style-type: none"> <li>1) The requirement for a Habitat Suitability Determination from the NJDEP adds a layer of regulation;</li> <li>2) the requirement to obtain a LOI will unnecessarily delay the project; and,</li> <li>3) the requirement that bulk standards be met within the development district limits the development potential of this tract;</li> </ol>	<p>These comments do not accurately portray the recommendations of these elements of the Master Plan.</p> <p><b>1) Habitat Suitability.</b> There is no requirement for a Habitat Suitability Determination in the Land Use Plan. The NJDEP water quality management regulations require habitat suitability determinations prior to an area being included in a sewer service area when it is shown on the Landscape Project as being ranked 3,4,or 5, which is not the case with the subject property. This issue has been clarified in the Land Use Plan text.</p> <p><b>2) LOI requirement.</b> There is no requirement for obtaining a LOI when wetlands are not shown on the tract being developed in the Natural Resource Inventory, which is the case with the subject property.</p> <p><b>3) Category One Buffer.</b> Mr. Borden objects to the Category One buffer being included in the Conservation zoning district and excluded from the development intensity calculation even though the lands within the riparian buffer cannot be used for development purposes. The Conservation zoning district establishes lot coverage based on the development capabilities of the development tract; A lot coverage variance could be sought if there are reasons that the land should be developed at an intensity above that specified in the Zoning Ordinance.</p>
903	11	The owner's representative (Denis Kelly, Esq.) requested that this property be zoned Highway Commercial or, in the alternative, a conditional use provision should be provided for a foot mart and fuel dispensing use in a letter dated April 13, 2009 and in public hearing testimony on June 1, 2009..	This property is not suited for Highway Commercial zoning since the frontage road is not considered a "highway"; Therefore, it will remain in the Neighborhood Commercial planning district; The conditional use provision requested was recommended in the draft Land Use Plan under the Neighborhood Commercial description;
15601	6	The owner's representative (Denis Kelly, Esq.) requested that this property on East Veterans Highway currently zoned R-3 be re-zoned Neighborhood Commercial in a letter dated April 8, 2009 and in public hearing testimony on June 1, 2009.	The Land Use Plan seeks to increase the amount of land in the Neighborhood Commercial planning district by locating neighborhood and limited commercial districts at key intersections. The subject property is located along East Veterans Highway near the Neighborhood Commercial planning district at the intersection of CR #528 and #527. The subject property is only 7.1 acres; is not located within the proposed sewer service area, and does not satisfy key factors for a Neighborhood Commercial planning district; No change is proposed for the subject property.
4301	15	The owner's representative (Denis Kelly, Esq.) requested that this property on East Commodore Boulevard currently zoned R-3 be re-zoned Highway Commercial in a letter dated April 8, 2009 and in public hearing testimony.	The draft Land Use Plan proposed that this tract be zoned Limited Commercial; At the request of the owner, this decision was reconsidered and a change was made to include this tract and adjacent tracts in the Highway Commercial (HC) planning district;
6803	2	The owner's representative (Denis Kelly, Esq.) requested that this property on S. New Prospect Road currently zoned R-3 be re-zoned Highway Commercial in public hearing testimony on June 1, 2009 and in a letter dated June 4, 2009;	The draft Land Use Plan proposed that this tract be included in the R1 planning district. At the request of the owner, this decision was reviewed and reconsidered and a change was made to include this tract in the Neighborhood Commercial planning district;

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19201	1	Ian Borden of PDS contends that the subject property is currently included within the Rural Development Area and should remain in that management district. The Township zoning map shows the property as being included within the Forest Area (FA-2) but PDS indicates that the re-zoning in December 2004 was overturned by a court decision and as a result the tract remains in the RD zone. The applicant has reportedly filed an application for Resource Extractive Use that is under review by the Pinelands Commission.	The commenter has not provided a copy of the court decision that was referenced in the letter. The subject tract reflects the conditions of the adjacent Forest Areas and is best suited for that management district. The previously proposed FA-2 designation has been changed to FA-6 as a more appropriate forest management designation for this area; The forest management designation is appropriate to protect the Toms River corridor and to establish the linkage between threatened and endangered species nodes and fully conforms to the recommendations of the Toms River Corridor Study. Once the Master Plan is adopted, the FA-6 designation for this tract will be the subject of discussion with the Pinelands Commission during the Master Plan certification process.
3001	7-11.01	Tony Vinciguerra expressed concern at the public hearing on June 1, 2009 that the referenced parcels that were subdivided for residential development along Holly Tree Court would be included in the Highway Commercial planning district	The subdivision consists of five lots; 4 of which are about one acre in size and one of which is over 3 acres in size; It was determined that the Land Use Plan included four of the five lots in the R-3 planning district and one in the HC district; The Plan has been revised to include all of the lots in the R-3 Planning district; The vacant one acre lots that have been created will be conforming if they adhere to the R-1 bulk standards; The remaining lot in the rear will support the construction of one residence but could not be further subdivided without a variance.
