

**TOWNSHIP OF SOUTHAMPTON
PLANNING BOARD/ZONING BOARD OF ADJUSTMENT**

**INSTRUCTIONS FOR APPLICANTS
READ CAREFULLY**

Introduction:

Applications to the Planning Board or Zoning Board of Adjustments are governed by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.; the provisions of the Zoning Ordinances of the Township of Southampton as amended; and Rules and Procedures of the Boards. You must be familiar with this information to assure that your application is complete and can be properly considered. Copies of the Zoning Ordinances are available for purchase from the Township Zoning Officer or Board Secretary. It is recommended that you consult an attorney.

**THE FOLLOWING GENERAL INSTRUCTIONS ARE PROVIDED FOR YOUR CONVENIENCE.
A FAILURE TO COMPLY WITH ALL PROCEDURES OR THE SUBMISSION OF AN INCOMPLETE
APPLICATION MAY RESULT IN DELAY OR NON-CONSIDERATION OF YOUR APPEAL OR
APPLICATION.**

I. APPLICATION FORMS:

Application forms are available from the Board Secretary. All applications received will be reviewed for completeness. The Administrative Officer of the Planning Board/Zoning Board of Adjustment has **forty-five (45) days** to deem an application complete **NO APPLICATION WILL BE PLACED ON AN AGENDA UNTIL THE "RAC" HAS DEEMED THE APPLICATION COMPLETE.** The Administrative Officer of the Planning Board/Zoning Board of Adjustment will notify the applicant of scheduled meeting date and time.

- a. Please note that original and fifteen (15) copies of all documents submitted must be provided by the applicant. All site plans and subdivisions must be filed with the Burlington County Planning Board. (See N.J.S.A. 40:55D-37c)

II. NOTICES REQUIRED:

At least **ten (10) days** prior to the date fixed for your hearing, the applicant shall arrange for the following notices required by N.J.S.A. 40:55D-12:

a. PUBLICATION:

Public notice of any hearing shall be given by publication in the official newspaper (**The Central Record**) or a newspaper in general circulation in the municipality (**The Burlington County Times or the Courier Post**).

b. PROPERTY OWNERS:

Personal notice of any hearing shall be given to the owners of all real property, as shown on the current tax list, located within 200 feet in all directions of the subject property line, including residents of adjacent townships. This notice shall be given by: (1) serving a copy of the Notice of Hearing on the property owner(s) *personally, or his agent in charge, or (2) mailing a copy by certified mail to the owner at the address shown on the current tax list.

Names and addresses of owner(s) of real property within 200 feet may be obtained from the Southampton Township Assessor's office for a fee of **\$10.00**.

Notices may be given to property owner(s) on form provided with the Application Packet.

c. MUNICIPAL CLERK:

Notice of any hearing shall be given to the Clerk of any adjoining municipality within 200 feet of the subject property by service or certified mail.

d. COUNTY PLANNING BOARD:

Notice of any hearing shall be given to the Burlington County Planning Board when: (1) notice to a municipal clerk is required, (2) the subject property adjoins county land, or (3) the subject property adjoins a county road, existing or proposed. Such service shall be personal or by certified mail.

e. COMMISSIONER OF TRANSPORTATION:

Notice of any hearing shall be given to the Commissioner of Transportation when the subject property adjoins a State Highway by personal service of certified mail.

f. **DIVISION OF STATE — REGIONAL PLANNING:**

Notice of any hearing shall be given to the Director of the Division of State and Regional Planning in the Department of Community Affairs when the subject property exceeds 150 acres or the application involves more than 500 dwelling units. (See N.J.S.A. 40:55D-12g)

III. **CONTENTS OF NOTICES:**

It is essential that all Notices published and served contain complete information as required by N.J.S.A. 40:55D-11. Applicants should use form provided in the Application Packet or consult an attorney.

IV. **PROOF OF NOTICE:**

At least three (3) days prior to the date fixed for hearing the application, the applicant shall file with the Board's Secretary a signed Affidavit of Proof of Service on form provided in Application Packet. In addition, appropriate Proof of Publication of the required public notice in the newspaper (The Central Record, Burlington County Times or Courier Post) shall be filed together with the Affidavit and certified mail form. If the required Proof is not filed on time, an application will not be heard.

