
***SOUTHERN OCEAN LANDFILL (SOLF)
REDEVELOPMENT PLAN***

OCEAN TOWNSHIP, NEW JERSEY



Prepared for the:
Ocean Township Committee
50 Railroad Avenue
Waretown, New Jersey 08758

January 13, 2011

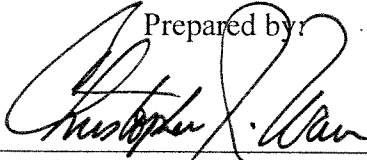
Prepared by the:
Alaimo Group
200 High Street
Mount Holly, New Jersey 08060
File No. M-310-115-002

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*Southern Ocean Landfill (SOLF) Redevelopment Plan
Ocean Township, New Jersey
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1.0 INTRODUCTION

New Jersey adopted the Local Redevelopment and Housing Law (the “LRHL”) in 1992 to provide municipal governing bodies with the ability to correct or ameliorate deteriorating or underutilized conditions in targeted areas. The intent of the LRHL is to allow public intervention to encourage redevelopment where these conditions have not been addressed by private efforts.

Pursuant to N.J.S.A. 40A: 12A-1, the Township of Ocean designated the “Southern Ocean Landfill Facility Area” as an “area in need of redevelopment” under the LRHL by Resolution # 2000-80 dated February 10, 2000. This determination was made after the necessary Preliminary Investigation by the Township Planning Board.

Since that time, the Landfill Site has been closed in accordance with NJDEP regulations under a Consent Decree. Except for the ongoing post-closure activities, the Landfill Site is not currently used for any productive use or purpose.

1.1 PURPOSE

The Township of Ocean has prepared this Redevelopment Plan to enable the use of a portion of the closed Southern Ocean Landfill Site and disturbed adjacent land for productive purposes in accordance with N.J.S.A. 40A:12A-7 of the Local Redevelopment and Housing Law (LRHL). The LRHL stipulates that *“no redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically located project area is located in an area in need of redevelopment...”*

The primary use contemplated by this Redevelopment Plan is the development of complete photovoltaic system that is capable of converting solar energy into electrical energy for sale to the power grid, referred to herein as the “Solar Project”.

The Redevelopment Plan also intends to allow activities that will result in the reduction of the release of methane gas from the closed landfills and/or the productive use of the landfill gas.

The Redevelopment Plan further supports the development of other forms of renewable energy within the Redevelopment Area that would not have a significant environmental impact. However, it is anticipated that the use of wind turbines of any type will require an amendment to the Redevelopment Plan to ensure that the impacts of these alternate energy facilities are effectively controlled.

1.2 DEFINITIONS

“Landfill Site” refers to the land under common ownership upon which the previously permitted landfills were located. The Landfill Site consists of 295.22 acres of land owned by SOLI Inc. not all of which was disturbed. The undisturbed rear portion of the Landfill Site, known as Block 6; Lot 4.01, as recently adjusted, will be conveyed to the State in accordance with the 2007 Consent Order.

“PJM” refers to the PJM Interconnection Regional Transmission Organization that controls the method of interconnecting to the regional power grid.

“Project Site” refers to the land that will be committed to the redevelopment project and that will be owned or leased by the Township of Ocean. The Project Site contains 155.0± acres of land and is more particularly defined as Block 7; Lot 1 (as adjusted by a recent lot line adjustment that is to be recorded in the County Clerk’s office) and Block 7; Lot 6.01.

“Redeveloper” refers to the private corporate entity that will enter into a **Redevelopment Agreement** with the Township to develop the energy facility.

“Redevelopment” means clearance, re-planning, development, and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with a **Redevelopment Plan**.

“Redevelopment Agreement” means the agreement or contract that will be entered into between the Township of Ocean and the Redeveloper that will detail the obligations and performance guarantees of the Redeveloper in implementing the **Redevelopment Plan**.

“Redevelopment Area” means an area determined to be in need of redevelopment pursuant to Sections 5 and 6 of P.L. 1992, c.79 (C.40A:12A-5 and 40:12:-6). A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

Redevelopment Entity - means a municipality or an entity authorized by the governing body of a municipality pursuant to subsection c. of Section 4 of P.L. 1992, c.79 (C.40A:12A-4) to implement the **Redevelopment Plan** and to carry out redevelopment projects in an area in need of redevelopment, or an area in need of rehabilitation, or in both.

Redevelopment Plan - means a plan adopted by the governing body of a municipality for the redevelopment or rehabilitation of all or any part of a **Redevelopment Area**, or an area in need of rehabilitation, which plan shall be sufficiently complete to indicate its relationship to definite municipal objectives as to appropriate land uses, public transportation and utilities, recreational and municipal facilities, and other public improvements; and to indicate proposed land uses and building requirements in the redevelopment area or area in need of rehabilitation, or both.

“Redevelopment Project” means any work or undertaking pursuant to a **Redevelopment Plan**; such undertaking may include any buildings, land, including demolition, clearance or removal of buildings from land, equipment, facilities, or other real or personal properties which are necessary, convenient, or desirable appurtenances, such as but not limited to streets, sewers, utilities, parks, site preparation, landscaping and administrative, community, health, recreational, educational, welfare facilities.

“Solar Project” refers to the complete photovoltaic system that is capable of converting solar energy into electrical energy for sale to the PJM grid in full accordance with the requirements of the Utility Interconnection Agreement.

1.3 PROJECT BACKGROUND

Ocean Township designated the Southern Ocean Landfill Facility Area as an area in need of redevelopment by resolution in the year 2000. This designation was based on the 1999 Economic Plan element of the Township Master Plan which determined that the area qualified for this designation based on criterion “e” of the LRHL (N.J.S.A. 40A:12A-5e) which states as follows:

“A growing or total lack of proper utilization of areas caused by the condition of title, diverse ownership or the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare”

The Economic Plan Element states that *“this old, uncapped landfill, due to ownership issues and closure costs remains a potential health and safety hazard to the environment and the general population”*. In the ensuing years, the SOLF landfill has been capped and “closed” in accordance with NJDEP regulations, which has reduced the adverse impact to the environment. Nevertheless, the closed landfill and adjacent disturbed land under public ownership continue to represent a condition of land that is not fully productive and which can be potentially useful and valuable for contributing to and serving the public health, safety, and welfare.

