

## **BERKELEY TOWNSHIP ZONING BOARD OF ADJUSTMENT – VARIANCE APPEAL INSTRUCTIONS**

**Board Secretary: Gabrielle Napolitano**  
**PHONE NUMBER: 732-244-7400 EXT. 1250**

**Email: [gnapolitano@berkeleystownship.org](mailto:gnapolitano@berkeleystownship.org)**  
**BUSINESS HOURS: 8:30AM-4:00PM**

### **PUBLIC HEARING PROCESS**

1. The Zoning Board of Adjustment is hearing your application as a quasi-judicial body. At your hearing, you will be asked under oath to describe to the Board the development and/or changes you propose to make and, if applicable, why you are entitled to relief according to the law. The burden of proof is upon you, the applicant, to establish the elements of your case. The Board will reach a determination on your case based upon the finding of fact and the proofs according to law. The meeting will be opened to the public in order to accept questions or comments on your application.
2. You must appear in person and/or be represented by an attorney at your public hearing. Any applicant, other than a corporation, may present their own matter without representation by an attorney. However, applicants are cautioned that particularly with applications involving requests for use variances and conditional use permits, there are specific requirements imposed by the Laws of the State of New Jersey and you may wish to consider seeking adequate legal advice.  
\*\*Under New Jersey State Law, if the applicant is a corporation, you must be represented by an attorney.
3. When your application has been fully considered, the Board will make a determination based upon testimonies from the applicant, professionals, and witnesses plus reports and reviews by various departments and outside agencies having jurisdiction over the matter. The Board Attorney will then be asked to prepare a Resolution of approval or denial. This Resolution will be memorialized at the following meeting. You do not need to be present at the memorialization. Once you receive the signed Resolution it is at that time you can proceed with project, starting with the Zoning Permit.

### **APPLICATION PROCESS**

Due at the time of the application are two separate checks. One check is a non-refundable application fee. The second check is an escrow fee. The application and escrow fee schedule can be found in Chapter 35 of the Berkeley Township Code Book sections 8 through 11. The applicant is responsible for any and all fees that are charged that are above their initial escrow deposit. Section 35-16 "Procedure for Escrow Funds" reads, "No zoning permits, building permits, certificates of occupancy, or any other types of permits may be issued with respect to any approved application for development until all bills for reimbursable services have been received by the municipality from professional personnel rendering services in connection with such application and payment has been made."

**THE FOLLOWING IS TO BE SUBMITTED TO THE BOARD SECRETARY IN ONE COMPLETE PACKAGE**

1. DENIAL – Original denial received from the Zoning Officer.
2. PROPOSED NOTICE OF HEARING – Attach a copy of the proposed notice to be published in an officially designated newspaper and to be mailed to the owners within 200 feet of the property requesting the variance. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable. The notice of hearing must state the date, time, and place of the hearing, the nature of the matters to be considered, and identification of the property by street address and block and lot numbers. Notice must also include the location and time at which any documents for which approval is sought are available for review in the Office of the Board of Adjustment (Sample Attached).

**\*\*These notices are to be sent TEN (10) DAYS PRIOR TO THE HEARING.**

3. APPEAL APPLICATION – The information on this form is taken from the Zoning denial. The section and paragraph of the appeal form is taken from the ordinance number indicated on the Zoning denial.
4. PROOF OF PROPERTY TAX PAYMENT – The Tax Collector's Office can supply you with a form indicating the taxes paid.

**\*\*Email [nmontedoro@berkeleystownship.org](mailto:nmontedoro@berkeleystownship.org) and/or [mcosgrove@berkeleystownship.org](mailto:mcosgrove@berkeleystownship.org) in the Tax Collector's Office for this information**

5. CONTRACT PURCHASER – If you are a contract purchaser, a copy of the contract is required.
6. SITE INSPECTION FORM – Attached; must be signed in case a Board Member performs a site inspection of your property.
7. CHECKLIST – You must submit this checklist for review by the Engineer.
8. RETIREMENT COMMUNITY APPLICATIONS – You must notify the Homeowner's Association of your proposed work. You must submit a Homeowner's Association Approval as part of the package.

**\*\*The Board of Adjustment is the determining Board as to whether you may build or not, but the Homeowner's Association must be notified by you as per your deed rules and regulations and an approval letter must be submitted.**

9. TREE REMOVAL CERTIFICATION – Attached; must be submitted and indicate the number of trees to be removed in conjunction with the variance application. The survey/plot plan must also indicate the location of the trees to be removed.

**\*\*To be completed even if no trees are being removed.**

10. ARCHITECTURAL PLANS – 15 COPIES REQUIRED. Applicant is to provide architectural plans for the proposed building including front, side, and rear elevations and a floor plan for review by the Board members and professionals.
11. SURVEY/PLOT PLANS – 15 COPIES REQUIRED. A current (within 2 years) original sealed survey, drawn to scale, and indicating the structures with dimensions and distance to the property lines. The survey must be signed by the owner and notarized if any changes are made to the engineer's signed plot plan.

**\*\*Corner Properties – must have a sight triangle on the survey**

12. AREA MAPS – 15 COPIES REQUIRED. Received with the certified mailing list, showing the properties within 200 feet of the property requesting a variance.
13. CERTIFIED MAILING LISTS – APPLICATION ATTACHED. ONE ORIGINAL AND 2 COPIES REQUIRED. Prepared by the tax assessor's office and received from the zoning office.
14. FEES – Two separate checks (application and escrow fees).
15. COMPLETED W-9 FORM
16. ABUTTING PROPERTY OWNERS' PROPOSALS FORM – if applicable

### **35-15. REPLENISHMENT OF DEVELOPMENT APPLICATION FEES**

Whenever the account established for the applicant's development review fees paid pursuant to this article has been depleted to 20% of the original development application fee amount, the Township Treasurer shall notify the applicant, and the applicant shall immediately upon notification replenish the account by depositing 50% of the original development application fee into an escrow account with the Township. No approving authority or its professional staff shall take any further action on the application, nor shall any plats be signed or construction commenced or completed until adequate additional fees have been deposited with the Township. Any application lacking sufficient funds to permit the Board to proceed shall be dismissed without prejudice.

