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May 16, 2022  
70574 02

Attn: Ms. Michele Gittinger, Secretary  
Southampton Township Planning Board  
5 Retreat Road  
Southampton, NJ 08088-3591

RE: **Minor Site Plan**  
BEMS Southampton Solar Farm, LLC  
Old Forge Road and Big Hill Road  
Block 2702, Lots 3, 4, 5, 7, and 8

Dear Board Members:

An application has been received for a Minor Site Plan for the above referenced site. The site is located on Old Forge Road and Big Hill Road in Southampton Township. The Applicant proposes to redevelop the former landfill tract for use as a solar energy facility, as defined by the Pinelands Comprehensive Management Plan (CMP). The Applicant is proposing ingress and egress to the site via a stone access drive from Old Forge Road.

The property is located within the Pinelands Rural Development (RD) zoning district; however, the district's land use and building regulations have been superseded by an April 8, 2021, redevelopment plan for this tract, as provided in Township Ordinance 2021-9. The redevelopment plan requires all solar energy facilities to obtain a minor site plan approval and shall also be required to obtain zoning and building permits, as required by the Township of Southampton.

The site is bounded by the Leisuretowne community to the northeast and northwest, a New Jersey Natural Preserve tract (Lot 6) to the southwest, and rural parcels to the southeast. The following items have been submitted for review:

1. Southampton Township Planning Board / Zoning Board Application Form and Checklist A-1 – Minor Site Plan, dated 03/08/22;
2. Minor Site Plan prepared by Tony Diggan, PE of Kimley-Horn and Associates, Inc. in Princeton, NJ, dated 09/14/21 and last revised 02/23/22, comprising the following sheets:
  - a. Cover Sheet (C-000);
  - b. General Notes (C-010);
  - c. 200' Property Owners List (C-020);
  - d. Existing Conditions Plan (C-100);
  - e. Soil Erosion & Sediment Control Plan (C-200);
  - f. Enlarged SESC Plan (C-201 and C-202);
  - g. Soil Erosion & Sediment Control Details (C-250);
  - h. Site Plan (C-300);
  - i. Enlarged Site Plan – PSEG Array (C-301);
  - j. Enlarged Site Plan – JCPL Array (C-302);
  - k. Site Plan Details (C-350 and C-351);

- l. Existing Grading and Drainage Plan (C-400);
  - m. Proposed Grading and Drainage Plan (C-410);
  - n. Landscape Plan (C-500, C-501, and C-502);
  - o. Landscape Notes and Details (C-510).
3. Stormwater Management Report prepared by Tony Diggan, PE of Kimley-Horn and Associates, Inc. in Princeton, NJ, dated 09/14/21;
4. Pinelands Commission Certificate of Filing (C/F), dated 01/27/22;
5. Pinelands Commission Wetlands Letter of Interpretation (LOI), dated 05/24/21;
6. Solar Pilot Program, Year 2 Submission Letter, prepared by Giordano, Halleran & Ciesla, P.C., dated 2/24/22.
7. Solar Pilot Program, Year 2 Application, prepared by Giordano, Halleran & Ciesla, P.C., dated 2/24/22.

**General Information**

Applicant: BEMS Southampton Solar Farm LLC  
c/o Steven Gouin, Esq.  
Giordano, Halleran, and Ciesla, PC  
125 Half Mile Road, Suite 200  
Red Bank, NJ 07701

Attorney: Steven Gouin, Esq.  
Giordano, Halleran, and Ciesla, PC  
125 Half Mile Road, Suite 200  
Red Bank, NJ 07701

Engineer: Tony Diggan, PE  
Kimley-Horn and Associates, Inc.  
902 Carnegie Center Boulevard, Suite 140  
Princeton, NJ 08540

**Zoning Review: BEMS Landfill Non-Condemnation Redevelopment Plan**

1. *Use Requirements:* Solar energy facilities are a permitted use in this redevelopment area, as are all other structures and improvements accessory to such facilities.
2. *Dimensional Requirements:* The redevelopment plan indicates that the minimum lot area shall not be less than that needed to meet the water quality standards of 19-4.7b.4. The Applicant did not provide any information regarding this requirement. **Any Board approval should be conditioned on the Applicant's receipt of approvals for an individual potable water well and sanitary septic system for this property.**