For the purposes of this Redevelopment Plan, the SOLF Redevelopment Area is specifically defined as Block 7; Lot 1, as adjusted by a recent minor subdivision approval; and Block 7; Lot 6.01, a parcel owned by the Township that has long-standing disturbance relating to landfill development. The limit of the Redevelopment Area is graphically shown in the Figures contained in this Plan.

1.4 PROJECT SITE HISTORY

Historic aerial photos indicate that the Project Site has had a long-history of site disturbance that is outlined below. The referenced historic aerials are shown in Appendix A with an approximate indication of the Redevelopment Area limits.

- 1933 aerial photo indicates no noticeable Project Site disturbance;
- 1954 aerial photo indicates Site disturbance on Lot 6.01 but no noticeable disturbance on Lot 1;
- 1963 aerial photo indicates Project Site disturbances on Lot 6.01 and Lot 1 that appear to be independent of each other;
- 1972 aerial photo indicates that the Site disturbances on Lot 1 and 6.01 have almost converged;
- 1984 aerial photo indicates major expansion of the Project Site disturbance on Lot 1;
- 1995 aerial photo indicates further expansion of the Lot 1 disturbance to current limits;
- 2006 aerial photo indicates the Project Site conditions after landfill closure.

1.5 ENVIRONMENTAL CLEARANCES

The Project Site is a closed landfill. Groundwater under the site has been impacted by the former waste disposal operations at unlined landfills. However, landfill operations ended in 1989 and the site was closed in 2007. Groundwater monitoring records indicate that the impact to groundwater has lessened in recent years. While a comprehensive Site Investigation has not been conducted, the key issue to site remediation is the protection of the capping system to reduce the generation of leachate from the waste emplacement.

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2.0 DESCRIPTION OF REDEVELOPMENT AREA

2.1 PROJECT SITE

The Southern Ocean Landfill (SOLF) is a closed Landfill Site located on County Route #532 in the western part of the Township about 3.5 miles west of the Garden State Parkway (Exit 69).

2.1.1 Project Site Definition

As previously defined, the “Landfill Site” consists of two parcels under common ownership encompassing about 295 acres. A lot line adjustment was recently approved by the Pinelands Commission and the Township Planning Board such that all of the landfill areas and facilities are on the same parcel. The undisturbed rear parcel, known as Block 6: Lot 4.01, encompasses 169.5 acres and will be conveyed to the State of New Jersey in accordance with the 2007 Consent Order (see Section 2.3.2).

The “Project Site” is the disturbed parcel of the Landfill Site that fronts on CR #532, known as Block 7; Lot 1 on the Ocean Township Tax Assessment Map and a previously disturbed parcel known as Block 7: Lot 6.01 owned by Ocean Township. The Project Site encompasses 155.0± acres of disturbed land that was previously committed to solid waste disposal or related support activities (i.e., cover material borrow pit).

2.1.2 Site Context

The Project Site is located in a rural part of Ocean Township within a Forest Management area. There are a few residences in the site vicinity but most of the surrounding land is owned by public entities. In fact, all of the land that borders the Project Site will be owned by the Township, County, or State once the rear portion of the Landfill Site is conveyed to the NJDEP. An Ocean County park, known as Wells Mills Park, is located about ¼ mile east of the Project Site on Wells Mills Road (County Route #532). Figure 1 provides an overview of the Project Site location based on the USGS quad map.

2.1.3 Ownership/Site Control

Most of the Project Site (Block 7: Lot 1) continues to be owned by Southern Ocean Landfill Inc. (“SOLI”). The Township intends to enter into a Ground Lease agreement for the use of this tract concurrent with the adoption of this SOLF Redevelopment Plan to ensure that the Solar Project can proceed in an expeditious manner.

The Township owns Block 7; Lot 6.01, which currently contains a police shooting range. Much of this tract was disturbed at the time of the adjacent landfill operation.

2.2 CURRENT SITE USE

The Project Site contains two distinct former landfill areas that have been closed in accordance with NJDEP and Pinelands Commission regulations. The characteristics of the landfill areas and the related onsite facilities are detailed below.

2.2.1 Landfill Area “A”

Landfill Area “A” is a 14 ± acre lined landfill with steep side slopes in the direction of anticipated fill progression. Landfilling operations at this facility were terminated at an intermediate phase. This Landfill Area has a bottom liner and an impervious capping system and has been the source of hydrogen sulfide emissions due to the acceptance of waste types that generated these gases during decomposition. To control the odors from this Landfill Area, an active gas control system was installed.

2.2.2 Landfill Area “B”

Landfill Area “B” is a 48± acre unlined landfill with a capping system that conforms to NJDEP landfill closure regulations. The side slopes are reported to be stable. The Landfill Area “B” capping system consists of a 12 inch thick sand bedding layer for a 40 mil textured geomembrane liner overlain by an 18” sand drainage layer. The vegetative layer consists of a 6” topsoil layer.

2.2.3 Stormwater Management

Stormwater run-off from the closed landfills is directed to one of four recharge basins that were designed to accept runoff from a 10-year storm on top of a 100- year storm event. Landfill Area “B” contains a series of rip-rapped swales along the side slopes which direct runoff to rip-rapped channels down the slope and into the basins.

2.2.4. Groundwater

The groundwater table is about 12 feet below the bottom of the Landfill Areas. Although the groundwater has been impacted, the concentration of contaminants is declining due to the reduction in the leachate generation after capping and due to the time that has expired since the landfills were in active use.

2.2.5 Leachate Management

The leachate from the lined landfill (Landfill Area “A”) is directed to pump stations located along the main access road and is pumped via force main to the leachate storage basin. Leachate stored in the basin is periodically removed by the Ocean County Utilities Authority (OCUA) for treatment.

2.2.6 Methane Gas Control

Landfill Area “A” has an active gas control system that has effectively controlled odors from the landfill area. The extracted gas is directed to a stick flare on the east side of the landfill. Propane gas from the adjacent storage tank is used to ensure that the gas can be combusted.

Landfill Area “B” does not have an active gas collection system. Passive vents on this landfill are used to vent and monitor the gas generated by the underlying landfill. The concentration of gas has reportedly decreased since the landfill has been closed for over twenty years and there have been no odor problems associated with this Landfill Area.

2.2.7 Fencing

All improvements within the Project Site are enclosed by a perimeter fence to control site access.

2.2.8 Access roads.

All site improvements are accessible via paved and unpaved access roads. The paved roads include the main access road, the landfill access roads to each landfill, and the access road to the leachate storage facility. The northern access roads are unpaved but due to the sandy soil conditions they provide essential service via all wheel drive vehicles in all weather conditions.

