

BOROUGH OF BERNARDSVILLE

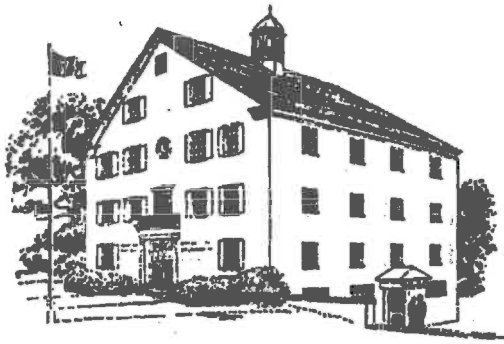
BOARD OF ADJUSTMENT

APPLICATION

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** Revised General Ordinances of the Borough of Bernardsville*



Borough of Bernardsville

166 Mine Brook Road
Bernardsville, NJ 07924

Planning & Zoning Boards Administrative Office

Phone: (908) 636-7635 Fax: (908) 766-2788

fmottola@bernardsvilleboro.org

Dear Applicant:

In this packet are forms and informational documents that are needed for filing applications to the Board of Adjustment for appeals, interpretations, variances and other relief specifically within its powers and jurisdiction. As set forth in New Jersey's Municipal Land Use Law, the Board of Adjustment is an independent administrative agency vested with significant, quasi-judicial authority to adjudicate requests to deviate from the Borough's established land use regulations. Enclosed for your reference are the Borough Fee and Escrow ordinance and the section of the Tree Protection ordinance pertaining to requirements for development applications. The entire Tree Protection Ordinance and Land Development Code can be accessed online via the Borough website (www.bernardsvilleboro.org).

Prior to your submittal it is suggested that you inform your neighbors of your proposed project. These individuals will be notified via the application process and advance knowledge may provide the opportunity to privately discuss the matter and address any concerns they may have versus having these issues raised for the first time during the public hearing.

Upon your submittal of ten (10) collated sets of completed application forms, review checklists, all supporting documents (drawings, photos, etc.) and payment of application fee and escrow deposit, your application will be distributed to Board professionals and Borough agencies for determination of completeness and technical reviews. Once your application has been deemed complete, your application will be scheduled for the next available hearing date, or a later date if preferable. Applicants are required to provide notices of their scheduled hearing by newspaper ad and by certified mailings to neighboring property owners within 200', at least 10 days prior to the hearing. The week prior to your hearing, an additional eleven (11) collated sets of application forms and supporting documents will be required (for members of the Board), together with your proofs of notice.

If you have any questions or require assistance, please do not hesitate to contact me at 908-636-7635 or fmottola@bernardsvilleboro.org.

Sincerely,

Frank Mottola, Planning & Zoning
Boards Administrative Officer

Bernardsville Board of Adjustment
Application Instructions

In order to prepare, file and present an Application before the Bernardsville Board of Adjustment, the applicant shall:

1. If you have not received a zoning permit letter of denial, please contact the Zoning Officer to confirm that your proposed work/development needs Board of Adjustment variance or other relief. Zoning office hours are Monday – Friday 8:30 am to 4:30 pm. The telephone number is 908-636-7604.
2. Download the General Application Form, the applicable review check list(s) and all other required forms by clicking on the FORMS tab on the Borough website (www.bernardsvilleboro.org) or contact the Board of Adjustment Administrative Office located on the third floor of the Municipal Building at 166 Mine Brook Road. Office hours are Monday – Friday 7:30 AM – 3:00 PM. Phone: **908-636-7635**. Email: fmottola@beranrdsvilleboro.org.
3. Obtain a certified list of Bernardsville property owners within 200 feet of subject property and a taxes paid certification from the Bernardsville Tax Collector. An official request form is contained in this application packet. If there are contiguous properties within 200 feet located in an adjoining municipality, obtain a similar property owners list of such municipality.
4. Submit the following to the Board's Administrative Officer:
 - a. Ten [10] collated sets of the completed application form and checklist, and other supporting documents as required by the checklist. Only one (1) copy each of a completed W-9 form, the 200' list and the taxes paid certification are required. All drawings submitted in support of an application must be folded if larger than 8½" x 11" and should not exceed 24" x 36" in size.
 - b. Separate checks must be submitted for the application fee and escrow deposit and made payable to the Borough of Bernardsville. A completed W-9 form is required for all new escrow accounts. Escrow funds are used to pay the Board's professionals for reviewing applications, attendance at hearings, preparation of decision resolutions and post-approval resolution compliance certification. Any escrow funds not used are refundable to the applicant. Occasionally, additional funds must be collected during the course of an application or after it has been decided. This occasionally occurs for more complex applications that require continued hearings over multiple meetings and submittal of supplemental documentation that must be reviewed. The application fee is non-refundable. Copies of Board professionals' fee schedules are available from the Administrative Officer.