*Redevelopment Plan Requirements:* The redevelopment plan also requires solar energy facilities to comply with the following underlined standards:

3. Public service infrastructure necessary to support the solar energy facility must be available, or can be provided without any off-site development, in the Preservation Area District, Special Agricultural Production Area, or a Forest Area. The CMP defines “public service infrastructure” as: sewer service, gas, electricity, water, telephone, cable television, and other public utilities developed linearly, roads and streets and other similar services provided or maintained by any public or private entity. **The Applicant should provide testimony indicating compliance with this redevelopment plan requirement.** (See also Comment #21e.)
4. The solar energy facility, including any proposed off-site infrastructure, shall be located and screened in such a way as to minimize visual impacts as viewed from:
  - a. The wild and scenic rivers and special scenic corridors listed in N.J.A.C. 7:50-6.105(a);
  - b. Publicly dedicated roads and highways;
  - c. Low-intensity recreational facilities and campgrounds; and
  - d. Existing residential dwellings located on contiguous parcels.

**The Applicant should provide testimony indicating compliance with this redevelopment plan requirement.**

5. Should the development of new or expansion of existing on-site or off-site infrastructure be necessary to accommodate the solar energy facility, clearing shall be limited to that which is necessary to accommodate the use in accordance with N.J.A.C. 7:50-6.23. New rights-of-way shall be limited to a maximum width of 20’ unless additional width is necessary to address specific safety or reliability concerns. **The Applicant should provide testimony indicating compliance with this redevelopment plan requirement.**
6. Any solar energy facility shall be decommissioned within 12 months of the cessation of its utilization. Decommissioning shall include:
  - a. Removal of all energy facilities, structures, and equipment, including any subsurface wires and footings, from the parcel;
  - b. Restoration of the parcel in accordance with N.J.A.C. 7:50-6.24; unless restoration is unnecessary because the parcel is to be put into active agricultural use or approved for development in accordance with the certified local ordinance within that twelve-month period; and
  - c. Any other measures necessary to address ecological and visual impacts associated with the solar energy facility, including the removal of off-site infrastructure and restoration of affected lands.

**The Applicant should provide testimony indicating compliance with this redevelopment plan requirement.**

7. The maximum permitted vertical height for ground arrays shall be 15’. The primary detail on Sheet C-351 indicates that the maximum height will be less than 7’. **The plan complies.**
8. No storage of any materials shall be permitted under ground arrays. The plan details indicate that there shall be no storage under the ground arrays. **The plan complies.**
9. All ground arrays shall be set back a distance no less than 100’ from the nearest residential parcel. Ground arrays may be installed the front yard. **The plan complies.**

10. Ground arrays shall be located so that any glare is directed away from any property adjoining the Redevelopment Area and from any property opposite Old Forge Road and Big Hill Road from the Redevelopment Area or is properly buffered from those properties. The Applicant should provide testimony indicating compliance with this redevelopment plan requirement.
11. The facility shall be enclosed within a fence no more than 8' in height. The plan does not indicate any proposed changes to the existing 6' and 8' chain link fencing. The plan complies.
12. Off-street parking for routine maintenance and monitoring of the facility shall be located within the fenced area. The Applicant should provide testimony indicating compliance with this redevelopment plan requirement. We note that because the proposed development is a minor site plan, it is exempt from the State's mandatory EVSE requirements.
13. In addition to the sign standards established for the underlying zone, there shall be no additional signs visible from any public road posted on a solar energy system or any associated building or structure except the manufacturer's or installer's identification, appropriate warning signs, or owner identification. No component of the facility shall be used for displaying advertising except for monument signs identifying the operator of the system. The plan did not provide any information about proposed signage, which may also be required by State and/or Federal regulations. **The Applicant should provide testimony regarding this issue. Any Board approval should be conditioned on site plan revisions indicating the locations of all required signage, as well as sign details and installation notes.**
14. A sign identifying the owner and operator of the facility shall be prominently displayed on the access gate(s) with emergency contact information. The Applicant did not provide any information regarding this requirement. **The Applicant should provide testimony regarding this issue. Any Board approval should be conditioned on site plan revisions indicating the locations of all required facility signage, as well as sign details and installation notes.**
15. Site plan applications shall include a plan for the decommissioning, and removal of all proposed improvements and solar energy equipment, including the ground arrays, invertors, transmission lines, electrical wires, storage houses, accessory structures, and other related infrastructure, as well as a plan for the environmental restoration of the property afterward. The plan did not provide a decommissioning and environmental restoration plan, which may also be required by State and/or Federal regulations. **The Applicant should provide testimony regarding this issue. Any Board approval should be conditioned on the submission of such plans to the Board and their inclusion in any future Township Committee redevelopment agreement.**
16. A zoning or building permit issued pursuant to this section shall expire if:
  - a) The system is not installed within 24 months from the date the permit is issued; or
  - b) The system is taken out of service or otherwise abandoned for one continuous 12-month period, unless granted a force majeure extension by the Planning Board.