**TO BE SUBMITTED AFTER THE APPLICATION HAS BEEN DEEMED COMPLETE BY THE BOARD ENGINEER  
AND A HEARING DATE HAS BEEN ASSIGNED**

1. **NOTICE OF HEARING** – Previously approved by the Board Secretary. A copy must be published in the newspaper and mailed to property owners within 200 feet of the subject property. The notice must specify the sections of the ordinance from which relief is sought, if applicable. The notice of hearing must state the date, time, and place of the hearing, the nature of the matters to be considered, and identification of the property by street address and block and lot numbers. Notice must also include the location and time at which any documents for which approval is sought are available for review in the Office of the Board of Adjustment.
  2. **CERTIFIED MAIL RECEIPTS** – The white receipts stamped by the Post Office.
  3. **AFFIDAVIT OF PUBLICATION** – After publishing the notice of hearing in the newspaper (Asbury Park Press), an affidavit of publication will be mailed. This affidavit must be included in the package. This notice is published one time no later than ten days prior to the hearing date.
  4. **SIDE YARD/LOT AREA/FRONTAGE VARIANCE** – You must contact the adjacent property owners by certified mail and returned receipt requested to ascertain whether they are willing to purchase all or a portion of the property, as the case may be, to minimize or eliminate the necessity of obtaining a variance. Proof of mailing (receipts) is to be submitted.
- \*\*ADJACENT PROPERTY OWNED BY BERKELEY TOWNSHIP** – all correspondence mailed certified and return receipt requested, addressed to the Business Administrator of Berkeley Township with a copy to the Board Secretary.

**NOTE:** These items must be submitted to the Board Secretary no later than five days prior to the meeting date. Failure to submit will result in postponement of the hearing and re-notice to all parties.

**TO ALL APPLICANTS:**

The variance process starts with your receipt of these forms but does not formally begin with the Township until the entire application is submitted to the Board Secretary. Once submitted, the Board Engineer has 45 days to deem the application complete/incomplete. The Board Engineer will provide the hearing date in release of the review letter.

**BERKELEY TOWNSHIP ZONING BOARD OF ADJUSTMENT APPLICATION**

**DATE SUBMITTED** \_\_\_\_\_

**APPLICANT'S NAME** \_\_\_\_\_

**MAILING ADDRESS** \_\_\_\_\_

**CONTACT PERSON** \_\_\_\_\_

**TELEPHONE NUMBER** \_\_\_\_\_

**EMAIL ADDRESS** \_\_\_\_\_

**PROJECT LOCATION** \_\_\_\_\_

**BLOCK(S)** \_\_\_\_\_ **LOT(S)** \_\_\_\_\_ **ZONE** \_\_\_\_\_

**NUMBER OF LOTS** \_\_\_\_\_

**ATTORNEY** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

**ENGINEER** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

**CONTRACTOR DOING WORK** \_\_\_\_\_

**TYPE OF VARIANCE:**

**BULK** \_\_\_\_\_

**USE** \_\_\_\_\_

**AFFIDAVIT OF NON-COLLUSION**

STATE OF NEW JERSEY  
COUNTY OF OCEAN

\_\_\_\_\_  
Name of Applicants (PRINT)

Being duly sworn, according to law, upon (his, her, their) oaths depose and say:

1. (He, She, They) is/are the applicant(s) in connection with a proposed application to the Zoning Board of Adjustment for the property known as \_\_\_\_\_ as shown on the Tax Assessment Map of the Township of Berkeley.
2. There has been no collusion between (him, her, them) and any member of the Township of Berkeley Zoning Board of Adjustment or any Officials of the Township of Berkeley with respect to said application.

Sworn to and Subscribed  
Before me this \_\_\_\_\_  
Day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
A Notary Public of New Jersey

**AFFIDAVIT OF OWNERSHIP**

STATE OF NEW JERSEY  
COUNTY OF OCEAN

\_\_\_\_\_, of full age, being duly sworn according to law, on oath deposes and says that the deponent resides at \_\_\_\_\_ in the municipality of \_\_\_\_\_, in the County of \_\_\_\_\_, and the State of \_\_\_\_\_ that is the owner in fee of all that certain lot, tract, parcel of land, situated, lying and being in the Township of Berkeley, Ocean County, New Jersey, and known and designated as block \_\_\_\_\_ lot \_\_\_\_\_ street address of \_\_\_\_\_.

\_\_\_\_\_  
Owner Signature

Sworn to and subscribed  
Before me this \_\_\_\_\_ day  
Of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
A Notary Public of New Jersey

**AUTHORIZATION**

*If anyone other than the above owner is making this application, the following authorization must be executed.*

TO THE ZONING BOARD OF ADJUSTMENT

\_\_\_\_\_ is hereby authorized to make the within application.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Owner Signature

**BERKELEY TOWNSHIP NOTICE OF HEARING**

TO WHOM IT MAY CONCERN:

In compliance with Article V, Section 35-7.4c of the Zoning Ordinance of the Township of Berkeley, New Jersey, notice is hereby served upon you to the affected that

I (we) \_\_\_\_\_, do hereby propose to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

"and any and all other variances as may be required."

Location: \_\_\_\_\_  
Block(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

In view of the fact that the Zoning Officer of the Township of Berkeley, New Jersey, denied approval of this request by reason of it's being in violation of Code Reference \_\_\_\_\_ of the Zoning Ordinance. I (we) are hereby appealing this refusal of the Zoning Officer to the Zoning Board of Adjustment.