2.2.9 Utilities

Overhead power distribution lines are located along the eastern site boundary. The onsite electric distribution serves the leachate storage basin as well as the leachate pump station. The onsite power lines tie into a pole line located on the south side of Wells Mills Road (C.R. #532).

2.2.10 Staging Areas

A 5± acre disturbed area that was slated for landfill development is the only significant cleared land area within the Landfill Site that is not committed to a support use. This disturbed area was used as a staging and laydown area during landfill operations and closure construction activities.

As previously discussed, substantive portions of Lot 6.01 have been disturbed for activities relating to landfill development. These activities may have included the provision of cover material from borrow pits and possible, waste disposal activities in the more distant past.

2.3 LANDFILL CLOSURE/POST-CLOSURE STATUS

The onsite landfills ceased accepting solid waste in 1989. The closure of the landfills consisting of the installation of the landfill capping systems and related facilities was completed in 2004 under a grant obtained by the County. The County continues to function as the caretaker of the closed landfills using the remaining grant funds and in-kind services. Post-closure refers to the care of the landfill after closure has taken place. Typically, post-closure care is needed for a period of at least 30 years after the termination date but certain post-closure activities may continue beyond this milestone depending on site specific conditions.

2.3.1 Deed Restriction

An MOA was entered into between the NJDEP, the Pinelands Commission, SOLI, and United Environmental Services (UES) on February 15, 2000 to provide for the closure of the lined landfill and to determine what actions were necessary for the closure of the unlined landfill. The MOA also required that a deed restriction be imposed on the property which was done on May 19, 2000. The deed restriction states that SOLI agreed to limit *“the use of certain portions of its property that have not been used for waste disposal or improvements associated with the management of the landfill open space and low intensity recreational uses”*. The deed restriction further states that the property referred to as Tract 2 shall remain *“undeveloped and vacant. Only low intensity recreational uses are permitted on this land and this land shall not be used as dilution area for any septic system”*. Since the Project Site includes the portion of the Landfill Site previously committed to waste disposal activities and related support facilities, the proposed Project is in conformance with this deed restriction.

2.3.2 Consent Decree

The SOLI Property is covered by a Consent Decree which was filed in the Superior Court of New Jersey on June 25, 2007. The Consent Decree was the result of litigation known as:

New Jersey Department of Environmental Protection et. al. v. Southern Ocean Landfill et. al.
(Docket OCN-L-003965-97) and,

New Jersey Department of Environmental Protection et. al. v. Joseph Caldeira, Jr. et. al.
(Docket OCN-L-001329-99).

The Consent Decree provides for the donation of Block 6; Lot 4.01 of the SOLI Property to the State of New Jersey pursuant to a Land Transfer Agreement (LTA). The NJDEP subsequently required that the lot line of this parcel be adjusted to ensure that the tract being donated was undisturbed land. In this regard, a lot line adjustment was recently approved by the Township Planning Board and the Pinelands Commission. Once the subdivision is recorded, SOLI will convey the referenced parcel to the State as set forth in the LTA.

The Consent Decree also specifies that a deed restriction be imposed on each parcel used for landfill purposes or on which contamination has come to be located “*prohibiting any use of these properties for recreational, education, or residential purposes; prohibiting use of the ground water under the Site; and requiring appropriate engineering and institutional controls that will prevent any future exposure to, or release of hazardous substances at or from the Site*”.

The Consent Decree indicates that the NJDEP agreed not to further sue or take administrative action against the settling parties for reimbursement of clean-up costs and dismissed pending landfill closure litigation. The Consent Decree allows for the Project Site to be used for the Project without the Developer being concerned about landfill closure and clean-up cost liability. The Township will ensure that any required deed restrictions and controls that have not yet been imposed will be imposed on the retained portion of the Landfill Site.

2.4 SITE ENVIRONMENTAL CONSTRAINTS

2.4.1 Existing Conditions

Figure 3 is a recent aerial photograph that illustrates the current site conditions. The Landfill Site consists of the two former landfill areas, a former staging area, four retention basins; a leachate storage lagoon; a stick flare system for the control of methane gas; improved and unimproved access roads; and an overhead power distribution system. Prior disturbances on the Township owned site (Lot 6.01) are also readily evident.

2.4.2 Proposed Solar Energy Development

Figure 4 indicates the proposed Solar Development Areas on the Project Site that are described in Section 3.9.

2.4.3. Wetlands

Figure 5 indicates the location of possible wetlands and critical habitats for threatened and endangered species based on the NJDEP natural resource database. The Figure indicates that there are no potential wetlands on the Project Site based on the referenced database. However, there are fringe areas within the Project Site that may be within 300 feet of potential offsite wetlands.

2.4.4. Critical Habitats

The potential critical habitats shown on Figure 5 are the Forest, and Forested Wetlands Areas that surround the Project Site. The Project site is cleared except for limited forested areas along the County Road and along the northeastern boundary between recharge basins 2 and 3. Because the Project Site is located within the unique Pinelands, there are a number of threatened and endangered species in the adjacent Forest and Forested Wetlands.

The potential presence of federal or state listed species is the subject of a survey undertaken by a specialized consultant for the Township. The initial survey conducted in October of 2010 indicated that the only species of potential concern on the Landfill Site are grassland birds. A follow-up study will most likely be needed to determine if the Site contains breeding habitat for any of the T&E grassland birds. The consultants conclude that *“if it is determined that the Project Site can support the life cycle of any threatened or endangered bird species, an assessment would need to be conducted on the impact of the solar arrays on this habitat”*. While the solar arrays will reduce or affect the nature of the vegetation on the closed landfills, substantial grasslands habitat will remain.

2.4.5. Flood Prone Areas

Figure 6 displays the flood prone areas within or adjacent to the Project Site based upon Federal Insurance Rate Mapping (FIRM). As the Figure indicates, there are no flood prone areas within the limits of the Project Site. The floodplain associated with the adjacent stream is entirely within the tract that will be conveyed to the NJDEP. All of the stormwater basins on the Project Site are recharge basins with no outlet.

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3.0 OUTLINE FOR REDEVELOPMENT

3.1 REDEVELOPMENT PLAN OUTLINE AND CONTENT

The LRHL specifies that the Redevelopment Plan “shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

- 1) *Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.*
- 2) *Proposed land uses and building requirements in the project area.*
- 3) *Adequate provision for the temporary and permanent relocation, as necessary of residents of the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.*
- 4) *An identification of any property within the redevelopment area, which is proposed to be acquired in accordance with the redevelopment plan.*
- 5) *Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan”*

This Chapter of the SOLF Redevelopment Plan is structured to address these requirements as well as other requirements of the LRHL.