5. The Administrative Officer and Board professionals will review your application for completeness within 45 days of its submittal. If deemed incomplete, a letter identifying incomplete items will be sent to the Applicant. Once your application has been deemed complete, the Administrative Officer will schedule it for a hearing. Subsequently, eleven[11] additional collated sets of applications, folded plans, etc. will be requested with a specified delivery date, usually the week before your hearing date. The Board's current year meeting schedule is posted on the Borough website.
6. Your property should be staked or marked to indicate the location of the proposed work/lot development. This will assist Board members, Board professionals and municipal agencies when inspecting your property.
7. At least ten [10] days prior to the scheduled hearing date, applicants are required to provide notice of their application to neighboring property owners within 200' of their property and publication of the hearing notice in the official newspaper. Applicants may notify neighbors via certified mail (return receipt service is NOT REQUIRED) or personal delivery service.
8. Not less than five [5] days prior to your scheduled hearing, submit the following to the Administrative Officer:
 - a. Post Office date stamped certified mail receipts for all of the properties on the 200' owners list or, if hand delivered in person, signed and dated certification of notice delivery from each neighbor served.
 - b. A copy of the form of public notice mailed and published.
 - c. A newspaper issued affidavit of publication or a copy of the published newspaper notice.
 - d. A notarized affidavit of service, if applicable.
9. At the public hearing, the applicant must present sufficient evidence to justify the granting of the relief requested. The applicant may appear in person or may be represented by an attorney-at-law of New Jersey. The applicant may also provide testimony from licensed or certified professionals. Corporations and partnerships must be represented by an attorney-at-law of New Jersey. To the extent practicable, all exhibits should be in color.

BOARD OF ADJUSTMENT OF THE BOROUGH OF BERNARDSVILLE

GENERAL APPLICATION FORM

(FOR VARIANCE, SITE PLAN, SUBDIVISION OR OTHER RELIEF)

APPLICATION OF _____
(Name of Applicant)

OFFICE USE ONLY			
BOA Application:	Fee:	Escrow:	Received:
# _____	\$ _____	\$ _____	by _____

SECTION I. NATURE OF APPLICATION AND/OR RELIEF REQUESTED

- #1. Appeal of alleged error-
N.J.S.A. 40:55D-70(a).
- #2. Interpretation of zoning map,
Zoning ordinance or decision
on special question-
N.J.S.A. 40:55D-70(b).
- #3. "Bulk" Variance for unique conditions
or physical features of the property/
street-(N.J.S.A. 40:55 D-34)
N.J.S.A. 40:55D-70(c1), or benefits
of deviation from zoning standards
relief outweigh the detriments-
N.J.S.A. 40:55D-70(c2).
- #4. "Special Reasons" Variance
N.J.S.A. 40:55D-70(d) (1)-(6).
- #5. Other relief, including certification
of non-conforming use-
(N.J.S.A. 40:55D-68); permit to
build on a lot not abutting a street
(N.J.S.A. 40:55D-36) or permit to
build in the bed of a stream.
- #6. Ancillary relief: If relief is
requested under #4 above,
indicate what ancillary relief is
requested pursuant to
N.J.S.A. 40:55D-76(2):
 - Minor Subdivision approval
 - Minor Site Plan approval
 - Major Subdivision approval
 - Major Site Plan approval
 - Conditional Use approval

