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State of New Jersey  
THE PINELANDS COMMISSION  
PO Box 7  
NEW LISBON NJ 08064  
(609) 894-7300

RECEIVED  
JUN 09 2009  
BY: \_\_\_\_\_

JOHN S. CORZINE  
Governor

JOHN C. STOKES  
Executive Director

**CERTIFICATE OF FILING**  
**(Inconsistent)**

June 8, 2009

James R. Johnson, Jr.  
Peg Leg Webb, LLC  
577 S. Hope Chapel Road  
Jackson, NJ 08527

Please Always Refer To  
This Application Number

Re: Application #1984-0454.003  
Block 19201, Lot 1  
Jackson Township

Dear Mr. Johnson:

This application for the establishment of a new resource extraction (mining) operation and the construction of a 1,008 square foot building, containing an office and scale house, on the above referenced 109.8 acre lot is complete. The lot is located in a Pinelands Forest Area.

The completion of this application has resulted in the issuance of this Certificate of Filing. This Certificate of Filing is required before any other agency can deem an application complete and take action on your proposed development. The agency may proceed to review and take action on the proposed development. The applicant must give notice to the Pinelands Commission of any modification of the proposed development and of any approval received for the proposed development within five days of receiving any approval.

The Resource Extraction Plan, consisting of five sheets, submitted to the Commission was prepared by Property Development Services and dated as follows:

- Sheets 1 and 3 - April 14, 2009
- Sheet 2 - April 2, 2008; revised March 27, 2009
- Sheet 4 - April 2, 2008; revised April 16, 2009
- Sheet 5 - April 16, 2009

The applicant proposes mining of a 33 acre area.



<http://www.nj.gov/pinelands/>  
E-mail: [info@njpinelands.state.nj.us](mailto:info@njpinelands.state.nj.us)



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There are wetlands on and within 300 feet of the lot.

The lot was previously located in Jackson Township's RD-9 zoning district (a Pinelands Rural Development Area). On November 9, 2007, the Pinelands Commission certified Jackson Township Ordinance 07-06 which established new zoning districts and adopted a revised Township zoning map, dated March 27, 2006. The March 27, 2006 Township zoning map indicates that the concerned lot is now located within Jackson Township's FA-2 zoning district (a Pinelands Forest Area). The establishment of new resource extraction operations is not a permitted use in this zoning district or in a Pinelands Forest Area. The proposed resource extraction operation is therefore inconsistent with the permitted use requirements of the Jackson Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP). This issue is potentially resolvable by providing a determination from an appropriate municipal official which confirms the Pinelands Commission's certified municipal zoning.

The applicant proposes mining within 100 feet of Bowman Road. The Jackson Township land use ordinance and the CMP contain resource extraction standards which require that no area of excavation, sedimentation pond, storage area, equipment, machinery or other structure or facility be located closer than 200 feet to any property line unless it can be demonstrated that a distance between 100 and 200 feet will not result in greater offsite environmental impacts.

The Jackson Township land use ordinance and the CMP prohibit development which would cause an irreversible adverse impact on habitats that are critical to the survival of any local populations of threatened and endangered animal species. The applicant has not demonstrated that the proposed development is consistent with the threatened and endangered species standards of the Jackson Township land use ordinance and the CMP. This issue is potentially resolvable by providing additional information, including the results of additional threatened and endangered species survey work, which demonstrates that the proposed development will not have an irreversible adverse impact on habitats that are critical to the survival of any local population of Red-shouldered hawk or Northern Pine snake.

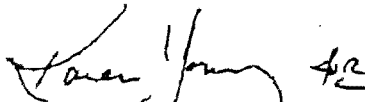
Any municipal or county approval or permit issued for the proposed development must be submitted to the Commission. Commission receipt of any municipal or county permit or approval for the mining operation as currently proposed may result in the scheduling of a Commission staff public hearing to review the issues raised by the above noted inconsistencies.

THIS CERTIFICATE OF FILING IS NOT AN APPROVAL. It is the letter necessary for other agencies to review and act on your application. If either a municipal or county agency grants an approval or permit for the proposed development, that approval is subject to review by the Pinelands Commission. No local approval shall take effect and no construction or development shall occur unless written notice from the Pinelands Commission has been received, indicating either that the Commission will not review the local approval or that the Commission has approved the local approval.

This Certificate of Filing is transferable to future owners of this lot.

If you have any questions, please contact the Regulatory Programs staff.

Sincerely,



Charles M. Horner, P.P.  
Director of Regulatory Programs

JR:ED:KY

- c: Secretary, Jackson Township Planning Board
- Jackson Township Construction Code Official
- Jackson Township Zoning Officer
- Jackson Township Environmental Commission
- Ocean County Planning Board
- Ocean County Health Department
- Ocean County Soil Conservation District
- Ian M. Borden, PDS