Any person or persons affected by this appeal has the opportunity to be heard at the meeting to be held on \_\_\_\_\_ at 6:30PM in the meeting room of the Municipal Building at 627 Pinewald-Keswick Road, Bayville NJ 08721.

All documents relating to this application may be inspected by the public between the hours of 9:00AM to 3:00PM in the Office of the Board of Adjustment in the Municipal Building.

\_\_\_\_\_  
Applicant's Signature & Date

\*\*Must be publicized and sent certified mail at least ten days before the day of the hearing. Proof of certified mailing service and publication of the hearing must be delivered to the Board Secretary at least five days prior to the hearing date.



APPLICANT'S OFFER TO ABUTTING PROPERTY OWNERS

Mr./Mrs. \_\_\_\_\_  
Address: \_\_\_\_\_  
Block: \_\_\_\_\_ Lot: \_\_\_\_\_  
Re: BOA# \_\_\_\_\_  
Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Dear Mr./Mrs. \_\_\_\_\_

I have made an application to the Berkeley Township Board of Adjustment for a variance to construct a single-family residence (or other structure as applicable) on block \_\_\_\_\_, lot \_\_\_\_\_, which abuts your property. This letter is to inquire whether you would be interested in selling me your lot, or a portion of your lot in order to make my lot conform or more nearly conform with the current Zoning Ordinance. In the alternative, you may have an interest in purchasing my lot at the "fair market value" which in this instance means a building lot price as if the variance to build had been granted.

It is my intention to demonstrate to the Berkeley Township Board of Adjustment that a hardship exists as I am unable to either acquire additional land or sell my land at its fair market value.

If you have any interest in selling your lot, or a portion of your lot to me or in purchasing my lot, please indicate on the enclosed copy of this letter, your position with respect to this application. A copy of this letter and your response will be presented as evidence to the Berkeley Township Board of Adjustment at the time the variance application is scheduled for hearing.

You should be mindful of the fact that if your property is vacant and undersized, your failure to respond to this letter and/or refusal to offer to sell your property to the applicant, may be used as evidence in any application you may file in the future seeking variance relief to build on your undersized lot and may result in your variance application being denied.

Enclosed is a stamped return addressed envelope for your convenience. You may also attend the Board of Adjustment hearing and give testimony concerning your position.

Very Truly Yours,

\_\_\_\_\_  
Applicant

### RESPONSE OF ABUTTING PROPERTY OWNERS

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Block: \_\_\_\_\_ Lot: \_\_\_\_\_

- |   |          |    |
|---|----------|----|
| 1. We have an interest in purchasing the applicant's property.  | YES      | NO |
| 2. We are willing to pay.   | YES      | NO |
| 3. We have an interest in selling our property.   | YES      | NO |
| 4. We are willing to sell our property for  | \$ _____ |    |
| 5. We have an interest in selling a portion of our property consisting of _____ square feet.                    | YES      | NO |
| 6. We are willing to sell the property described in #5 for  | \$ _____ |    |
| 7. We have no interest in buying the applicant's property or selling our property or a portion of our property. | YES      | NO |
| 8. We will be in attendance at the Board of Adjustment meeting to give testimony.                               | YES      | NO |

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**PROOF OF SERVICE**

State of New Jersey  
County of Ocean

\_\_\_\_\_ of full age. Being duly sworn according to law, deposes  
and says, that he/she resides at \_\_\_\_\_, in the Township of \_\_\_\_\_,  
county of \_\_\_\_\_, in the State of \_\_\_\_\_, that he/she  
is the applicant, his agent or attorney in a proceeding before the Board of Adjustment, Township of  
Berkeley, being an application under the Zoning Ordinance and relates to:

Premises: \_\_\_\_\_

Block(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

That he/she gave notice of this proceeding to each and all of the owners of property within two hundred  
(200) feet of the property to be affected by said application in the manner provided by law. A true copy  
of the notice and name and addresses of those. So notified and dated, and manner of service are  
attached to this affidavit.

Sworn to and subscribed before me \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signature \_\_\_\_\_

**APPEAL TO BERKELEY TOWNSHIP BOARD OF ADJUSTMENT**

I (we) \_\_\_\_\_, of \_\_\_\_\_ (address),  
respectfully request that a determination be made by the Berkeley Township Board of Adjustment on  
the following appeal, which is based on a decision by the Zoning Officer on \_\_\_\_\_ (date)  
Code Reference Number(s) \_\_\_\_\_.

This request involves a request for a variance relating to the \_\_\_\_\_  
Provision of the Township Ordinance.

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The premises affected is located at \_\_\_\_\_  
Block(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ in the \_\_\_\_\_ Zone District.

Previous applications or appeals which have been filed in connection with these premises are as  
follows: \_\_\_\_\_

The applicant is the \_\_\_ owner, \_\_\_ contract purchaser, or \_\_\_ administrator.

The approximate cost of the work involved: \$ \_\_\_\_\_

Explanation of the work to be performed on the property:

\_\_\_\_\_  
\_\_\_\_\_

Signature of the Applicant \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_.

For the use of the Board of Adjustment Only

Date of Hearing \_\_\_\_\_

**TAX PAYMENT VERIFICATION**

**\*\*COMPLETE THIS FORM AND BRING OR EMAIL TO THE TAX COLLECTOR'S OFFICE**

EMAIL: nmontedoro@berkeleystownship.org and/or mcosgrove@berkeleystownship.org

Property Owner Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*TO BE COMPLETED BY THE TAX COLLECTOR'S OFFICE.*

Taxes are current as of today, \_\_\_\_\_.