NOTE: IT IS NECESSARY FOR THIS APPLICATION FORM TO BE FULLY COMPLETED AND EXECUTED. ADDITIONALLY, THE ATTACHED CHECKLIST MUST ALSO BE COMPLETED, AND ANY MAPS, PLATS OR OTHER CHECKLIST ITEMS MUST BE SUBMITTED WITH THE APPLICATION, IN THE NUMBER OF COPIES REQUIRED. DRAWINGS MUST BE APPROPRIATELY FOLDED AND APPLICATIONS COLLATED UPON SUBMITTAL.

SECTION II. DESCRIPTION OF PROPOSED PREMISES AND USE

Block: _____ Lot: _____ Zone: _____ Tax Map Page: _____

Street Location of Property: _____

1. Record Title Owner: _____

Address: _____

Phone #: _____ Fax #: _____ Email: _____

2. Date of Purchase by Record Title Owner: _____
(Attach copy of Record Title Owner's Deed)

3. Applicant (If different from Record Title Owner): _____

Address: _____

Phone #: _____ Fax #: _____ Email: _____

4. Attorney for Applicant (if any): _____

Address: _____

Phone #: _____ Fax #: _____ Email: _____

5. Applicant's Engineer (if any): _____

Address: _____

Phone #: _____ Fax #: _____ Email: _____

6. Applicant's Architect (if any): _____

Address: _____

Phone #: _____ Fax #: _____ Email: _____

7. Current Use of Land and/or Structures (specify): _____

8. Proposed Use of Land and/or Structures (specify): _____

9. Have there been any previous appeals to the Bernardsville Board of Adjustment or Planning Board involving this property? Yes (____) No (____). If yes, state the type of the appeal, the nature of the relief granted or denied, and the date of disposition: _____

10. Does the Owner or Applicant own any lot(s) which is contiguous to the lot(s) which is the subject of this appeal? Yes (____) No (____). If yes, identify the Record Title Owner and list the block and lot numbers of each contiguous lot: _____

11. Are there any existing violations of building codes or zoning ordinances, including valid non-conforming uses known to Applicant? Yes (____) No (____). If yes, identify each such violation or non-conformity _____

SECTION III. ZONING TABLE AND DATA

	Requirement of Zone	Existing	Proposed
1. Height of Building: (feet and stories)	_____	_____	_____
2. Front yard:	_____	_____	_____
3. Side yards:	_____	_____	_____
4. Rear yard:	_____	_____	_____
5. Access Corridor (and frontage on street)	_____	_____	_____
6. Driveway position relative to property lines:	_____	_____	_____
7. Driveway design as per Sec. 12-23.3 a, b, c	_____	_____	_____
8. Minimum lot area: (square feet)	_____	_____	_____
9. Lot shape: (minimum circle diameter)	_____	_____	_____
10. Building envelope: (free of (riparian yard, wetlands and wetland buffers)	_____	_____	_____

	Requirement of Zone	Existing	Proposed
11. Surface disturbance: (allowable steep slope disturbance)			
15-24.99%	_____	_____	_____
25-29.99%	_____	_____	_____
30% or greater	_____	_____	_____
12. Minimum floor area: (as defined in Sec.12-23.19)	_____	_____	_____
13. Floor area ratio: (as defined in Sec.12-23.19)	_____	_____	_____
14. Maximum impervious coverage: (as defined in Sec.12-23.19)	_____	_____	_____
15. Parking:	_____	_____	_____
16. Distance between buildings:	_____	_____	_____
17. Accessory Building			
a. Height:	_____	_____	_____
b. Distance from Principal Building:	_____	_____	_____
c. Setbacks:	_____	_____	_____
18. Number of garage spaces:	_____	_____	_____
19. Signs:	_____	_____	_____
20. Other: (specify)	_____	_____	_____