9601	18, 20,26	Neil Nappe indicated that he is trying to preserve the subject tract and was concerned about an anonymous flyer that was distributed that indicated that the Master Plan would reduce land development opportunities in the Township. He is seeking to maximize the yield of the subject tract to obtain a reasonable price for its preservation. He was concerned about zoning setbacks being required outside of wetland buffers. He was also concerned about the cost of obtaining a LOI when he is not interested in developing the land only in establishing a reasonable value.	The Master Plan is not proposing any changes in wetland buffer regulations. The Plan is proposing that regulated areas be included in a separate planning/zoning district. An applicant could accept the district limits shown on the Conservation Plan Map based on current wetlands mapping or could submit a LOI to have the district limits adjusted. Since the public hearing, a change has been made that will allow the inclusion of wetland buffers within the development districts which was one of Mr. Knapp's specific concerns. Therefore, zoning setbacks will be from the wetlands limit rather than the wetland buffer.
		Bill Fox voiced objections to the Conservation Planning District concept at the public hearing. His specific concerns were that <ol style="list-style-type: none"> <li>1) the developer would need to obtain a LOI which would cost a lot of money;</li> <li>2) if a lot is located in the overlay zone, it could be non-conforming;</li> <li>3) it would affect pre-existing lots;</li> <li>4) it is unclear whether you could obtain a variance for an undersized parcel;</li> </ol>	The Planning Board has accepted the concept of the Conservation Planning District with minor adjustments. It is now recommended that the wetland buffers be included in the development districts, which will retain the concept but make it more acceptable to developers. <p>With regard to the specific objections presented by Mr. Fox:</p> <ol style="list-style-type: none"> <li>1) The limits of the Conservation overlay will be shown on the zoning map based on GIS information; An applicant could accept these zoning district limits or could submit an approved LOI that would verify the overlay district limits. The NJDEP Freshwater Regulations now allow the use of an LOI as a checklist requirement. The only difference is that the wetlands would need to be defined prior to the submission of a development plan if the zoning district is to be adjusted; The statement that the pursuit of a LOI would increase land development costs is not accurate since LOIs are a regulatory requirement when potential wetlands are shown on inventory maps.</li> <li>2) The statement that a lot located in the conservation overlay zone will be non-conforming is not completely accurate since lots that are fully within regulated areas cannot be developed under current regulations; The Conservation Planning District is a different way of applying existing regulations to proposed land development ; There may be less yield as a result of the Conservation zoning district overlay in situations where proposed lots cannot satisfy development standards without the use of regulated areas;</li> <li>3) The concern about pre-existing lots is a legitimate one. The Land Use Plan has been modified to clarify that the Conservation zoning overlay will only be applied to proposed land development; Existing lots can be developed based on current regulations or based on prior approvals; The Conservation zoning overlay will be applied to subdivision and site plan applications. This issue will be clarified when Ordinance amendments are drafted. The existing development standards will be reviewed to ensure that they are appropriate standards for development purposes;</li> <li>4) An applicant could seek a bulk variance for undersized lots in a subdivision application and would need to satisfy the legal standards to the applicable Board;</li> </ol>
		Gordon Milnes expressed concern on behalf of Clayton Industries about the Conservation zoning district if it results in an additional setback on top of what has already been established	The Conservation Planning district recommendation has been changed to limit the application of the Conservation zoning district to the wetlands limit which would allow wetland buffers to be included in land development density calculations and setbacks to within the wetland buffers.
		Gordon Milnes expressed concern on behalf of Clayton Industries that the Clayton tract would be split into three zones. Clayton industries wants to make sure that the zoning change will not impact ongoing mining operations.	The Land Use Plan has clarified that the proposed POID district would be an overlay zoning district. The rights conveyed by that district could only be exercised if a General Development Plan is submitted and approved. The RER district would establish the zoning standards until a GDP is approved that utilizes the overlay zoning ; The Land Use Plan does not seek to have any impact on ongoing mining operations on the Clayton tract. It is feasible that mining operations could be conducted in the future in general accordance with a GDP for the POID district. The most northern part of the Clayton Tract has been included in the FA-6 Planning district. It is recommended that resource extraction operations in this district be permitted where they are currently occurring in accordance with a final grading plan.
13802	1-4	Gordon Milnes, of Clayton Industries, requested that lands at the East Veteran's highway and Cross road intersection be considered for Neighborhood Commercial zoning rather than R-1 zoning.	The East Veteran's Highway and Cross Road intersection area has been re-evaluated. The Land Use plan has increased the Neighborhood Commercial zoning in this area in response to the request..
		In litigation settlement discussions with the Township, Leigh Realty requested that the limit of the PMURD remain unchanged;	The limits of the PMURD district have been restored to the current condition in response to the owner's request.
2403	1-12	In litigation settlement discussions with the Township, Leigh Realty requested that the Community Commercial district be changed back to Highway Commercial and Limited Manufacturing;	The Community Commercial District has been eliminated and the Leigh property has been included in the HC and LM districts;