

**GIORDANO, HALLERAN & CIESLA**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

STEVEN P. GOVIN, ESQ.  
SHAREHOLDER  
ALSO ADMITTED TO PRACTICE IN NY  
SGOVIN@GHCLAW.COM  
DIRECT DIAL (732) 219-5498

(732) 741-3900  
FAX: (732) 224-6599

www.ghclaw.com

February 24, 2022

Client/Matter No. 19306/29

**VIA HAND DELIVERY**

Michele M. Gittinger, Secretary  
Southampton Township Planning Board  
Southampton Township  
5 Retreat Road  
Southampton, NJ 08088

**Re: BEMS Southampton Solar Farm, LLC  
Application for Minor Site Plan Approval – Community Solar Facility  
Block 2702, Lots 3, 4, 5, 7 & 8 (BEMS Landfill Property)**

Dear Ms. Gittinger:

This firm is counsel to CEP Renewables, LLC and its affiliate, BEMS Southampton Solar Farm, LLC, the applicant in this matter. The applicant seeks minor site plan approval from the Township's Planning Board to permit the construction of two co-located "community solar" facilities at the above-referenced property. The proposed facilities will each be approximately 5 MW dc in size each and will be located on the existing landfill cap at the former Burlington Environmental Management Services (BEMS) Landfill (also known as the "Big Hill" Landfill).

The proposed community solar facilities received approval from the New Jersey Board of Public Utilities by Board Order dated October 28, 2021. The facilities were among only 165 MW dc of projects selected by the NJBPU for inclusion in Year 2 of New Jersey's Community Solar Pilot Program (out of more than 800 MW dc worth of projects that applied). In its application to the Community Solar Pilot Program, the applicant made a commitment to supply 51% or more of the power produced by the proposed arrays to low- and moderate-income individuals. Southampton residents will get first preference for subscriptions. If subscribed, these customers will receive a 20% reduction on their electric utility bills for the life of their subscription.

The facilities will be ground-mounted solar arrays located on top of the capped BEMS/Big Hill Landfill. The solar arrays will utilize a ballast system that will "float" on top of the landfill cap (i.e., there will be no driven posts that would penetrate the landfill cap). The project is the subject of an Administrative Consent Order between the applicant and the New Jersey Department of Environmental Protection. The "ACO" specifies that the NJDEP will retain certain responsibilities for the ongoing operation of the landfill and the applicant will assume

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certain responsibilities for the ongoing management of the landfill and landfill cap once the applicant becomes the owner of the property. In any event, the Township will not have any role in maintaining or overseeing the landfill or assume any liability or payment obligations relative to the landfill in connection with this project.

The property that is the subject of this application is subject to the Redevelopment Plan for BEMS Landfill Non-Condensation Redevelopment Area, prepared by Environmental Resolutions, Inc., dated April 8, 2021 (the "Redevelopment Plan"). The Redevelopment Plan was previously adopted by the Township Committee of the Township of Southampton by Ordinance and serves as the zoning ordinance for the subject property. Pursuant to the Redevelopment Plan, all proposed "solar energy facilities shall be required to obtain a minor site plan approval" from the Planning Board. The applicant's proposed community solar facilities are a principal permitted use at the property in accordance with the Redevelopment Plan. The applicant seeks no waivers or variances with this application, but, of course, will seek any waivers or variances identified by the Board or its professionals during the course of the Board's review of this project to allow the proposal to move forward.

The applicant was previously designated as the "redeveloper" of the BEMS Landfill property by Township Resolution 2020-79. As the designated redeveloper of the project site, the applicant is charged with carrying out the intent and purpose of the Redevelopment Plan, which is to redevelop the BEMS landfill with a solar array. The applicant has also entered into a purchase and sale and redevelopment agreement with the Township of Southampton whereby the applicant has agreed to purchase and foreclose on certain tax sale certificates pertaining to the BEMS Landfill that are currently owned by the Township. The applicant is in the process of perfecting its tax lien foreclosure and, shortly, will become the owner of the landfill property. The applicant has standing to file this application with the Planning Board both by reason of its equitable interest in the tax sale certificates (which have been assigned to the applicant for purposes of the foreclosure proceeding) and by the applicant's designation as the "redeveloper" of the property consistent with the Local Redevelopment and Housing Law.

In support of this application, please find the following enclosed for your review and distribution to the Planning Board and its professionals:

1. Southampton Township Planning Board Application Form;
2. Southampton Township Minor Site Plan Checklist;
3. Minor Site Plan for BEMS Southampton Solar Farm, prepared by Kimley-Horn, dated February 24, 2022;



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4. Stormwater Management Report for BEMS Southampton Solar Farm, prepared by Kimley-Horn, dated September 14, 2021;
5. New Jersey Pinelands Commission Certificate of Filing, dated January 27, 2022;
6. New Jersey Pinelands Commission Letter of Interpretation #2198, dated May 24, 2021;
7. Our firm's letter dated February 18, 2022 requesting a tax certification for the property (bear in mind that the property is subject to certain tax sale certificates previously owned by the Township of Southampton and now owned by the applicant – the applicant is required to keep taxes current during the pendency of the redevelopment process);
8. Our firm's letter dated February 4, 2021 to the New Jersey Board of Public Utilities (providing additional context regarding the proposal and the community solar aspects of this application);
9. Our firm's letter dated February 18, 2022 requesting an updated 200 ft. list;
10. Check in the amount of \$200 for required application fee; and
11. Check in the amount of \$5,000 for the required escrow deposit.

As soon as you have an opportunity to review the enclosed, please confirm that the application is "complete" and ready for the Board's review at a public hearing. This project is on a very tight timeline and immediate attention is required to ensure that the project can proceed as contemplated. Based on the project's registration in the New Jersey Clean Energy Program (following its receipt of Board approval), the project must be interconnected to the local electrical distribution system by May 4, 2023. This means that construction must commence no later than this summer. We really do appreciate the Board's prompt attention to this application.

If the Board's schedule does not permit this to be placed on the agenda in March (or April, at the very latest), the applicant would gladly pay the necessary fee and additional escrow for a special meeting of the Board. Given that this request is for minor site plan approval only, we do not feel that we need a great deal of time to make a presentation to the Board and could get through this application expeditiously without taking too much of everyone's time. Please let us know as soon as possible as we really need to move this forward.

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Thank you for your attention to this matter.

Very truly yours,



STEVEN P. GOUIN

SPG/

Enclosures (Planning Board Application Materials)

cc: CEP Renewables, LLC (via email)  
Mark S. Bellin, Esq. (via email)  
Tony Diggan, P.E. (via email)  
Rodger Ferguson, LSRP (via email)  
Ed Putnam (via email)  
Michael J. Gross, Esq. (via email)  
George M. Morris, Esq. (via email)