SECTION IV. REASONS IN SUPPORT OF THE RELIEF REQUESTED

1. If your application is based on an alleged error by the Construction Code Official or Zoning Officer, (Section I, #1 above) describe the permit or other approval requested, the action taken by the Construction Code Official or Zoning Officer, and why you think that action was in error. Attach a copy of any correspondence received from the Construction Code Official or Zoning Officer. _____

2. If your application requests interpretation of the zoning map, zoning ordinance, or other special question, (Section I, 2 above) describe same and set forth the reasons which support the relief you request of the Board of Adjustment. _____

3. If your application requests a variance from bulk standards because of unique conditions or physical features of the property, or because you feel the benefits of deviation from zoning standards outweigh the detriment resulting from the relief requested (Section 1,3 above), state the following:

(a) Why would the strict enforcement of the Ordinance result in peculiar or exceptional practical difficulties or undue hardship on the property in question? _____

(b) What are the exceptional or extraordinary circumstances affecting the subject property which do not similarly affect other property in the same zone or neighborhood? _____

(c) If applicable, how would the Purposes of Zoning or goals of the Master Plan be advanced by the relief which you are requesting, and how would these benefits outweigh the detriment to the Zone Plan and Zoning Ordinance resulting from the deviation requested? _____

(d) What factors indicate that the relief requested can be granted without substantial detriment to the Zone Plan, Zoning Ordinance, or the General Welfare? _____

4. If your Application requests a "special reasons" variance, (Section I, 4 above), state the following:

(a) Does the Application involve an Inherently Beneficial Use? If so, what benefit to the public will flow from the allowance of this use at the proposed location? _____

(b) Set forth the "special reasons" which you urge for the grant of the relief requested. _____

(c) What factors indicate that the relief requested can be granted without substantial detriment to the Zone Plan, Zoning Ordinance, or the General Welfare? _____

5. If your Application requests other relief such as interpretation of a non-conforming use, permission to construct the house within the right-of-way of a public street, or permission to construct a house not fronting on a street (Section 1, 5 above), please state the following:

(a) When did the non-conformity commence, the date an Ordinance was adopted rendering such use or structure non-conforming, and all facts indicating such use or structure has continued without enlargement or expansion to date. _____

(b) What are the reasons permission should be granted to locate a house in the right-of-way of a street, and how is this consistent with the maintenance of the Official Map? _____

(c) What are the reasons permission should be granted to build a house on a lot not having frontage on a street, and how will public health, safety, and welfare be provided to the occupants of such house? _____

(d) Set forth any further information you deem necessary to enable the Board to act on your Application - additional paper may be used. _____

SECTION V. PERMISSION TO INSPECT

It is the practice of individual members of the Board of Adjustment, as well as Borough officials such as the Construction Code Official, the Zoning Officer, members of the Environmental Commission, members of the Shade Tree Committee and members of the Fire Prevention Bureau to inspect properties which are coming before the Board of Adjustment for action. Such inspections by Board members, if they occur, are for the purpose of understanding more fully the testimony which will be presented at the Public Hearing. Such inspections by other Borough Officials are for the purpose of their submitting advisory reports to the Board of Adjustment for their consideration at the Public Hearing. In most cases an external curbside view of the property is all that is required. These inspections will be conducted without notice to you. In some cases, it will be necessary to enter the property to appreciate impacts on the subject property or surrounding properties. **THEREFORE, THE APPLICANT OR HIS ENGINEER IS ASKED TO "MARKOUT" THE CORNERS OF ANY SUBDIVISION, BUILDING OR ADDITION TO BE PLACED ON THE SITE.**

_____ I (or) _____ We certify that _____ I am (or) _____ We are the owner(s) or _____ of the subject property.
(purchaser under contract, lessee, etc.)

Date: _____
Applicant

Note: Where Applicant is not the legal owner of the subject property, consent of the legal owner(s) must be submitted as follows or in an attached letter.

The undersigned legal owner(s) of the property mentioned in the foregoing appeal or application hereby consents thereto.