V. **POWERS OF THE ZONING BOARD OF ADJUSTMENT:**

The powers of the Zoning Board of Adjustment are established by N.J.S.A. 40:55D-70 and 76. Briefly, the types of relief available are as follows:

a. Appeals:

Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the zoning ordinances;

b. Interpretations:

Hear and decide requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by any zoning or official map ordinance, in accordance with this act;

c. Hardship Variances:

The Board may grant variances where the strict application of the Zoning Ordinances or Zoning Plan would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon a person due to: (a) exceptional narrowness, shallowness or shape of a specific piece of property; (b) exceptional topographic conditions or physical features uniquely affecting a specific piece of property; or (c) an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

In addition, the Board may grant a variance for a specific piece of property where the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning Ordinance Requirements and the benefits of the deviation would substantially outweigh any detriment. The burden is upon the applicant to demonstrate the facts establishing that a variance should be granted under the foregoing standards.

d. Use "D" Variances:

The Board may grant variances to allow a departure from the regulations of the Zoning Ordinances to permit: (1) a use or principal structure in a district restricted against such use or principal structure; (2) an expansion of a nonconforming use; (3) deviation from a specification or standard pertaining solely to a conditional use; (4) an increase in the permitted floor area ratio; (5) an increase in the permitted density, except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision, or; (6) a height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure. The burden is upon the applicant to demonstrate the facts establishing that a variance should be granted under the foregoing standards. A variance under this subsection shall be granted only by affirmative vote of at least five members.

e. Site Plan or Subdivision:

In conjunction with an application for a Use "D" Variance only, the Board may grant site plan, subdivision or conditional use approval in the same matter as the Planning Board. NO PART OF THE ABOVE FORMS OF RELIEF MAY BE GRANTED UNLESS THE APPLICANT ESTABLISHES THAT ANY RELIEF REQUESTED WILL NOT SUBSTANTIALLY IMPAIR THE INTENT OF THE ZONING PLAN AND ZONING ORDINANCES NOR RESULT IN SUBSTANTIAL DETRIMENT TO THE HEALTH, WELFARE AND SAFETY OF THE PUBLIC.

VI. FEES AND COSTS:

The applicant must pay all costs and expenses for the preparation, filing and service of application materials and notices. In addition, every application filed with the Board Secretary shall be accompanied by the applicable fees and escrow deposits per ORDINANCE #1998-9.

VII. REPRESENTATION:

At the time of hearing, the applicant may appear on his own behalf or be represented by an attorney. In the event, the applicant is a corporation, it must be licensed to do business in the State of New Jersey and be represented by a New Jersey licensed attorney.

VIII. PRIOR APPROVALS:

Certain applications require approval of other county or state agencies. It is the applicant's responsibility to determine the necessity for such approvals and submit appropriate verification to the Board.

IX. NOTICE OF DECISIONS:

As permitted by N.J.S.A. 40:55D-10I, the Planning/Zoning Board Secretary shall cause publication of a brief notice of any decisions in the official newspaper or in a newspaper in general circulation in the community. Such publication fixes the date from which the time for appeal runs.

TOWNSHIP OF SOUTHAMPTON
5 Retreat Road
Southampton, New Jersey 08088
609-859-2786
FAX 609-388-5532

The application, with supporting documentation, must be filed with the Office of the Planning and Zoning Board Administrator. Determination of completeness will be made within forty-five (45) days. Any additional information provided will be subject to a forty-five (45) days determination of completeness. After a meeting is scheduled, any documents submitted must be delivered to the Board and professionals no later than fifteen (15) days prior to the meeting scheduled.