**The Applicant should provide testimony indicating compliance with this redevelopment plan requirement.**

17. Solar energy systems shall be designed, constructed, operated, and maintained in accordance with all applicable State and Federal regulations. The Applicant should provide testimony indicating compliance with this redevelopment plan requirement.

**18. Landscaping and buffering:**

- a) A landscaped buffer of not less than 20' in width shall be provided adjacent to any residential parcel. The plan complies.
- b) The solar energy facility shall not be visible from any public right-of-way. The plan complies.
- c) Cleared areas not occupied by components of the solar energy facility shall be planted with suitable Pinelands ground cover or other vegetation, for soil stabilization. Ground areas beneath and around solar panel arrays shall not be covered with stone. The plan should be revised to provide a note on the site plan detail sheets and on the landscape plan (Sheets C-350 / 351 and C-500), indicating that the ground areas beneath and around solar panel arrays shall not be covered with stone.
- d) The developer shall screen the solar energy facility so that it is not visible from any public right-of-way to the extent practicable. The plan complies.
- e) The Planning Board may require supplemental landscaping as deemed necessary and appropriate to achieve the screening objectives of this section. The Applicant should provide testimony indicating compliance with this redevelopment plan requirement.
- f) The Board Planner will conduct a post-installation inspection to identify whether any supplemental landscaping is necessary to adequately screen the solar energy facility after 3 growing seasons. The Applicant should provide testimony indicating compliance with this redevelopment plan requirement.

**19. Abandonment. The Applicant should provide testimony indicating compliance with the following redevelopment plan requirements in case of future abandonment.**

- a. A solar energy system that is out of service for a continuous 12-month period will be deemed to have been abandoned if the owner/operator cannot affirmatively demonstrate substantial action undertaken to place the system back in service.
- b. The Zoning Officer may issue a notice of abandonment to the owner. The notice shall be sent via regular and certified mail, return receipt requested, to the owner of record.
- c. Any abandoned system shall be removed at the owner's sole expense within 90 days after the owner receives the notice of abandonment from the Township. If the system is not removed within 90 days of receipt of notice, the Zoning Officer shall take necessary action or remedies to bring about compliance: may assess a monetary penalty in the amount of \$1,000 per week until the condition has been abated and may seek legal counsel from Southampton Township to institute the appropriate court action to correct or abate any violation of this section.
- d. If the solar energy system is removed by the property owner, a demolition permit shall first be obtained from the Southampton Township Building Office, and the facility shall be removed only subsequent thereto.
- e. When a solar energy system has been removed, the site shall be cleaned, restored, and revegetated to blend with the existing surrounding vegetation at the time of abandonment.