\_\_\_\_\_  
Signature

DATE: \_\_\_\_\_

**SITE INSPECTION FORM**

I, \_\_\_\_\_, do hereby grant permission for a Berkeley  
Township Zoning Board of Adjustment member or professional to access my property to perform a site  
inspection pertaining to Board of Adjustment application # \_\_\_\_\_.

Block(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

Location \_\_\_\_\_

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Mailing Address:

Street: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

# BUILDING AND HOUSING

## CHECKLIST L.D. 8 BERKELEY TOWNSHIP APPLICATION FOR "C" VARIANCE CHECKLIST

The following information must be submitted for the application to be deemed complete:

### I. Plat Specifications

Yes    No    N/A\*

\_\_\_\_\_

1. Plat clearly and legibly drawn or reproduced at a scale not smaller than 1 inch equals 100 feet.

\_\_\_\_\_

2. Sheet size either 15x21, 24x36, or 30x42.

\_\_\_\_\_

3. Plans shall be prepared by an architect, planner, engineer, land surveyor, or the Applicant, where appropriate.

\_\_\_\_\_

4. Plat prepared to scale based on deed description, tax map or similarly reasonably accurate data for the purpose of review and discussion by the Municipal Agency.

### II. General Information

\_\_\_\_\_

5. Metes and bounds description of parcel in question based upon current land survey information.

\_\_\_\_\_

6. Property line shown in degree, minutes and seconds.

\_\_\_\_\_

7. Key map showing location of tract to be considered in relation to surrounding area.

\_\_\_\_\_

8. Title block containing name of applicant, preparer, lot and block numbers, date prepared, date of last amendment and zoning district.

\*N/A - Indicates the item is not applicable to the application

## BUILDING AND HOUSING

Yes    No    N/A

- |   |   |   |  |
|---|---|---|--|
| — | — | — | 9. Each block and lot numbered in conformity with the municipal tax map as determined by the municipal tax assessor.   |
| — | — | — | 10. Scale of map, both written and graphic.  |
| — | — | — | 11. North arrow giving referenced meridian.  |
| — | — | — | 12. Names of all property owners within 200 feet of subject property.  |
| — | — | — | 13. Location of existing and proposed property lines with dimensions in feet to the nearest two decimal places.  |
| — | — | — | 14. Zoning district in which parcel is located, indicating all setbacks, lot coverage, height, floor area ratio, and density, both as to required and proposed. Indicate the above both written and graphically. |
| — | — | — | 15. Zone requirements per Ordinance and per application.   |
| — | — | — | 16. Acreage of affected parcel to the nearest hundredth of an acre.  |
| — | — | — | 17. Provide a Polaroid or other similar photograph of the premises in question taken from the opposite side of the street.   |

### III. Man-Made Features Within 200 Feet Of Site

- |   |   |   |   |
|---|---|---|---|
| — | — | — | 18. Location of existing structures and their setbacks from existing and proposed property lines. |
|---|---|---|---|



## BUILDING AND HOUSING

Yes    No    N/A

\_\_\_\_

19. Location and type of existing easements or rights of way including power lines.

\_\_\_\_

20. Location of existing railroads, bridges, culverts, drain-pipes, water and sewer mains and other man-made installations affecting the tract.

\_\_\_\_

21. Location of existing wells and septic systems.

\_\_\_\_

22. When Applicant intends to use a conventional septic disposal system location of test holes, test results and approximate location of the intended disposal field.

\_\_\_\_

23. Plans and profiles of proposed utility layouts, such as sewers, storm drains, water, gas and electric, showing feasible connections to existing or proposed utility systems.

\_\_\_\_

24. Location and description of monuments whether set or to be set drains, water, gas and electric, s.

### IV. Streets

\_\_\_\_

25. Location, names and widths of all existing and proposed streets on the property and within 200 feet of the tract.

\_\_\_\_

26. Required road dedication.

\_\_\_\_

27. Plans, profiles and cross-sections of all proposed new streets and/or access to proposed streets.

## BUILDING AND HOUSING

Yes    No    N/A

- |   |   |   |   |
|---|---|---|---|
| — | — | — | 28. Natural resource inventory information including.   |
| — | — | — | a. Flood plain soil (status).   |
| — | — | — | b. Limitation for foundation.   |
| — | — | — | c. Limitation for septic tank absorption field (only where septic tank is proposed to be used.  |
| — | — | — | d. Limitation for local road and streets.   |
| — | — | — | e. Agricultural capacity classifications.   |
| — | — | — | f. Erosion hazard.  |
| — | — | — | 29. The purpose of any proposed easement of land reserved or dedicated to public or common use shall be designated and the proposed use of sites other than residential shall be noted. |
| — | — | — | 30. Any sections for which a waiver is specifically being requested and a narrative paragraph explaining why the Applicant is entitled to such waiver.                                  |

### VI. Administration Requirements

- |   |   |   |  |
|---|---|---|--|
| — | — | — | 1. Proper Application Fee (submit calculations).               |
| — | — | — | 2. Proof of payment of property taxes for the current quarter. |
| — | — | — | 3. Required number of prints submitted.                        |

## BUILDING AND HOUSING

Yes    No    N/A

\_\_\_\_

4. Application fees reflect any variance or design waiver requests.

\_\_\_\_

5. Required applications on forms provided by the Zoning Officer and Building Subcode Official.

\_\_\_\_

6. Executed copy of Zoning/Building permit checklist.

\_\_\_\_

7. Photographs of existing conditions.

\_\_\_\_

8. Site inspection permission form.

\* \* \* \*

## BUILDING AND HOUSING

### CHECKLIST L.D. 7

#### BERKELEY TOWNSHIP

#### APPLICATION FOR A ZONING/BUILDING PERMIT FOR CONSTRUCTION ON A LOT THAT ABUTS A ROAD NOT CONSTRUCTED TO THE SPECIFICATIONS OF CHAPTER XXXV, LAND DEVELOPMENT CHECKLIST