Date: _____
Owner
Owner

Address: _____

I will have the following witnesses testify in my behalf at the hearing:

<u>Name</u>	<u>Title</u>
1. _____	(Applicant)
2. _____	_____
3. _____	_____
4. _____	_____

REVIEW CHECKLIST

ZONING BOARD OF ADJUSTMENT APPLICATIONS Borough of Bernardsville

Applicant: _____

Block: _____ Lot: _____ Address: _____

Below is a list of required information which must be submitted with an application for a Minor Site Plan and Preliminary Application of a Major Site Plan. For more information, refer to Article 9, entitled "Site Plan Review," in the Land Development Regulations.

The applicant must submit twenty-one (21) sets of applications and drawings to the Borough of Bernardsville which will be forwarded to the: Board of Adjustment, Board Attorney, Board Planner, Board Engineer, Zoning Officer, Environmental Commission, Health Department, Fire Prevention Bureau, Shade Tree Committee, Historic Preservation Committee. The applicant must also submit applications to the Somerset County Planning Board and Soil Conservation District as applicable, and to N.J.D.O.T. if project affects Street R.O.W.

9-9.2 Minor Site Plan and Preliminary Application of a Major Site Plan. The minor site plan and the preliminary application of a major site plan shall be drawn at a scale of not smaller than 50 feet to the inch and not more than 10 feet to the inch. It shall include such details as may be necessary to properly evaluate the minor site plan or the preliminary application of a major site plan and determine compliance with this Ordinance. In the case of a scale other than one inch equals 50 feet is submitted, one copy of a photomechanical reduction to a scale of one inch equals fifty feet shall also be submitted. Any minor site plan or preliminary application of a major site plan involving any new building, or addition thereto, or any site improvements shall be drawn by a licensed New Jersey professional engineer, land surveyor, architect or professional planner. Where applicable to the proposed use or construction, the following information shall be clearly shown:

a. North arrow, scale, graphic scale, date and notes and dated revisions.

b. The Zoning District in which the property is located and the Zone District or districts of the immediately adjoining properties.

c. The following legends shall be on the Site Plan Map:

1. Site Plan of _____

Lot _____ Block _____ Zone _____

Date _____ Scale _____

Applicant _____

2. I consent to the filing of this Site Plan with the Planning Board of Bernardsville.

(Owner) (Address) (Phone No.) (Date)

3. I hereby certify that I have prepared this Site Plan and that all dimensions and information are correct.

(Name) (Address) (Title & License No.)

4. I have reviewed this Site Plan and certify that it meets all codes and ordinances under my jurisdiction.

(Date) (Borough Engineer)

5. To be signed before issuance of a building permit: I hereby certify that all the required improvements have been installed or a bond posted in compliance with all applicable codes and ordinances.

(If improvements installed) _____
(Borough Engineer)

(Date)

(If bond posted) _____
(Borough Clerk) (Date)

Building Permit Issued _____

(Date)

6. Approved by the (Approving Agency)

Preliminary _____ Final _____

(Chairman) (Date) (Secty.) (Date)

d. All existing and proposed signs and their size, nature of construction and location, and all existing and proposed exterior lighting, including size, nature of construction, location, height, the area and direction of illumination and the lumen power.

e. Rights-of-way, easements and all lands to be dedicated to the Borough.

f. The entire property in question, even though only a portion of said property is involved in the site plan provided, however, where it is physically impossible to show the entire property on the required sheet, a key map is permitted.