3.2 REDEVELOPMENT PLAN OBJECTIVES

The goal of this SOLF Redevelopment Plan is to allow productive use of the closed landfill site without impacting the adjacent natural and protected environment or the facilities that have been developed to support the closed landfills and to provide post-closure care of the facility in accordance with NJDEP regulations.

The specific objective of this SOLF Redevelopment Plan is to permit the use of portions of the Project Site for solar energy production and to maximize the re-use of methane gas generated by the impounded solid waste. It is envisioned that portions of the landfill site will be covered with photovoltaic panels that convert solar energy into electrical energy for sale to the electric power (PJM) grid. The extent of this use will depend on the suitability of the former landfill areas and other disturbed lands for panel placement. The power generation level will also be determined by the efficiency of the panels at the time of installation.

The Solar Project will be an example of maximizing the reuse of previously disturbed land that had been committed to solid waste disposal. The parameters of the solar renewable energy development project and the Redeveloper selection process will be governed by this Redevelopment Plan.

3.3 RELATIONSHIP TO LOCAL OBJECTIVES

The Township of Ocean is committed to establishing a balance between the protection of its natural resources and the development of business with particular emphasis on renewable energy development.

The Ocean Township Master Plan Update (1999) has a Goals and Objectives section which contains a few relevant objectives that are discussed in this section.

- *Provide for the development of employment and tax-producing resource-based industrial activities in rural section of the Township west of the Parkway; including sand/gravel extraction, wood and wood products, glass products etc., provide for adequate access, setbacks, buffer, and performance standards in order to minimize environmental and aesthetic impacts.*

The Master Plan supports the development of industries in the rural area that capitalize on the resources of the Pinelands. The Solar Project does not capitalize on Pinelands resources but rather will seek to make productive use of a site that was historically used for waste disposal activities and now has no productive use. This redevelopment plan has the potential to provide a source of employment during development, an additional source of revenue to the municipality; and a source of renewable energy to help satisfy regional and State sustainable energy production goals.

The SOLF Redevelopment Plan will establish the framework in which these objectives are to be achieved with regard to minimizing environmental and aesthetic impacts. The regulations that are specific to the Solar Project include setback and buffer requirements; solar energy development requirements; and performance standards and guarantees regarding the impact of the project on the closed landfills and on the natural environment. Potential aesthetic impacts are also addressed and regulated.

- *Limit the type and scale of development west of the Parkway in accordance with Pinelands regulations.*

The SOLF Redevelopment Plan will not increase the scale or extent of development west of the Parkway. Instead, the Plan will result in a productive use for a disturbed and degraded landscape that does not fit the description of the Forest Management Area but rather can be characterized as a non-conforming condition in what otherwise is a pristine management area. The Southern Ocean Landfill and the disturbance on Lot 6.01 precedes the Comprehensive Management Plan regulations. The objective of the Solar Project is to use an area that was cleared for a prior purpose for the development of renewable energy facilities. This objective can be achieved without further degrading the environment and without triggering any additional or secondary land development or environmental impacts.

- *Maximize the economic benefit of resource-based development with the lowest possible negative environmental impact.*

As noted above, the SOLF Redevelopment Plan will utilize the “resource” of a major tract of cleared land in the Pinelands without further contributing to the environmental impacts of the prior waste disposal use.

- *Encourage the use of incentive programs which promote industrial development that provide the maximum positive tax revenue at the least possible municipal cost impact.*

The SOLF Redevelopment Plan seeks to establish a mechanism that will enable prospective redevelopers to install a photovoltaic system on a closed landfill that will be owned or leased by the Township. It is anticipated that the selected Redeveloper will propose significant payments to the Township in the form of annual lease payments and revenue sharing for the energy sold as well as from the sale of the Solar Renewable Energy Certificates attributed to the Solar Project. Since it is anticipated that the Project site will be owned or leased at a nominal fee and that the municipal revenue will be substantial, the Redevelopment Plan will achieve the objective of maximizing municipal revenue at the least municipal cost.

3.4 PROPOSED LAND USE AND BUILDING REQUIREMENTS

3.4.1 Permitted Uses

The uses permitted by this redevelopment plan are as follows:

- Photovoltaic panels that are designed and located to be stable fixtures without impacting or penetrating the landfill cap;
- Support facilities including power inverters, substations and other metering and support facilities designed to convert solar energy into energy that is capable of being sold to the power grid;
- Improvements to the methane gas collection and conversion system to reduce the release of methane gas and to increase the productive use of landfill gas;

Any such use of the SOLF site shall be designed to protect the existing capping, gas collection, access and stormwater management system and to prevent any impact on the adjacent pristine forest in accordance with this Redevelopment Plan.

3.4.2 Pinelands Forest Management Area

The SOLF Redevelopment Area is located in a Forest Management Area of the Comprehensive Management Plan (CMP) of the Pinelands Commission. Forest Areas are defined in the CMP as:

“Areas similar to the Preservation Area in terms of their ecological value and, along with the Preservation Area, serve to provide a suitable ecological reserve for the maintenance of the Pinelands environment. These undisturbed, forested portions of the Protection Area support characteristic Pinelands plant and animal species and provide suitable habitat for many threatened and endangered species. These largely undeveloped areas are an essential element of the Pinelands environment, contain high quality water resources and wetlands, and are very sensitive to random and uncontrolled development. Although the overall type and level of development must be strictly limited, some parts of the Forest Areas are more suitable for development than others provided that such development is subject to strict environmental performance standards.”

3.4.3 Township Permitted Uses

The Township Ordinance currently permits the following uses in the Forest (FO) district. The permitted uses are essentially the same as those specified in the CMP with the exception that low intensity recreational uses are listed as a conditional use rather than a permitted use.

Permitted Uses	Pursuant to Section
Detached single family dwellings on 3.2 acre lots	Section 18.44.020(s);
All other detached single-family dwellings shall be permitted on 20 acre lots, provided that such lots can be reduced to 3.2 acres under cluster provisions	
Detached single family homes on 1.0 acre lots	Section 18.44.020(s);
Agricultural uses , including commercial farms, provided that buildings housing livestock, manure/chemical storage are at least 100 feet from lot line	
Forestry activities	Section 18.60.040
Public Preserves	

3.4.4 Township Conditional Uses

The Ocean Township Ordinance currently permits the following conditional uses in the FO district.