The following information must be submitted for the application to be deemed complete:

I. Building Plans and Grading Plans

Yes    No    N/A\*

\_\_\_    \_\_\_    \_\_\_    A.    Building plans prior to issuance of a  
building permit:

\_\_\_    \_\_\_    \_\_\_    1.    Plans and specifications for the  
structure to be erected. Such plans  
and specifications shall be under the  
seal of a professional engineer or an  
architect licensed by the State of  
New Jersey or, if not prepared by  
such engineer or architect,  
accompanied by the appropriate  
affidavit of the owner in those cases  
which such practice is permitted.  
(1974 Code, ' 57-4.1; Ord. No. 54-  
76; Ord. No. 92-31)

\*N/A – Indicates the item is not applicable to the application.

## TOWNSHIP OF BERKELEY CODE

Yes    No    N/A

\_\_\_\_    \_\_\_\_    \_\_\_\_

B. Grading plan prepared signed and sealed by licensed professional engineer accompanied by, containing or showing the following prior to issuance of a zoning/building permit:

\_\_\_\_    \_\_\_\_    \_\_\_\_

1. Certification by the engineer that the plan has been prepared by him and includes all the hereinafter listed items. The certification shall further set forth that the proposed grading and floor elevation that are proposed will not impact detrimentally upon any adjoining owner; if applicable, that the plan conforms to an approved site grading plan or, if not, that the changes are not significant to that approval and will in no way further impact adjoining; and, further, that the plan provides for the proper on-site runoff that is adequate to prevent ponding, severe erosion and positive drainage away from the proposed building construction.

\_\_\_\_    \_\_\_\_    \_\_\_\_

2. Drawn to a scale of not more than one (1) inch equals ten (10) feet or less than one (1) inch equals fifty (50) feet.

\_\_\_\_    \_\_\_\_    \_\_\_\_

3. The location of all new construction and all existing structures on the site and within fifty (50) feet of the property.

\_\_\_\_    \_\_\_\_    \_\_\_\_

4. Distances from lot lines to existing structures and proposed improvements.

\_\_\_\_    \_\_\_\_    \_\_\_\_

5. Zoning setback lines to establish buildable area available for development.

## BUILDING AND HOUSING

Yes    No    N/A

- |   |   |   |     |   |
|---|---|---|-----|---|
| — | — | — | 6.  | Property lines and dimensions based upon a current (within last two (2) years) outbound survey prepared by a licensed professional land surveyor. A signed and sealed copy of the survey plan shall be submitted.   |
| — | — | — | 7.  | Building dimensions of existing and proposed buildings or additions.  |
| — | — | — | 8.  | Existing and proposed contour lines at one (1) foot intervals, with reference datum to the National Geodetic Vertical Datum (NGVD), for the tract upon which the dwelling or other structure is to be constructed. At the discretion of the Township Engineer, an assumed datum may be used. Contour lines shall be at one (1) foot intervals with spot elevations at each lot corner, at fifty (50) foot intervals along each street center line, edge of pavement or stormwater gutter, at the top of curbline, and extend for fifty (50) feet in all directions from the property in question. |
| — | — | — | 9.  | Surveys and existing topographical information must be referenced to a final major subdivision/site plan or certified by a licensed professional land surveyor and shall bear his signature and seal.   |
| — | — | — | 10. | Proposed spot elevations shall be provided at the corners of proposed structures or structural appurtenances, finished floor elevations for dwellings and garages, driveways, sidewalks, curbing, swales and graded areas.  |
| — | — | — | 11. | The total area of the tract and the total area upland or buildable area.  |

## TOWNSHIP OF BERKELEY CODE

| <u>Yes</u> | <u>No</u> | <u>N/A</u> |  |
|------------|-----------|------------|--|
| —          | —         | —          | 12. The gross floor area of the proposed structures.   |
| —          | —         | —          | 13. The floor area of various uses on the premises.  |
| —          | —         | —          | 14. The percentage of lot coverage by structures.  |
| —          | —         | —          | 15. The existing/proposed sidewalk/curb and fence locations, including the type of materials to be used for construction.                      |
| —          | —         | —          | 16. The existing/proposed driveway locations including the type of material to be used.  |
| —          | —         | —          | 17. The location and identification of flood zones, conservation easements and wetland areas.  |
| —          | —         | —          | 18. The location of all existing utilities, including street lighting, and proposed connections thereto, and any required utility relocations. |
| —          | —         | —          | 19. The proposed method of providing water and sewer services shall be clearly indicated.  |
| —          | —         | —          | 20. Stormwater flow direction arrows must be provided for both on-site and off-site conditions.  |
| —          | —         | —          | 21. Location of all existing sewer and water utilities and proposed connections thereto, and any required utility relocations.                 |
| —          | —         | —          | 22. The width of street rights-of-way, the width of street pavements and the material composition of the street surface.                       |

## BUILDING AND HOUSING

| <u>Yes</u> | <u>No</u> | <u>N/A</u> |   |
|------------|-----------|------------|---|
| —          | —         | —          | 23. A graphic scale and a North arrow shall be shown with datum referenced.   |
| —          | —         | —          | 24. Provide a description of the house style (e.g., ranch, bi-level, two story) and type of construction.   |
| —          | —         | —          | 25. Describe the building to be constructed: basement, crawl space or slab construction.  |
| —          | —         | —          | 26. Delineate the limits of lot clearing and identify any trees to be saved in accordance with the tree removal permit.   |
| —          | —         | —          | 27. A road opening permit from the Township Department of Public Works, if required.  |
| —          | —         | —          | 28. When required by the Township Code or at the discretion of the Township Engineer or the Building Subcode Official, the results of test borings taken to a depth of twenty (20) feet, reflecting the nature of the subsoil conditions, the height of the surface water table on a basis of seasonal average and the height of the surface water table at the maximum wet season. |
| —          | —         | —          | 29. Utility connection permits from the appropriate utility companies, if required.   |
| —          | —         | —          | 30. Septic system approval from the Ocean and Berkeley Township Health Departments, if applicable   |



## TOWNSHIP OF BERKELEY CODE

Yes    No    N/A

31. United States Army Corps of Engineers or NJDEPE approved wetlands and wetlands buffer delineations by metes and bounds, if applicable, calculated wetland and wetland buffer areas shall be noted.