g. All abutting streets and property lines within 500 feet of the affected property.	
h. Indication of sanitary disposal system.	
i. Area of the lot and all lot line dimensions.	
j. Survey Map, and metes and bounds description signed, sealed and certified by a Licensed Land Surveyor of New Jersey, showing boundaries of the properties, lines and all existing streets and roads, easements, rights-of-way. These shall be dimensioned and where applicable, referenced as to direction and purpose. All distances shall be in feet and hundredths of a foot. All angles shall be given to the nearest ten (10) seconds or closer. The error of closure shall not exceed one in ten thousand.	
k. Location of off-street parking areas showing proposed parking, sidewalks and loading spaces, with dimensions, width or proposed access drives and aisles and traffic circulation.	
l. Existing and proposed contours of the property and for 100 feet outside the property at 2-foot intervals when new buildings or parking areas are proposed. If only a portion of the property is being developed, contours need only be shown for said portion and 100 feet beyond.	
m. Elevations at the corners of all proposed buildings and paved areas and at property corners if new buildings or paved areas are proposed.	
n. Tentative building floor plans and front, rear and side building elevation drawings showing building materials. Said plans shall be at a scale of not less than 1/8" = 1'. Said plans shall be drawn by a licensed architect.	
o. Specifications for and location of proposed surface paving and curbing.	
p. Location of all structures on any abutting property within 300 feet of the property in question.	
q. Existing streams, brooks, or other natural or manmade drainage facilities when pertinent to any proposed construction on the lot.	
r. Proposed storm drainage facilities, water mains, sanitary sewer lines, water wells, waste disposal systems and other such proposed construction on the lot, as well as existing facilities of this nature when pertinent to any proposed use or construction.	
s. Certification from the Tax Collector that no taxes or assessments for local improvements are due or delinquent on the subject property.	

<p>t. All fences, walls, sidewalks or similar features to be provided.</p>	
<p>u. The present status, location, and contemplated use of all existing buildings on the property.</p>	
<p>v. A Soil Erosion and Sediment Control Plan if required in accordance with P.L. 1975, Chapter 251. Said Plan shall be submitted to the Soil Conservation District in accordance with said statute and approval of the application shall be conditioned upon certification of the Soil Erosion and Sediment Control Plan by the District.</p>	
<p>w. Map showing the entire drainage area and the drainage area contributing to each pertinent drainage structure along with drainage tabulation sheets showing calculations for each drainage area. Each drainage area shall be marked for identification purposes.</p>	
<p>x. Official seals of licensed professional engineer, land surveyor, architect or planner preparing the plans.</p>	
<p>aa. For any use located in a flood plain area, the following information:</p> <p>1. The existing and proposed contours on the property in question at a contour interval of one foot.</p>	
<p>2. The proposed elevations of the levels of the lands involved at the corners of the foundation of any structure or structures.</p>	
<p>3. The lowest elevation of the lowest proposed floor level including basement, if any, within any proposed structure after its completion.</p>	
<p>4. The layout of existing and proposed public streets and the nature, extent and location of existing and proposed public utilities servicing and to service the premises in question.</p>	
<p>bb. Photographs of the property where necessary to show any unusual topographic, environmental or physical aspect of the site. This would include but not be limited to rock outcroppings, vegetation, natural drainageways, wetlands and existing structures and improvements.</p>	
<p>cc. The names of the owners of all contiguous land and of property directly across the street and within two hundred (200) feet of the property, as shown by the most recent tax records of the Borough.</p>	
<p>dd. Key map at a scale of one inch equals one hundred feet (1" = 100'), or larger scale.</p>	

<p>ee. Reference to any existing or proposed deed restrictions or exceptions concerning all or any portion of the parcel. A copy of such covenants, deed restrictions or exceptions shall be submitted with the application.</p>	
<p>ff. All areas dedicated or proposed for public use within 200 feet of the property based on the Borough's Official Map.</p>	
<p>gg. Boundaries of any floodways, flood hazard areas or other areas subject to flooding or storm overflows. Said boundaries shall be drawn pursuant to the Floodplain and Watercourse Ordinance, 13-4.</p>	
<p>hh. Location of existing rock outcroppings, high points, depressions, vegetation, wooded areas and other significant existing features.</p>	
<p>ii. Trees of five inches or over in caliper shall be specifically located and identified. Any proposed change of such natural features shall be specifically noted.</p>	
<p>jj. Location of all existing bridges, culverts, storm sewers, septic systems, sanitary sewers, water, fire protection, electric and telephone lines, both above and below ground, and poles, gas and underground heating systems, pipe lines, artesian wells and other manmade features. Dimensions, grades and flow direction for culverts and sewers shall also be provided.</p>	
<p>kk. Location of all existing streets and highways on or adjacent to the property affected, including names, right-of-way width, pavement width, curb-to-curb width.</p>	
<p>ll. Location of all historical or architecturally significant properties within 300 feet of the property.</p>	
<p>mm. Copies of any proposed deed restrictions or covenants.</p>	
<p>nn. Where applicable, the method by which any open space or common open space area or commonly held building or structure is to be owned and maintained.</p>	
<p>oo. If applicable, development stages for the proposal.</p>	
<p>pp. The Approving Authority may require other specific data. This data may include but is not limited to geologic information, water yields, flood data, environmental information, traffic counts, road capacities, market or economic information, and similar material.</p>	