Conditional Uses
Major utility installations as necessary to serve the needs of the Pinelands
Public service infrastructure intended to primarily serve the needs of the Pinelands; centralized wastewater treatment shall serve the forest area only; pursuant to N.J.A.C. 7:50-6.84(a)2
Continuation of existing resource extraction operations per Section 18.60.040
Pinelands resource-related industrial and manufacturing uses per specified standards
Agricultural commercial establishments provided that goods are produced in Pinelands and sales area does not exceed 5,000 s.f.
Institutional uses provided that the use is primarily designed to serve the needs of the district and there are no feasible alternatives
Low intensity recreational uses on tracts of at least 50 acres; not involving motorized vehicles; with limited water access; less than 6 campsites per acre; less than 1 percent impervious; less than 5 percent clearing of vegetation
Expansion of intensive recreational uses provided that intensive recreational use existed in 1979 and expansion is less than 2 times the 1979 capacity; use is necessary to achieve recreation use of a particular element of the Pinelands; use is environmentally compatible with the Forest Area
Recreational vehicle compounds with net density of 10 campsites per acre
Landfills
Landscape nursery; garden center
Home occupations and professional offices
Density transfer program for specified lots (contiguous or non-contiguous)

These uses include most, but not all, of the conditional uses listed in the CMP. Conditional uses that could be included in the local ordinance, but are not, include campgrounds, various types of waste management facilities at closed landfills and elsewhere; fish and wildlife management areas; airport facilities; local communications facilities, agricultural employee housing, and light industrial uses.

3.4.5 Township Accessory Uses

The Township Ordinance currently permits the following accessory uses in the FO district. Solar panels are currently considered accessory structures by the CMP to a principal use in the Forest district.

Accessory Uses
Structures accessory to residential and agricultural uses including detached sheds, barns, garages,
Private residential swimming pools and tennis courts
Required off-street parking and loading areas
Temporary onsite construction trailers
Onsite signs
Agricultural commercial establishments for sale of farm products grown or raised on the premises; one per farm

3.4.6 Conformance with Permitted Uses

A solar energy facility is not listed as a principal use in the Township Ordinance or in the CMP within the Forest Management Area. While the development of such a use on undisturbed lands would clearly be contrary to the intent of the regional and municipal master plans, the development of such a use on disturbed land in a manner that does not aggravate the degraded physical or natural environment may not be contrary to the intent of those planning policies, but rather a principal use not contemplated by those plans at the time they were prepared.

3.4.7 Bulk Requirements

The Township Ordinance contains the following minimum bulk requirements for principal uses in the FO district.

Bulk Requirement	Use	Standard
Minimum Lot Size	Residential	Varies: 3.2 acres; 20.0 acres; 1.0 acre for certain conditions;
Minimum Lot Size	Non-Residential	Five (5) acres unless otherwise specified
Minimum Lot Width	Unspecified	200 feet
Minimum Front Yard	Unspecified	200 feet unless otherwise specified or modified
Minimum Side Yard	Principal Buildings	50 feet
Minimum Rear Yard	Principal Buildings	75 feet
Maximum lot coverage	Principal Uses	10%

3.4.8 Conformance with Bulk Requirements

Tract Size. The Project Site is in excess of 150 acres in size. It does not appear that there is any reason to further subdivide the tract for the purposes of this Redevelopment Plan. If it was necessary to subdivide a portion of the Project Site, the size of the parcel shall be determined by the Redevelopment Entity but should be in excess of the current five (5) acre minimum.

Lot Coverage. The Township Ordinance limits the coverage to 10% of the tract for all uses. However, state legislation stipulates that solar panels shall be considered pervious from a regulatory perspective since the panels are discontinuous. Pursuant to N.J.S.A. 40:55D-38.1, solar panels shall not be included in the calculation of impervious cover.

Minimum Yard Requirements. The proposed Solar Project will conform to the minimum yard requirements with the exception that if the area adjacent to the property line has previously been disturbed by roads, landfill areas or other facilities, the Redeveloper shall be permitted to locate support facilities in this area. Any structures permitted on disturbed areas within the required setback areas shall be approved by the Township Planning Board as part of the site plan approval and shall be located or buffered so as not to detract from the visual appearance of the Project Site. Furthermore, no clearing of woodland shall be permitted in the defined setback areas.

3.4.9 Proposed Project Specific Requirements

The existing closed landfill is located adjacent to CR #532 and is in marked contrast to the forested corridor. While the landfill is covered with high grass, the size and slope of the landscape represents a visual intrusion in this area. Yet, the landfill cannot be reforested without impacting the capping system.

The presence of solar arrays will have a marginal and divergent impact on the viewshed. To some, the solar arrays that are visible may be seen as a positive site feature indicative of the Township's commitment to renewable energy while to others, the visual appearance of solar arrays may be viewed as a further offense to the visual environment.

For this reason, the following standards shall be applied to minimize any potential adverse impact to the visual environment:

- The solar arrays shall be concentrated along the top slopes of the two landfill areas, along undeveloped areas, and along fringe areas where determined to be feasible by the Redeveloper.
- Solar arrays shall not be permitted on the side slopes of Landfill Area "B" facing County Route #532 at an elevation of more than 30 feet above the County Road.
- In the event that solar arrays or support facilities are developed along the base of the landfill or around stormwater basin areas in locations visible from the County Road, the existing vegetative buffer shall be enhanced to mitigate the appearance of the equipment.
- The height of the solar arrays on the top slope of the landfill shall be limited to 10 feet;
- The existing pole line shall be used to connect the facility to the offsite power distribution system. Power lines may be added to the existing poles and poles may be replaced where necessary to carry the energy generated onsite but no new pole lines or higher utility poles shall be permitted than what currently exists onsite. New or replacement poles are permitted along the existing distribution line.

3.5 SITE ACQUISITION

The Township of Ocean intends to enter into a Lease Agreement with the current owner to enable the redevelopment of the site for the Solar Project. It is anticipated that the terms and conditions of the Township's lease agreement will be sufficient to allow the designated Redeveloper to undertake the Solar Project without any encumbrances or interference.