PLANNING BOARD & ZONING BOARD APPLICATION FORM

Date Filed: 02/28/2022 Application No. _____
Planning Board: X
Zoning Board of Adjustment: _____
Application Fees: \$200
Scheduled for: Review for Completeness: _____ Hearing: _____

1. SUBJECT PROPERTY:

Property Location Address: Old Forge Road & Big Hill Road

Tax Map: Page 27 Block 2702 Lot(s) 3, 4 5, 7, & 8

Page _____ Block _____ Lot(s) _____

Dimensions: Frontage +/- 3876 Depth +/- 1867 Total Area 180.1 Acres

Zoning District _____

2. APPLICANT/OWNER/DEVELOPER:

Name: BEMS Southampton Solar Farm LLC

Address: C/O Steven Gouin, Esq., Giordano, Halleran and Ciesla, 125 Half Mile Road, Suite 200, Red Bank, NJ 07701

Telephone No: (732) 741-3900 Fax No.: 732-224-6599 Email: sgouin@gnciaw.com

Applicant is a: Corporation _____ Partnership _____ Individual _____ Limited Liability Company X
Corp., Partnerships & LLC's, please provide a W-9 form.

3. DISCLOSURE STATEMENT:

Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirements applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed.

(Attach pages as necessary to fully comply.)

Name	<u>Gary R. Cicero</u>	Address	<u>See above</u>	Interest	<u>100%</u>
Name	_____	Address	_____	Interest	_____
Name	_____	Address	_____	Interest	_____
Name	_____	Address	_____	Interest	_____

4. If Owner is other than the applicant, provide the following information on the Owner(s):

Owner's Name: _____

Address: _____

Telephone No: _____ Fax No.: _____

*Note, the Applicant is the designated re-developer of the subject property by resolution of the Township of Southampton. The Applicant is also the owner of the previously municipally-owned tax sale certificates applicable to the property as, as such, has standing to make this application as the property owner.

- 5 APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING: SUBDIVISION:

_____ Minor Subdivision Approval
_____ Subdivision Approval (Preliminary)
_____ Subdivision Approval (Final)

Number of lots to be created _____ Number of proposed dwelling units _____
(including remainder lot) (if applicable)

SITE PLAN:

☒ Minor Site Plan Approval
_____ Preliminary Site Plan Approval {Phases (if applicable) ____}
_____ Final Site Plan Approval {Phases (if applicable) _____}
_____ Amendment or Revision to an Approved Site Plan
_____ Area to be disturbed (square feet) _____
_____ Total number of proposed dwelling units _____
_____ Request for Waiver from Site Plan Review and Approval

Reason for request: _____

_____ Informal Review (Planning Board only)
_____ Appeal decision of an Administrative Officer (N.J.S. 40:55D-70a)
_____ Map or Ordinance Interpretation of Special Question (N.J.S. 40:55D-70b)
_____ Variance Relief (hardship) (N.J.S.40:55D-70c(1))
_____ Variance Relief (substantial benefit) (N.J.S.40:55D-70c(2))
_____ Variance Relief (use) (N.J.S. 40:55D-70d)
_____ Conditional Use Approval (N.J.S.40:55D-67)
_____ Direct issuance of a permit for a structure in bed of a mapped street,
public drainage way, or flood control basin (N.J.S. 40:55D-34)
_____ Direct issuance of a permit for a lot lacking street frontage (N.J.S.40:55D-35)

6. **Attach in paragraph form, an explanation of the exact nature of the application and the changes to be made, including proposed use of the premises, and why any variances or waivers should be granted: (Attach separate sheet)** See cover letter

7.

PROPERTY INFORMATION:

Restrictions, covenants, easements, association by-laws, existing and proposed on the property:

Yes(attach copies) _____ No ☒ Proposed _____ None _____

Note: All deed restrictions, covenants, easements, association by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

Present use of the premises: _____ Landfill _____

8. **APPLICANT'S ATTORNEY:** Steven P. Gouin, Esq., Giordano, Halleran & Ciesla, PC
Address: 125 Half Mile Road, Suite 300 Red Bank, NJ 07701
Telephone No: 732-741-3900 **Fax** 732-224-6599
email: SGouin@ghclaw.com