<p>qq. The location, design, and size of any on- or off-site pedestrian parks and bicycle pathways, open space, common open space, plazas and recreation areas, bridle paths or any other public use areas.</p>	
<p>rr. The location and design of the proposed buffer areas, screening, landscaping and planting, including a planting plan and a schedule of plant materials. The plan shall identify existing and proposed plantings. Botanical and common names of plants and trees, dimensions, approximate time of planting and maintenance plans shall also be indicated.</p>	
<p>ss. Improvement coverage, number of units, square feet of construction, value of construction, density, coverage, number of employees, number of residents and area of land, etc. Specifically identified on the Site Plan, in tabular form, shall be pertinent zoning data, indicating the bulk area requirements of the zone in which the proposed development is located and how the proposed development corresponds to the zoning requirements.</p>	
<p>tt. All proposed streets and private roads with profiles indicating grading; and cross-sections showing width of roadway, location and width of sidewalk and specifications of the Borough of Bernardsville, as applicable.</p>	
<p>In addition, all variances should be shown:</p> <ol style="list-style-type: none"> 1. Building setback lines. 	
<ol style="list-style-type: none"> 2. Variances that will be required. 	
<ol style="list-style-type: none"> 3. The following should be on the cover sheet: <ol style="list-style-type: none"> a. Zoning requirements. b. List of variances c. List of property owners within 200 feet of subject property. 	
<p><u>Sidewalks</u> – (Check Master Plan)</p>	
<ol style="list-style-type: none"> 4. Approval from Somerset County Planning Board, by Applicant. 	
<ol style="list-style-type: none"> 5. Approval from Somerset-Union Soil Conservation District, by Applicant. 	

**ZONING BOARD OF ADJUSTMENT
Borough of Bernardsville**

**REVIEW CHECKLIST for APPLICATIONS for CERTIFICATE of
NONCONFORMING USE (per N.J.S.A. 40:55D-68)**

Name of Applicant: _____ Application #: _____

Property Address: _____ Block: _____ Lot: _____

Following is a list of required information and/or documents which must be submitted to make application to the Board of Adjustment for a certificate of nonconforming use. All required sets of documents must be collated with drawings folded to show title block.

	Application Requirements – Twenty-one (21) copies of all documents, in collated sets, unless noted otherwise:	Check if Provided	Check if Waiver Requested	Official Verification
1	Completed application form			
2	Completed checklist			
3	Application fee – with check made payable to Borough of Bernardsville.			
4	Escrow fee – with check made payable to Borough of Bernardsville and a completed W-9 form (1 copy)			
5	Borough Tax Collector 's certification of current property taxes paid. (2 copies)			
6	Borough certified list of property owners within 200' of subject property. (1 copy)			
7	Affidavit of Ownership; if the applicant is not the owner, applicant's interest in the land, e.g., tenant, contract purchaser, lien holder, etc., and a copy of the document creating that interest			
8	If a corporation or partnership, list the names and addresses of all stockholders or individual partners owning at least ten (10%) of its stocks any class as required by N.J.S.A. 40:55d-48.1			
9	Detailed statement as to why the Applicant is entitled to a certificate of nonconformity per N.J.S.A.40:55D-68.			