Nevertheless, if the Township determines that the Lease Agreement is not sufficient to accomplish the Project for whatever reason, the Township is authorized to acquire the Project Site under this Redevelopment Plan. If site acquisition is determined to be necessary, the Township will enter into negotiations with the owner or pursue other means of acquiring the Site. While the use of eminent domain for site acquisition is considered very unlikely, nothing in this Redevelopment Plan shall limit the authority of the Township Committee, acting as the redevelopment entity, from using eminent domain to acquire the Project Site if all other means are not considered suitable or feasible.

3.6 RELATIONSHIP TO STATE/COUNTY/LOCAL MASTER PLANS

3.6.1 Comprehensive Management Plan

Since the SOLF redevelopment area is located within the Pinelands Area, the Comprehensive Management Plan serves as the component of the State Development and Redevelopment Plan for the designated redevelopment area. The CMP establishes what the basis of the State Plan, the Ocean County Land Development Plan, and the Municipal Master Plan. The CMP does not currently list solar panels as a permitted use.

While the intent of the Forest Management Area is that of protection of the existing natural resources, the historic development of a waste disposal facility within the forest areas can be characterized as a pre-existing non-conforming use. The intent of the CMP is not to convert the non-conforming condition into a Forest as that is not practical or desirable, but rather to ensure that nothing takes place onsite that would impact the adjacent Forest resource. In effect, the CMP does not envision any redevelopment use for a closed landfill site.

Due to the increasing need for renewable energy sources, including the development of expansive solar facilities, and the fact that these facilities offer the potential to re-use “dead” sites such as closed landfills, the Pinelands Commission is currently preparing amendments to the CMP that would allow the development of solar facilities under certain conditions.

Solar energy facilities as accessory uses are currently universally permitted throughout the Pinelands Area. However, based on the definition of accessory structure or use “*solar energy facilities must be subordinate in area, extent, and purpose to the principal structure or use on the parcel and they must contribute to the comfort, convenience or necessity of the principal use*”.

Solar energy facilities are currently only permitted as a principal use in Regional Growth areas, Pinelands Towns, and if deemed compatible, Pinelands Villages and Rural Development Areas.

The Commission has recently realized that its regulations are a constraint to renewable energy facility development. Consequently, the Commission staff has prepared a series of draft amendments to the CMP to expand the use of solar energy facilities with proper controls and regulations.

The SOLF Redevelopment Plan has been prepared in full recognition of the draft amendments and is intended to conform to those amendments as stipulated below:

(a.) A municipality may...permit solar energy facilities as a principal use in any Pinelands Management Area provided that:

- 1. “public infrastructure necessary to support the solar energy facility ...can be provided without any offsite development in the ...Forest Area”.*
- 2. The solar energy facility...shall be located and screened in such a way as to minimize visual impacts as viewed from...publicly dedicated roads...low intensity recreational facilities...and existing residential dwellings.*
- 3. Should the development of new or expansion of existing onsite or offsite infrastructure be necessary to accommodate the solar energy facility, clearing shall be limited to that which is necessary to accommodate the use....*

4. *Any solar energy facility shall be decommissioned within 12 months of the cessation of its utilization. Decommissioning shall include removal of all energy facilities, structures, and equipment...and restoration of the parcel, and any other measures necessary to address ecological and visual impacts associated with the solar energy facility....*

(b) Special limitations on solar energy facilities as a principal use in the ...Forest Area:

1. *Solar energy facilities shall only be permitted: on the parcel of an existing landfill, which has been closed in accordance with this Plan...on a parcel, which has been remediated .. or a parcel of a resource extraction operation. provided that the facility will be located within a previously mined area that is not under an obligation to be restored...*
2. *Solar energy facilities shall be located on previously disturbed lands that have not been subsequently restored and may be located on other lands that are required to be disturbed for purposes of landfill closure or site remediation.*
3. *...The acquisition and redemption of 0.25 Pinelands Development Credits shall be required for every four acres of land occupied by the solar energy facility.*

The Township of Ocean has prepared comments to the draft amendments that can be characterized as clarifications of the draft regulations. However, if the draft regulations are adopted in their present form, the proposed Solar Project will conform to the draft amendments in the following respects:

- The public service infrastructure necessary to support the Solar Project will not require any offsite development in the Forest Area other than the hanging of power lines on existing or replacement poles;
- The Solar Project will be located and screened to minimize the visual impact along public roads and to adjacent land uses.
- Clearing will be limited to that which is necessary to accommodate the use and will not be permitted within setback or buffer areas.
- The Solar Project will be decommissioned within 12 months of the cessation of operation;
- The Solar Project will be located on a parcel with an existing parcel that has been closed in accordance with applicable regulations;
- The solar energy facilities will be located on previously disturbed lands. These lands have not been restored in the sense that they have not been re-forested or re-vegetated.

3.6.2 Consistency with Township Master Plan

The LRHL states that “*all provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan*”. The 1999 Township Master Plan Update indicated that the Redevelopment Area was within the Rural Development Area Industrial Zone (RUI) and states that “*this zone was designed around the Southern Ocean Landfill Facility site and permits a variety of uses and conditional uses, most of which are industrial in nature. No changes are recommended in this zone other than continuing to explore measures to cap and re-use this 285 acre site and adjacent properties through redevelopment*”. In 2008, the Township Zoning Map was amended to include all of the Redevelopment Area within the Forest (FO) zoning district.

The current condition of the Redevelopment Area is not consistent with the intent of the Forest Management Area since the Site was cleared for a non-conforming activity (waste disposal). Re-forestation of the Project Site is not practical since the integrity of the landfill capping system requires vegetation other than grasses to be cut or removed to avoid penetration of the geomembrane and because of the need for expansive stormwater management basins and related support facilities.

The Project Site is also not conducive to rural industrial development as indicated in the Master Plan due to the limitations of the landscape and the need to protect the capping system.

However, the Redevelopment Project is consistent with the intent of the Master Plan and is designed to effectuate the Township Master Plan as the Solar Project will result in the re-use of the disturbed portions of the Landfill Site and the adjacent Township land through redevelopment. The Project will also not conflict with the Forest zoning district as it will utilize previously disturbed lands and will not involve any substantive clearing of woodlands. Once the specified renewable energy facility use of the Project site is terminated, the disturbed areas that were not part of the landfill areas will be restored and re-forested.

3.7 RELATIONSHIP TO MUNICIPAL LAND USE LAW (MLUL)

The SOLF Redevelopment Plan supersedes the applicable provisions of the Township's land development regulations in the Forest (FO) zoning district in order to permit a use that is not currently permitted by the Township zoning ordinance and to regulate that use with project-specific requirements.