9. **APPLICANT'S ENGINEER:** Tony Diggan, P.E
Address: 902 Carnegie Ctr., Blvd., Suite 140 Princeton, NJ 08540
Telephone No.: 609-246-5173 **Fax** _____
email: tony.diggan@kimley-horn.com
10. **APPLICANT'S PLANNING CONSULTANT:** _____
Address: _____
Telephone No.: _____ **Fax** _____
email: _____
11. **APPLICANT'S TRAFFIC ENGINEER:** _____
Address: _____
Telephone No.: _____ **Fax** _____
email: _____
12. **List any other Expert who will submit a report or who will testify for the Applicant: (Attach additional sheets as may be necessary)**
Name: _____
Field of Expertise: _____
Address: _____
Telephone No.: _____ **Fax** _____
email: _____
13. **Section(s) of Ordinance from which a variance is requested:** None
14. **Waivers Requested of Development Standards and/or Submission Requirements:**
(attach additional pages as needed)
15. **Attach a copy of the Notice to appear in the official newspaper of the municipality (The Central Record or The Burlington County Times or the Courier Post) and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.**
The publication and the service on the affected owners must be accomplished at least ten (10) days prior to the date scheduled by the Administrative Officer of the hearing.
An affidavit of service on all property owners and a proof of publication must be filed at least three (3) days prior to meeting before the application will be complete and the hearing can proceed. Notice to be provided by Applicant prior to public hearing.
16. **Is a public water line available?** N/A
17. **Is public sanitary sewer available?** N/A
18. **Does the application propose a well and septic system on site?** No
19. **Have any proposed new lots been reviewed with the Township Engineer to determine appropriate lot and block numbers?** N/A
20. **Are any off-tract improvements required or proposed?** No
21. **Is the subdivision to be filed by Deed or Plat?** N/A

22. What form of security does the applicant propose to provide as performance and maintenance guarantees? Applicant will post performance guarantees as required by the MLUL, if necessary.
The Applicant has entered into an Administrative Consent Order with the NJDEP regarding the ongoing operation and
23. Other approvals which may be required and date plans submitted: maintenance of the landfill.

	Yes	No	Dates Plans Submitted
Burlington County Board of Health		X	
Burlington County Planning Board	X		
Burlington County Soil Conservation District	X		
NJ Dept. of Environmental Protection		X	
Pinelands Commission	X		09/20/2021
Stream Encroachment Permit		X	
Wetlands Permit		X	
Other		X	
NJ Dept. of Transportation	X		
Public Service Electric & Gas Company	X		
County 9-1-1 Coordinator, Street Name Approval	X		

24. Certification from the Tax Collector that all taxes due on the subject property have been paid. See attached tax certification request. Pursuant to the Applicant's agreement with the Township, the Applicant is required to keep taxes current during the redevelopment of the property.
25. List of Maps, Reports and other materials accompanying the application (attach additional pages as required for complete listing). See attached cover letter.
26. The applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the applicant's professionals: Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professional listed.

Applicants
Professional

Reports Requested

Attorney

Steven P. Gouin, Esq

Engineer

Tony Diggan, P.E

CERTIFICATION

27. I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant.
(If the applicant is a corporation, this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this
8th Day of March, 2022.

Notary Public

Steven P. Gouin
Attorney at Law
State of New Jersey

Signature of Applicant

BEMS Southampton Solar Farm, LLC
by: Gary R. Cicero, Managing Member

28. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.


(If the owner is a corporation, this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this

8th Day of March, 2022.



Notary Public
Steven P. Gouin
Attorney at Law
State of New Jersey



Signature of Owner *
BEMS Southampton Solar Farm, LLC
By: Gary R. Cicero, Managing Member

*Note, pursuant to the Township's agreement with the Applicant, the Applicant is signing as owner as both the designated redeveloper of the property and the owner of the previously municipally-owned tax sale certificates applicable to this property. The property was previously owned, and abandoned, by Burlington Environmental Management Services.

29. I understand that the sum of \$ 5,000 has been deposited in an escrow account. In accordance with the Ordinance of the Township of Southampton, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned under the procedures in the ordinance. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days. I understand that no further review of my application will be made until such time as my escrow account is current.

3/8/22

Date



Signature of Owner

BEMS Southampton Solar Farm, LLC
By: Gary R. Cicero, Managing Member

30. I agree to be responsible for all bills against this development's escrow account. In the event that this project is sold or my interest is transferred to another party, my obligation can only be relieved if all outstanding escrow bills are paid and the new principal obligates himself to the responsibility of all future bills in an agreement with the Township.