**General Comments**

- 20. The Existing Conditions Plan (Sheet C-100) and other sheets reference a 03/10/21 survey plan prepared by an NJ Professional Land Surveyor (PLS) employed by Control Point Associates, Inc. of Mt. Laurel,

**NJ. Any Board approval should be conditioned on the Applicant providing a signed and sealed copy of this land survey.**

21. The plan should be revised to:

- a. Provide approval signature lines for the Planning Board Chairperson and Secretary and the Township Engineer on the Cover Sheet (Sheet C-000);
- b. Show all properties within the “project area,” indicate that they are within a redevelopment area that supersedes existing zoning, and provide a clearer definition between the RD and FB zoning districts on the Zoning Map inset on Sheet C-000;
- c. Show the stormwater management facilities on the easement on adjacent Lot 6 on the Site Plan (Sheet C-350), as well as the property notation for that lot in the correct position on the enlarged site plans on Sheets C-301 and C-302;
- d. Include the existing gas and leach lines and the Old Forge Road fence screen in the legend on the Existing Conditions Plan (Sheet C-100) and on other applicable sheets;
- e. Include the “public service infrastructure,” e.g., electricity, telephone, and other public utilities developed linearly provided or maintained by any public or private entity, necessary to support the solar energy facility that is either currently available or can be provided without any off-site development in the Pinelands Forest Area, i.e., in the FB and FC zoning districts.
- f. Provide details and notes for the construction of the proposed “Laydown Area” on Lot 7, as well its environmental restoration after construction of the solar facility.
- g. Address the potential discrepancies between the note on Sheet C-350, which indicates that “clean fill” will be used to level the ballast blocks, and the note of Sheet C-351, which indicates that “gravel” will be used.

22. The plans reference a “Materials Management Plan.” This plan should be provided.

23. It is assumed that the access to the site is from Old Forge Road. The access points should be depicted on the plan.

24. The Applicant should provide testimony regarding the following:

- a. Whether the existing stormwater management easement on adjacent Lot 6 allows for the proposed development and any changes to the existing stormwater management system. A copy of that easement should be provided;
- b. Whether there are any other easements, covenants, or deed restrictions affecting the properties within the tract;
- c. Whether the Applicant will consolidate the 5 individual parcels into 1 combined parcel. We recommend this as a condition of any Board approval;
- d. Whether the Applicant proposes any changes to the existing security gates or proposes any additional security infrastructure;
- e. Whether the existing on-site lighting system is sufficient for the proposed development and whether the Applicant will require any changes to that system;

- f. Whether any phasing is proposed for the project; and
- g. Whether it proposes any other development on Lots 7 and 8.

**Soil Erosion and Sediment Control (SESC)**

- 25. The SESC plan should clearly define all areas within the limits of disturbance, including:
  - a. A note on the plans indicate that all gravel roadways are to be stabilized.
  - b. There is no means of connecting the proposed “laydown area” with the landfill/solar panel array field. This should be depicted on the plan and the limit of disturbance (LOD) expanded.
  - c. The landscaping areas should be included within the LOD.
- 26. The hatching within the legend on Sheets C-200 and C-201 should be revised to match the hatching on the plan sheets.
- 27. It is noted that the slopes within the laydown area approach 11% at various locations. The Applicant should provide testimony regarding the use of this area as storage and staging is appropriate and can function as intended.
- 28. Details for the following should be provided for the following SESC control measures:
  - a. Tree Protection Fence.
  - b. Silt Fence.
  - c. Inlet Protection.

**Site Plan and Site Plan Details**

- 29. The note indicating “Contractor to stabilize ....” should be relocated in order to show the connection point to the concrete headwall (elevation 114.76).
- 30. The detail for the typical berm crossing references “see Detail 5 and 6 for conduit support.” No detail 5 and 6 are identified on the plan.
- 31. Concrete references on the site plan details, states to use 2,000 psi concrete.
- 32. Sheet C-351 shows the Design Rack Section. This section references additional details (A1 on Sheet SG501, E9 on Sheet SG501, etc.). These details should be provided.
- 33. The equipment pad detail (Sheet C-351) should identify the type of material to be used in the construction of the pad.

**Stormwater Management**

- 34. Section 21-8.7 of the Township ordinance provides that a major development is one which disturbs more than 5,000 SF of land. Since the project proposes disturbance of 37.35 acres, it is a major development and must comply with the requirements of the Township Ordinance and the Pinelands CMP for water quantity, water quality, groundwater recharge and green infrastructure requirements. Thus, the project must meet the following requirements:
  - a. To meet the water quantity requirements, the Applicant proposes to attenuate the runoff such that the stormwater runoff from the area of disturbance does not exceed, at any time, the existing runoff rates for the 2-, 10- and 100- years storm events. Calculations have been provided within the Stormwater Management report.