The Redeveloper will be required to obtain site plan approval from the Township Planning Board in accordance with the MLUL based on the regulatory provisions of this Redevelopment Plan. Furthermore, the Township Zoning officer shall grant or deny a zoning permit based on the requirements of this Redevelopment Plan and the actions of the Township Planning Board. For these reasons, the Township shall amend its Zoning Map to indicate the limits of the Redevelopment Area.

3.8 RELOCATION REQUIREMENTS

The designated redevelopment area does not contain any residences or businesses that will need to be relocated as a result on the SOLF Redevelopment Plan.

3.9 SOLAR ENERGY DEVELOPMENT OBJECTIVES/REQUIREMENTS

3.9.1 Solar Energy Development Objectives

The Redevelopment Project objectives are to develop a Solar Energy Facility on the Project Site that is as follows:

- Commercially viable in terms of total energy production; project development costs; anticipated revenue, and the cost of project financing.
- Capable of advancing the sustainable energy objectives of the Township and the State.
- Provides substantive public benefits in the form of annual lease payments that will expand the local tax base and payments to the County to offset the post-closure costs of the onsite landfills.

These objectives are achievable if the Township selects a Redeveloper that has demonstrated:

- Experience in designing, permitting, developing, operating, and maintaining a project of this size, nature and scope including specific experience on solar development on closed landfills;
- Capability to finance the project without Township funds or substantive contingencies;
- Capability to achieve success in accordance with an expedited project development schedule; and, the
- Willingness to guarantee performance through contractual provisions.

3.9.2 Solar Development Areas

It is envisioned that the solar arrays that will make up the Solar Project will be located on the top slope of the closed landfill areas; in the undeveloped staging area; and in the peripheral areas around the landfills. Figure 4 identifies potential solar development areas within the Project Site. These areas encompass about 23.5 acres and are described below:

- Solar Development Area “A” encompasses the narrow top slope of Landfill Area “A”. The limits of the solar development area are defined by the break in grade between the top slope and relatively steep side slopes. The grade of the development area ranges from 0.5% to 8%. The total area of Solar Development Area “A” is estimated to be 2.1 acres.
- Solar Development Area “B” encompasses the top slope of Landfill Area “B”. The limits of the solar development area are the rip-ripped swales that direct run-off down the side slopes. The grade of the development area ranges from 3% to 7%. The solar development area is accessible via a paved landfill access road with a turnaround area. The total area of Solar Development Area “B” is estimated to be 14.8 acres.
- Solar Development Area “C” consists of a disturbed area north of Landfill Area “A” that was not used for landfill disposal activities. The grade of the development area ranges from 1% to 5%. This undeveloped area has been used as a staging area for landfilling and landfill closure activities and would require minor site preparation to achieve a consistent base grade slope. The total area of Solar Development Area “C” is 4.7 acres.
- Solar Development Area “D” encompasses a thin strip of land on the north side of recharge basin #2 that was previously cleared. This disturbed area offers the potential for a narrow solar array encompassing 1.9 acres.

The Township is confident that the above cited solar development areas using can be developed using appropriate design practices without any substantive clearing or visual impact, and without any adverse impact to the capping system or the stormwater management system.

3.9.3 Potential Solar Development Areas

Since it is in the interest of the Redeveloper to maximize the solar development areas within the Project Site, the Redeveloper may propose additional solar development areas either as part of the initial redevelopment project or as a future expansion area. The development of any additional solar development areas on the Project Site shall be under the following conditions:

- Fringe Areas. There are fringe areas around the Project Site that may be suitable for solar panels. These areas are located along the access roads and adjacent to the recharge basins and support facilities. The suitability and feasibility of the narrow panel configurations would need to be determined by the Redeveloper. Any such fringe area development would be contingent upon the prior approval of the County to ensure that the post-closure activities are not impacted.
- Slope Areas. The top slope of the landfill areas have been identified as solar development areas. However, the Redeveloper may propose solar arrays on stable side slope areas that have proper solar exposure and acceptable grades. The use of any side slope areas for solar arrays would be contingent upon demonstrating to the Township and County that the side slopes would not be adversely impacted and that it is feasible to locate stable ballasts in these areas. The Redeveloper would need to accept full responsibility for any damage that may occur to the capping system.
- Wooded areas. There is a wooded area to the east of Landfill Area "A" between Recharge Basin #2 and Recharge Basin #3 that could be cleared for solar arrays. Minor clearing could also allow for the expansion of Solar Development Area "D". Any such clearing of substantive vegetation would be contingent upon the approval of the Township and the Pinelands Commission. The Redeveloper would be responsible for obtaining such approvals and for any re-vegetation requirements after the decommissioning of the Solar Project.
- Adjacent lands. Lot 6.01 is adjacent to the SOLF Landfill Site and within the Redevelopment Area. The disturbed portion of this parcel could be used for solar arrays provided that the site is properly graded, the presence or absence of underlying waste materials is determined, and the solar array layout is compatible with the police shooting range. A threatened and endangered species survey and an environmental site assessment would need to be conducted prior to the use of this tract.

3.9.4 Site Development Requirements

The Redeveloper will be required to adhere to the following site development requirements. The Township Committee, as the Redevelopment Entity, will have the ability to grant exceptions or modifications to these requirements but any exceptions may also be subject to the approval of other regulatory agencies having jurisdiction.

1. No structures or solar panels shall be located within 50 feet of the property line unless approved by the Township. The placement of structures or solar panels within 50 feet of the property line will be approved if the area has been previously disturbed and if it is demonstrated that such facility location is necessary for the development of the Solar Project.
2. No structures or solar panels shall be located within wetland or related wetland buffers, unless a permit to allow such encroachment is obtained from the Pinelands Commission and from the NJDEP.
3. No clearing of vegetation shall take place on the Project Site without the prior approval of the Township, the Pinelands Commission and any other regulatory agency having jurisdiction. All structures and solar arrays shall be positioned within cleared portions of the Project Site. If limited clearing is approved with mitigating conditions, such as re-vegetation, the Redeveloper shall be responsible for guaranteeing performance of these conditions after the Solar Project is decommissioned.