3/8/22

Date



Signature Developer/Applicant

BEMS Southampton Solar Farm, LLC
By: Gary R. Cicero, Managing Member

SOUTHAMPTON TOWNSHIP PROFESSIONAL STAFF

PLANNING BOARD ENGINEER

Environmental Resolutions, Inc
815 East Gate Drive, Suite 103
Mount Laurel, NJ. 08054
Rakesh Darji, Engineer

856-235-7170
Fax: 856-273-9239
rdarji@erinj.com

PLANNING BOARD PLANNER

Environmental Resolutions, Inc
815 East Gate Drive, Suite 103
Mount Laurel, NJ 08054
Edward Fox, III, Planner

856-235-7170
Fax: 856-273-9239
efox@erinj.com

PLANNING BOARD ATTORNEY

The Law Offices of Peter Lange
150 Himmeliien Road
Medford, NJ 08055
Peter Lange, Esq.

609-654-6300
Fax: 856-222-0411
plange@langelaw.biz

ZONING BOARD OF ADJUSTMENT ENGINEER

Environmental Resolutions, Inc
815 East Gate Drive, Suite 103
Mount Laurel, NJ 08054
Rakesh Darji, Engineer

856-235-7170
Fax: 856-273-9239
rdarji@erinj.com

ZONING BOARD OF ADJUSTMENT PLANNER

Environmental Resolutions, Inc
815 East Gate Drive, Suite 103
Mount Laurel, NJ 08054
Edward Fox, III, Planner

856-235-7170
Fax: 856-273-9239
efox@erinj.com

ZONING BOARD OF ADJUSTMENT ATTORNEY

Raymond, Coleman and Heinold
325 New Albany Road
Moorestown, NJ 08057
Thomas Coleman, Esq.

856-222-0100
Fax: 856-222-0411
tomcoleman@rcclawnj.com

ZONING OFFICERS

Denise Schmied & Thomas Boyd

609-859-2786
construction@southamptonnj.org

SECRETARY OF PLANNING BOARD

Michele Gittinger

609-859-5570
planning@southamptonnj.org

SECRETARY OF ZONING BD OF ADJUSTMENT

Maryalice Brown

609-859-2786
zoning@southamptonnj.org

See request enclosed.

Southampton Township
5 Retreat Road
Southampton, NJ 08055

REQUEST FOR CERTIFIED PROPERTY OWNERS WITHIN 200 FEET

DATE _____

I _____ HERBY REQUEST A CERTIFIED LIST OF
PROPERTY OWNERS WITHIN 200 FEET OF
BLOCK _____, LOT (S) _____ QUAL _____ ALSO
KNOWN AS _____ (STREET LOCATION)

I AM AWARE THAT THERE IS A FEE OF \$10.00 FOR THE CERTIFIED LIST I AM
REQUESTING.

NOTIFY ME BY MAIL _____ FAX _____ EMAIL _____ WHEN COMPLETE.

NAME:

ADDRESS:

SIGNATURE

PHONE

FAX

EMAIL

To be provided by Applicant prior to public hearing

NOTICE TO THE OFFICIAL NEWSPAPER

TAKE NOTICE that on the ____ day of _____, 20__, at ____ o'clock p.m., a hearing will be held before the Southampton Township Planning/Zoning Board of Adjustment at the Municipal Building located at 5 Retreat Road, Southampton, NJ on the appeal or application of the undersigned to permit

and any other variances which the board may deem necessary on the premises located at _____ and designated as Block _____, Lot(s) _____ on the Southampton Township Tax Map.

A copy of the application documents are on file for public inspection at the Board Secretary's office in Southampton Township during normal working hours.

Applicant's Name

Publication Date

To be provided by Applicant prior to public hearing

NOTICE TO PROPERTY OWNERS

You are hereby notified that _____ has applied to the
Name of Applicant

Southampton Township Planning/ Zoning Board of Adjustment for a

List type of application including all variances

and any other variances which the board may deem necessary at my property located at

_____, also known as Block _____ Lot(s) _____
Street Address of Property

A public hearing on my application will be held by the Southampton Township Planning Board/Zoning Board of

Adjustment (select one) at ____ p.m. on (_____. 20 ____), in the courtroom at Southampton Township, 5 Retreat Road, Southampton, NJ 08088.

If you have comments on this application, you may attend this meeting and you will be heard.