32. The land shall be graded so that the stormwater from each lot shall drain directly to the street. If not possible to drain directly to the street, it shall be drained to a system of interior yard drainage designed in accordance with Section 35-71.

33. The minimum slope of the yard surface shall be one-fourth (1/4) inch per foot or two (2%) percent away from the proposed building toward the lot's property lines.

34. The maximum grade for lawns and disturbed areas within five (5) feet of a building shall be ten (10%) percent and, for lawns more than five (5) feet from a building, twenty-five (25%) percent, except for the driveway; the maximum grade shall be ten (10%) percent.

35. The minimum slope for drainage swales shall be one and one-half (1 ½%) percent.

36. Schedule showing zoning of property, zoning requirements and plan provisions in relation to each zoning requirement.

37. Submission of a development permit application in accordance with Chapter XXIX for any development within special floor hazard areas of the Township.

## BUILDING AND HOUSING

Yes   No   N/A

\_\_\_\_

38. Proposed contours shall, in the case of an approved subdivision, be consistent with an overall grading and drainage plan. In the case of an individual lot, the proposed contours shall meet existing contours at or within the property lines of the lot in question. In any event, the proposed grading of the lot shall not disturb or change the existing drainage pattern of adjacent lots. Drainage flow arrows shall be provided to clearly depict the directions of stormwater runoff. No sump conditions shall be created, and no grading on adjacent lots shall be permitted unless said adjacent lots are being concurrently developed as part of a subdivision by the same developer/builder or unless permission has been granted by the owner of the adjoining lot.

### II. Road Improvement Plans

\_\_\_\_

1. An as-built plan, profile and typical full width cross section of the road for the block upon which the lot abuts to the nearest improved or semi-improved road or documentation from the Township Engineer that the road has been constructed in accordance with the standards set forth in Chapter XXXV, Land Development or for which adequate guarantees of construction have been given to the Township, or a certification, in writing, from the Township Engineer that the existing street is a semi-improved street meeting all the requirements of Chapter 17-5.6.
2. Street improvement plans in accordance with Chapter 17-5.4(b) [1] if the lot fronts on a paper street.

## TOWNSHIP OF BERKELEY CODE

Yes    No    N/A

\_\_\_\_    \_\_\_\_    \_\_\_\_

3. Street improvement plans in accordance with Chapter 17-5.4(b) [2] or deposit with the Township of a cash deposit or a performance guarantee for said improvements, if the lot fronts on a gravel road.

### III. Administration Requirements

\_\_\_\_    \_\_\_\_    \_\_\_\_

1. Proper Application Fee (submit calculations).

\_\_\_\_    \_\_\_\_    \_\_\_\_

2. Proof of payment of property taxes for the current quarter.

\_\_\_\_    \_\_\_\_    \_\_\_\_

3. Required number of prints submitted.

\_\_\_\_    \_\_\_\_    \_\_\_\_

4. Application fees reflect any variance or design waiver requests.

\_\_\_\_    \_\_\_\_    \_\_\_\_

5. Required applications on forms provided by the Zoning Officer and Building Subcode Official.

\_\_\_\_    \_\_\_\_    \_\_\_\_

6. Executed copy of Zoning/Building permit checklist.

\_\_\_\_    \_\_\_\_    \_\_\_\_

7. Photographs of existing conditions.

\_\_\_\_    \_\_\_\_    \_\_\_\_

8. Site inspection permission form.

\_\_\_\_    \_\_\_\_    \_\_\_\_

9. The plans shall be accompanied by **proof of submission, in proper form** to the following regulatory agencies, as applicable;

\_\_\_\_    \_\_\_\_    \_\_\_\_

- a. Ocean County Planning Board.

\_\_\_\_    \_\_\_\_    \_\_\_\_

- b. Ocean County Soil Conservation District.

\_\_\_\_    \_\_\_\_    \_\_\_\_

- c. Ocean County and Berkeley Boards of Health.

## BUILDING AND HOUSING

Yes    No    N/A

\_\_\_\_\_

d. Berkeley Sewerage Authority.

\_\_\_\_\_

e. NJ Department of Environmental Protection for CAFRA Permit, Wetlands Permit, Stream Encroachment Permit, Sewer Extension Permit, Flood Plain Approval and/or Waterfront Development Permit.

\_\_\_\_\_

f. NJ Department of Transportation for access driveways, utility openings, occupancy and/or drainage permits.

\_\_\_\_\_

g. Berkeley Township Water Utility (MUA).

\_\_\_\_\_

h. Any other required permits/approvals.

\_\_\_\_\_

i. Application for tree removal permit, where required.

\_\_\_\_\_

j. Evidence of a Comprehensive General Liability Insurance Plan.

\_\_\_\_\_

11. Letters from the following agencies indicating they can provide service to the location:

- a. US Postal Office
- b. Police Traffic Safety
- c. Berkeley Public Works Dept.
- d. Bureau of Fire Prevention

Provision of these letters does not relieve applicant of proving the elements of NJSA 40:55D-36 with testimony before the Board.