4. All base structures and solar arrays shall be located within the solar development areas shown on the Solar Energy Development Plan. The Redeveloper may only construct solar arrays areas outside of the specified solar development areas with the prior approval of the Township and any other regulatory agencies having jurisdiction.
5. The foundation of the solar arrays shall be a ballasted non-penetrating design within the limits of the closed landfill areas. The foundations shall be suitable for the landfill application; shall be capable of withstanding the wind and snow conditions that will be experienced on the Site; and shall be designed to not cause differential settlement on the landfill capping systems.
6. Solar arrays that are located outside of the defined limits of the landfill areas shall use a penetrating foundation design that is accepted for the design conditions.
7. The solar arrays and the support equipment shall be arranged to have minimal impact on landfill access and maintenance activities. The solar arrays shall be arranged to enable the grasses between the panels to be cut in a cost-effective manner. Offsets of arrays should be avoided except where necessary. The arrays shall also be positioned such that access to any support facility is not impeded in any way.
8. The solar energy project shall be designed to minimize any impact to the existing stormwater management system. This objective shall be achieved by the layout of the arrays, by the enhancement of the vegetative layer, and by any other measures undertaken by the Redeveloper. The Redevelopment Agreement shall provide for the repair of any damage to the swales or basins that occur as a result of the Solar Project.
9. The grading of the solar development areas within the limits of the closed landfills shall not be modified without the approval of the County and the NJDEP. Any modification to the approved grading plan of the closed landfills shall require a Landfill Disruption Permit from the NJDEP.
10. The solar development areas outside of the limits of the closed landfill areas shall be graded to provide for positive drainage; to avoid ponding; to ensure soil stability; and to promote vegetative growth between the solar arrays. Site preparation activities would include the removal of unsuitable materials, the grading of the subgrade and, if necessary, the placement of topsoil to achieve suitable development conditions.
11. The pre-existing and post-development conditions will be documented by construction as-built plans to establish the basis for maintenance and de-commissioning requirements. The Redeveloper will be responsible for preparing and submitting as-built drawings of the existing conditions as well as as-builts after the installation of the solar energy facilities to document site conditions in the event of subsequent changes due to subsidence, erosion and other factors, and to indicate the conditions that must be restored after de-commissioning.

3.9.5 Energy Facility Design Requirements

1. Energy Rating. The power production capacity of the Facility shall be equal to or in excess of 5 MWdc.
2. Energy Efficiency. The solar panels and the array layout shall be designed to achieve the maximum photovoltaic (PV) system output for the given ground area.
3. Interconnection. All of the power generated from the PV system will feed into the utility electrical distribution system and be sold to the PJM market at the highest rates allowable and negotiated by the Redeveloper. All costs of the interconnection shall be borne by the Redeveloper.
4. Solar array Layout. The layout of the solar arrays shall be such that the site vegetation can be maintained and enhanced.
5. Wind. The racking system shall be rated for winds of up to 120 mph.
6. Conduits. All conduits shall run above-ground within the limits of the landfill areas.
7. Real time monitoring. The Redeveloper shall implement and maintain a web-based real time monitoring system to display the energy production benefits of the PV System to the community. The real time monitoring will be connected to the Township web site and be available for public access. The monitoring data presented will include instantaneous kW and kWh; daily, monthly, one year-to-date, and lifetime kWh as well as carbon footprint data.

3.9.6 Solar Energy Facility Closure Requirements

Since it is not possible to foresee the advancements that will occur in solar technology or changes that will occur in New Jersey's regulatory environment, it is likely that the solar arrays may need to be removed or replaced at the end of the initial 15 year contract term. Consequently, the Redeveloper will need to guarantee that the solar arrays will be removed from the Project Site if the contract is not extended or modified prior to the termination date.

3.10 PERMITS AND APPROVALS

There are various entities that will need to grant permits or approvals for the development of the Solar Project. The Redeveloper will be responsible for obtaining all permits and approvals necessary for the development of the Solar Project. The Township will endorse and support all permit applications submitted by the Redeveloper that conform to the Redevelopment Plan and the Redevelopment Agreement. Any variances from the provisions of the Redevelopment Plan will require an amendment to the Redevelopment Plan.

The regulatory agencies will include, but not be limited to, the following:

- New Jersey Department of Environmental Protection (NJDEP). The Redeveloper will need to obtain a landfill disturbance permit from the NJDEP for any activities on the closed landfills.

- Pinelands Commission. As previously noted, the Comprehensive Management Plan (CMP) does not currently permit solar energy facilities as a principal use in Forest Areas. This plan limitation can be overcome either by the adoption of the proposed amendments to the CMP or by a Memorandum of Agreement (MOA) between Ocean Township and the Commission. The appropriate course will be the one determined to be most expedient.
- Ocean County. The Ocean County Department of Solid Waste Management can best be described as the caretaker of the closed landfills. The County received a grant to undertake the closure of the landfill as well as to cover most of the 30 year post-closure care period. The Redeveloper will need to demonstrate that the Solar Project will not impact the stability and environmental integrity of the capped landfill.
- Ocean Township. The Ocean Township Planning Board will need to grant site plan approval and the Ocean Township construction office will need to issue zoning and construction permits for the Project. Site plan approval and zoning permit compliance will be based on the regulations contained in the adopted redevelopment Plan.
- Soil Conservation District. The Redeveloper will also need to obtain soil erosion and sediment control plan approval from the Soil Conservation District.

The Township will also be responsible for entering into the MOA with the Pinelands Commission, if required, and in gaining Ocean County's approval for the use of the Project Site for this purpose. The Redeveloper will provide the necessary technical support to the Township in these intergovernmental discussions. The Redeveloper will be responsible for all other permits and approvals.

3.11 PROJECT SCHEDULE

The Redevelopment Agreement will contain a Project Schedule that details the activities that will be undertaken and the estimate time frame for completion of these tasks by the responsible parties. The Project Schedule will specifically identify the milestone events that must be satisfied by the Township and those that must be satisfied by the Redeveloper. The consequences for any delays in implementing the schedule by the Redeveloper, for activities that are under their control, will be outlined in the Redevelopment Agreement. The goal of this Redevelopment Plan is to implement the Solar Project in a time efficient manner to achieve the specified Project objectives, including a source of Township revenue.

3.12 REDEVELOPMENT PLAN REFERRAL AND REPORT

The LRHL specifies that *“prior to the adoption of a redevelopment plan...the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan. This report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and other matters as the board deems appropriate”*.

It is anticipated that the Planning Board report will contain consistency findings similar to those presented in this report and will recommend adoption of this Redevelopment Plan without substantive modification. However, if the Planning Board report recommends substantive modifications to the Redevelopment Plan, the Township Committee may either amend the Redevelopment Plan or may adopt the Redevelopment Plan while documenting for the record the reasons for not following the Planning Board recommendation.