All documents in connection with this application are on file in the Board Secretary's Office where they are available for public inspection during normal business hours.

Applicant's Name

Applicant's Address

Date

ESCROW AGREEMENT

THIS AGREEMENT made this 4th day of March, 2022

between BEMS Southampton Solar Farm, LLC

(name of applicant)

hereinafter referred to as "Applicant", and the **PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT** of the **TOWNSHIP OF SOUTHAMPTON**, hereinafter referred to as the "Board".

WHEREAS, Applicant is currently seeking to make an application to the **PLANNING BOARD** or **ZONING BOARD OF ADJUSTMENT** of the **TOWNSHIP OF SOUTHAMPTON**, and;

WHEREAS, the Board desires to establish an escrow whereby work required to be performed by professionals employed by the Board will be paid by the Applicant as required under the provisions of the Ordinances of the **TOWNSHIP OF SOUTHAMPTON**, and;

WHEREAS, both parties feel it is appropriate to reduce this understanding to written form.

WITNESSETH:

IT IS mutually agreed between the parties that:

1. PURPOSES.

The Board authorizes its professional staff to review, inspect, report and study all plans, documents, statements, improvements and provisions made by the Applicant in conforming to the requirements of the Ordinances of the Township. The Board directs its professional staff to make all oral and/or written reports to the Board or its conclusions and findings derived from the review, study, investigation and like or similar duties performed as elsewhere authorized. The Applicant agrees to pay all reasonable professional fees incurred by the Board for the performance of the duties outlined above.

2. ESCROW ESTABLISHED.

Applicant and the Board in accordance with the provisions of this agreement hereby create an escrow to be established by the Board in a depository selected by the Township Committee.

3. ESCROW FUND.

Applicant by execution of this agreement shall pay to the Township Treasurer, to be deposited in the depository referred to in Section 2, such sums as are required by Schedule 1, which is attached hereto and made a part hereof by reference. Execution of this agreement by the Board acknowledges receipt of the sums referred to under this paragraph.

4. INCREASE IN ESCROW FUND.

If during the existence of this escrow agreement the funds held by the escrow holder shall be insufficient to cover any voucher or bill submitted by the professional staff and reviewed and approved by the Board, Applicant shall within fifteen (15) days from the date of receipt of written notice, deposit additional sums with the escrow holder to cover the amount of the deficit referred to above. The written notice referred to in this paragraph shall be sent to:

5. TIME OF PAYMENT.

The professionals referred to in this agreement, upon the conclusion of their services or periodically during the performance of their services, shall submit vouchers conforming to the requirements established by the Board and/or Township Committee for vouchers or the type and kind referred to under this paragraph. Said vouchers shall include the amounts of all fees and costs incurred as a result of the services set forth under Paragraph 1 of this agreement.

6. BOARD OF REVIEW.

The Township Committee shall review the vouchers submitted by the professionals to determine whether the services have been performed in the manner and to the degree required by this agreement. Upon

making a determination that said services have been performed properly, the Treasurer shall process said vouchers in the same manner and under the same terms as are normally employed for vouchers submitted for performance for the Board. At the conclusion of this processing the amounts specified in said vouchers shall be deducted by the escrow holder from the escrow established pursuant to this agreement.

7. APPLICANT'S OBJECTION.

The Applicant shall have the right to make periodic inquiries of the records maintained by the escrow holder to determine the status of the escrow at any point in time. Where the Applicant objects to the payment of any voucher from the escrow fund, he shall have the right to appeal, upon three (3) days written notice to all professionals, to the **TOWNSHIP COMMITTEE** (Board) to determine whether the payments or payment are objected to be proper. The standards of review to be utilized by the **TOWNSHIP COMMITTEE** (Board) in determining whether said payments are proper and whether the fees incurred are reasonable and whether the work has been performed properly.

8. INTEREST ALLOCATIONS.

Any and all interest which would result from or arise out of the deposits being made and held in escrow by the Applicant shall revert to the use of the escrow holder as compensation for the services rendered in connection with this escrow agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the date first written above.



BEMS Southampton Solar Farm, LLC
by: Gary R. Cicero, Managing Member

(Applicant)



Administrative Officer of
Planning and Zoning