CHECKLIST L.D. 3  
BERKELEY TOWNSHIP  
PRELIMINARY PLAT MAJOR SITE PLAN APPLICATION CHECKLIST

The following information must be submitted for the application to be deemed complete:

I. Site Plan showing the following:

Yes No N/A

A. Title Block:

- |               |               |               |   |
|---------------|---------------|---------------|---|
| <u>      </u> | <u>      </u> | <u>      </u> | 1. Name of the project, if any.   |
| <u>      </u> | <u>      </u> | <u>      </u> | 2. Title of "Site Plan."  |
| <u>      </u> | <u>      </u> | <u>      </u> | 3. Tax map sheet, lot and block designation.  |
| <u>      </u> | <u>      </u> | <u>      </u> | 4. Date of original and all revisions.  |
| <u>      </u> | <u>      </u> | <u>      </u> | 5. Name(s), signature(s), address(es) and license number(s) of engineer and land surveyor who prepared the site plan. |

B. General:

- |               |               |               |  |
|---------------|---------------|---------------|--|
| <u>      </u> | <u>      </u> | <u>      </u> | 1. Standard Size Drawing (24" x 36" or 30" x 42").   |
| <u>      </u> | <u>      </u> | <u>      </u> | 2. Scale: Not less than 1" = 50'.  |
| <u>      </u> | <u>      </u> | <u>      </u> | 3. Bearings, distances of each property line.  |
| <u>      </u> | <u>      </u> | <u>      </u> | 4. Zone(s), Zone Requirements (Required and Provided) and area map showing zoning boundaries within 1,000 feet of tract. |

Yes No N/A

- |               |               |               |  |
|---------------|---------------|---------------|--|
| <u>      </u> | <u>      </u> | <u>      </u> | 5. Area of Tract.  |
| <u>      </u> | <u>      </u> | <u>      </u> | 6. Building area(s).   |
| <u>      </u> | <u>      </u> | <u>      </u> | 7. Name and address of owner and applicant.  |
| <u>      </u> | <u>      </u> | <u>      </u> | 8. Required parking and parking provided.  |
| <u>      </u> | <u>      </u> | <u>      </u> | 9. Owner's name, block and lot designation, and present use of all property within 200 feet.   |
| <u>      </u> | <u>      </u> | <u>      </u> | 10. Existing topography at one (1) foot contour intervals (min. two (2) foot contour intervals, where slopes exceed 5%) extending a minimum of 100 feet beyond tract boundary. |
| <u>      </u> | <u>      </u> | <u>      </u> | 11. Proposed site grading with one (1) foot contours and sufficient spot grades in paved areas to determine and define flow direction.   |

12. Existing Features:

- |               |               |               |   |
|---------------|---------------|---------------|---|
| <u>      </u> | <u>      </u> | <u>      </u> | a. Existing on-site buildings and structures (with future disposition). |
| <u>      </u> | <u>      </u> | <u>      </u> | b. Watercourses.  |
| <u>      </u> | <u>      </u> | <u>      </u> | c. Limits of wooded areas.  |
| <u>      </u> | <u>      </u> | <u>      </u> | d. Easements.   |
| <u>      </u> | <u>      </u> | <u>      </u> | e. Drainage system.   |
| <u>      </u> | <u>      </u> | <u>      </u> | f. Location of all driveways within 100 feet.                           |

Yes No N/A

- |                          |                          |                          |  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | g. Location of nearest fire hydrant.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | h. Location and use of existing structures within 100 feet of the site.  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | i. Delineation of important physical features including swamps, bogs, ponds and wetlands areas on-site and within 200 feet of the tract boundary.  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | j. Existing streets, water-courses, flood plains, flood-ways and flood areas on-site and within 200 feet of the boundaries thereof, both the width of the paving and the width of the right-of-way of each street, existing public easements and Township borders within 150 feet of the site. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 13. North arrow and graphic scale.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 14. Copy of any covenants or deed restrictions.  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 15. All proposed uses and structures with setbacks from property lines.  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 16. Location of existing and proposed signs, outdoor lighting, fencing and buffer areas.   |

Yes   No   N/A

- |                          |                          |                          |  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17. Typical construction details and/or cross-sections for curb, sidewalk, pavement, manholes, inlets, headwalls, etc.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 18. Detailed utility layouts showing methods of connection and sources of service.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 19. Design details and dimensions of fences, walls, signs, lighting and other similar facilities.  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 20. Existing and proposed storm drainage facilities including plans and profiles, invert elevations, and drainage area map and calculations to substantiate adequacy of proposed storm drainage. Drainage area to each inlet shall be shown. The plan shall be accompanied by an off-site drainage plan. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 21. Specifics of site ingress and egress (i.e. curb radii, curb opening, lane widths, existing driveways within 100 feet of site, etc.).   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 22. Key Map naming streets within 500 feet of the site.  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 23. Entire parcel shall be shown.  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 24. Space for signature of Chairman, Secretary and Board Engineer.   |

Yes   No   N/A

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 25. Written description of proposed operations.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 26. Fire zones and signage.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 27. Date of outbound survey and name of Land Surveyor.  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 28. Signed and sealed by New Jersey Licensed Engineer and Land Surveyor (if applicable).                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 29. Sectionalization Plan, if applicable.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 30. Proposed sight triangles.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 31. Proposed traffic control signage and pavement markings.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 32. Soil borings (to a minimum depth of 10 feet) and hydraulic conductivity tests for all stormwater basins/trenches wells. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 33. Compliance with Berkeley Township Code Chapter XXXV, Articles VII through X.  |

C. Commercial and Industrial Site Plans:

- |                          |                          |                          |  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Off-street parking layout (dimensions of aisles, parking spaces, loading areas, fire lanes, traffic lanes, etc.) and in compliance with the requirements of the Zoning Ordinance. |
|--------------------------|--------------------------|--------------------------|--|

\_\_\_ 2. Direction of internal traffic flow.