- b. As this project does not propose an increase in impervious surface nor the introduction of regulated motor vehicle surfaces, the stormwater quality requirements do not apply to this project.
  - c. The Applicant has provided the calculations to demonstrate that the proposed stormwater management measures have been designed to recharge 100% of pre-developed ground-water volume in post-construction development.
  - d. Green infrastructure is not proposed. The Applicant should discuss if green infrastructure can be achieved for this project.
35. A note should be added to the plan stating that the condition of the existing rip rap will be evaluated and repairs and/or replacement shall be completed as needed.
36. It is noted that the POI-1 depicted in the stormwater report is not in the same location as the POI-1 on the grading plan.
37. Section 2.2.1 of the Stormwater Report states that POI-1 is located at the rip rap channel between parcels 5 and 7. The plans (Sheet C-400) indicates this is POA-2. This should be clarified and the plans revised accordingly.
38. No new piping or structures are proposed for the improvements. The Applicant should discuss the condition of the existing:
- a. Headwalls
  - b. Pipe
  - c. Basin (located on Lot 6)
39. The Applicant has not provided a copy of the Stormwater Maintenance and Operations Plan. This should be provided to the Board professionals for review.

### **Landscaping**

40. Several of the species proposed for planting are not accepted as Native Plants by the New Jersey Pinelands Commission. They include *Quercus rubra* (Red Oak), *Pinus strobus* (White Pine) and *Juniperus chinensis* (Juniper). The designer should consult "Native Pinelands Plants for the Landscape" for acceptable species at N.J.A.C. 7:50-6.25.
41. We recommend substituting *Pinus virginiana* (Virginia Pine) for the White Pine and *Juniperus virginiana* 'Emerald Sentinel' (Emerald Sentinel' Red Cedar) for the Chinese Juniper. The two species should be interspersed to provide more effective screening.
42. There are several gaps in the planting proposed along Old Forge Road. We note that there is existing vegetation along the affected area. The Applicant should provide testimony regarding the species, size and condition of the existing vegetation and its effectiveness in buffering the adjacent residences.
43. The Redevelopment Plan empowers the Board to require supplemental landscaping if deemed appropriate to achieve its screening objectives. A note should be added to the plans requiring the Applicant to coordinate with the Board Planner during construction to determine whether additional buffer planting will be required to comply with the Redevelopment Plan.



44. The Redevelopment Plan requires that the Board Planner conduct a post-installation inspection to identify whether any supplemental landscaping is necessary to adequately screen the facility after three (3) growing seasons. A note should be added to the plan requiring the owner to comply with recommendations made subsequent to the inspection.

**Administrative Comments**

45. We reserve the opportunity to provide further comment based on any additional information provided by the Applicant, as well as other comments from the Board and its other professionals.
46. All future re-submissions of the plans shall clearly indicate a revision date and be accompanied with a point-by-point response letter to the comments of the Board's professional staff.
47. Any approval is subject to Applicant obtaining all required permits and approvals, including the following, and satisfying the review letters of the Board's professionals.
- a. NJ Department of Environmental Protection, as required,
  - b. NJ Board of Public Utilities, as required,
  - c. NJ Pinelands Commission, as required for landscape plan and ground cover mixture,
  - d. Burlington County Health Department for private well and septic system),
  - e. Burlington County Soil Conservation District,
  - f. Burlington County Planning Board,
  - g. Southampton Township Police, Fire, and Construction Code Officials, and
  - h. Any and all others that may be required.

Should you or the Applicant have any questions, please feel free to contact the undersigned.

Sincerely,



Rakesh R. Darji, PE, PP, CME  
Board Engineer



Edward Fox AICP, PP  
Board Planner

RRD/EF:cu:mbs

Ec: Steven Gouin, Esq., Applicant's Attorney via email [sgouin@ghclaw.com](mailto:sgouin@ghclaw.com)  
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