Yes No N/A

\_\_\_ 3. Lighting and Landscaping Plan.

\_\_\_ 4. Storage areas (refuse, equipment, materials).

\_\_\_ 5. Soil borings - soil logs to a minimum depth of 20 feet (depth to ground water, ground elevation).

D. Multi-Family Housing:

\_\_\_ 1. Off-street parking layout (dimensions of aisles parking spaces, loading areas, fire lanes, traffic lanes, etc.).

\_\_\_ 2. Lighting and Landscaping Plan.

\_\_\_ 3. Recreation areas - other public areas.

\_\_\_ 4. Refuse storage and pick-up, recycling areas.

\_\_\_ 5. Soil borings - soil logs to a minimum depth of 20 feet (depth to ground water, ground elevation).

\_\_\_ 6. Compliance with applicable detail requirements of Zoning Ordinance pertaining to multi-family housing.

E. Building Alterations:

\_\_\_ 1. Off-street parking layout.

\_\_\_ 2. New setback dimensions.

\_\_\_ 3. Proposed landscaping.

II. Administrative Requirements

Yes No N/A

\_\_\_ 1. Proper Application Fee (submit calculations).

\_\_\_ 2. Proof of payment of property taxes for the current quarter.

\_\_\_ 3. Required number of prints submitted.

\_\_\_ 4. Application fees reflect any variance or design waiver requests.

\_\_\_ 5. Preliminary architectural elevations and floor plans.

\_\_\_ 6. Written description of proposed activities.

\_\_\_ 7. Submission of an Environmental Impact Statement.

\_\_\_ 8. Submission of a Traffic Impact Statement.

\_\_\_ 9. For application for preliminary approval, the plans shall be accompanied by proof of submission in proper form to the following regulatory agencies, as applicable:

\_\_\_ a. Ocean County Planning Board.

\_\_\_ b. Ocean County Soil Conservation District.

\_\_\_ c. Ocean County and Berkeley Boards of Health.

Yes No N/A

\_\_\_ d. Berkeley Sewerage Authority, proof of approval.

- \_\_\_\_\_ e. N.J. Department of Environ-mental Protection for CAFRA Permit, Wetlands Permit, Stream Encroachment Permit, Sewer Extension Permit, Flood Plain Approval and/or Water-front Development Permit.
- \_\_\_\_\_ f. N.J. Department of Transpor-tation for access driveways, utility openings, occupancy and/or drainage permits.
- \_\_\_\_\_ g. Berkeley Township Water Utility (MUA).
- \_\_\_\_\_ h. Any other required permits/approvals.
- \_\_\_\_\_ i. Application for tree removal permit, where required.
- \_\_\_\_\_ 10. Evidence of a Comprehensive General Liability Insurance Plan.



DATE: \_\_\_\_\_

**TREE REMOVAL CERTIFICATION**

NAME: \_\_\_\_\_

SITE ADDRESS: \_\_\_\_\_

Block(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

For application of variance with regard to the above property:

I, \_\_\_\_\_, do hereby certify that the following number of trees will be removed and that the location of these trees is accurately defined on the attached survey/plot plan submitted.

Number of Trees: \_\_\_\_\_

No Trees to be Removed: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

627 Pinewald-Keswick Road  
P.O. Box B  
Bayville, NJ, 08721

Zoning Department  
(732)-244-7400  
Extension 1507

## BERKELEY TOWNSHIP CERTIFIED MAILING LIST APPLICATION

Please fill out the following information in order to obtain a 200 ft certified mailing list for your property. A payment of \$10 can be made payable to Berkeley Township by cash or check.

Date Submitted \_\_\_\_\_ Block \_\_\_\_\_ Lots \_\_\_\_\_ Zone \_\_\_\_\_

Site Address \_\_\_\_\_

### Property Owner Information

Name \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_

Email Address \_\_\_\_\_

### Applicant Information

Name \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_

Email Address \_\_\_\_\_

Please provide a list of property owners within a 200 ft radius for the above property.

\_\_\_\_\_  
Printed Name of Owner or Applicant

\_\_\_\_\_  
Signature of Owner or Applicant

# Request for Taxpayer Identification Number and Certification

Give form to the  
requester. Do not  
send to the IRS.

Please print or type

Name (See Specific Instructions on page 2.)

Business name, if different from above. (See Specific Instructions on page 2.)

Check appropriate box: ☐ Individual/Sole proprietor ☐ Corporation ☐ Partnership ☐ Other ▶

Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

City, state, and ZIP code

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 2. For other entities, it is your employer identification number (EIN). If you do not have a number, see How to get a TIN on page 2.

Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.

Social security number

or

Employer identification number

List account number(s) here (optional)

## Part II For U.S. Payees Exempt From Backup Withholding (See the instructions on page 2.)

## Part III Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me) and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

**Certification Instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 2.)

Sign  
Here

Signature of  
U.S. person ▶

Date ▶

## Purpose of Form

A person who is required to file an information return with the IRS must get your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to give your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify the TIN you are giving is correct (or you are waiting for a number to be issued).
2. Certify you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

If you are a foreign person, use the appropriate Form W-8. See Pub. 515, Withholding of Tax on Nonresident Aliens and Foreign Corporations.

Note: If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**What is backup withholding?** Persons making certain payments to you must withhold and pay to the IRS 31% of such payments under certain conditions. This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

If you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return, payments you receive will not be subject to backup withholding. Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester, or
2. You do not certify your TIN when required (see the Part III Instructions on page 2 for details), or
3. The IRS tells the requester that you furnished an incorrect TIN, or
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the Part II instructions and the separate instructions for the Requester of Form W-9.

## Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.