	Application Requirements – continued	Check if Provided	Check if Waiver Requested	Official Verification
10	Description of the zoning history affecting the subject and surrounding properties.			
11	Any and all supporting documents relating to the application including but not limited to prior resolutions of Borough actions, building permits, building inspection reports, tax/assessment information.			
12	Current property survey, drawn to scale, dated within one (1) year prepared, signed & sealed by a registered NJ Land Surveyor – or – survey older than one year with an affidavit certifying that all development currently on the property is identical to that shown on the submitted survey.			
13	A key map, with a north arrow showing the location of the site and its relationship to surrounding areas, existing street locations, municipal and zone boundaries at a scale not less than 1" = 200'			
14	The key map shall include the names of all property owners within 200 feet			
15	Photographs of the subject property depicting existing conditions.			
16	Architectural floor plans, drawn to scale, illustrating the existing interior configuration of the structure in question. (Drawing may be hand drawn by an applicant provided they are to scale and certified in writing to be a true and accurate representation of what exists on-site.)			

Request for Taxpayer Identification Number and Certification

**Give Form to the
requester. Do not
send to the IRS.**

Print or type See Specific Instructions on page 2.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.		
	2 Business name/disregarded entity name, if different from above		
	3 Check appropriate box for federal tax classification; check only one of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ► _____ Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. <input type="checkbox"/> Other (see instructions) ► _____		4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>
	5 Address (number, street, and apt. or suite no.)		Requester's name and address (optional)
	6 City, state, and ZIP code		
	7 List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. 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 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number											
				-			-				
or											
Employer identification number											
					-						

Part II 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. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

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 3.

Sign Here	Signature of U.S. person ► _____	Date ► _____
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.*

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

Note. If you are a U.S. person and 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.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive 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 be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

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 *Exempt payee code* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* above.

What is FATCA reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code* on page 3 and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

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.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account, list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note. ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C Corporation, or S Corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

Limited Liability Company (LLC). If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "P" in the space provided. If the LLC has filed Form 8832 or 2553 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for C corporation or "S" for S corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "Individual/sole proprietor or single-member LLC."

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space in line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note. You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on this page), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code* earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ³
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor ⁴
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ⁴
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 2.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



BOROUGH OF BERNARDSVILLE

OFFICE OF THE TAX COLLECTOR

166 MINE BROOK ROAD
BERNARDSVILLE, NJ 07924

(908) 766-3000, EXT 121 FAX: (908) 766-2401
LROBERSON@BERNARDSVILLEBORO.ORG

REQUEST FOR 200' LIST & TAXES PAID CERTIFICATION

Date:

To: Tax Collector

Please provide a block and lot listing of the properties within 200 feet of:

Block _____ Lot _____

Location of Property:	
Owner:	
List Requested By:	

_____ Please also supply a certification of taxes paid on this property.

How would you like us to deliver your documents?

_____ US Mail – Address: _____

_____ Email – Address: _____

_____ Call for Pickup – Phone#: _____

Signed

Date

BOARD OF ADJUSTMENT
BOROUGH OF BERNARDSVILLE
PUBLIC NOTICE

To: _____ (*Insert neighboring property owner's name for notice to property owners within 200 ft. of subject site. For newspaper notice, delete this and the **bold/italicized portion** of last sentence below.*)

Notice is hereby given, as provided under the Bernardsville Land Development Regulations Ordinance, that the Board of Adjustment will hold a public hearing on _____ at 7:30 p.m. on the second floor of the Bernardsville Municipal Building, located at 166 Mine Brook Road, to consider an appeal or application by the undersigned applicant(s) for variance or other relief so as to permit:

_____ on the premises located at _____, designated as Block: _____, Lot(s): _____ on the Bernardsville Tax Map, which entails variance(s) and/or exception(s) from Section(s) _____

_____ of the Borough of Bernardsville Land Development Code; and any additional relief the Board of Adjustment may determine to be required. The application, maps and papers for the proposed development are on file with the Board of Adjustment Administrative Officer and are available for inspection during normal business hours. Notice of this hearing is being provided ***to you and all property owners within 200 ft. of the extreme limits of this property*** in accordance with N.J.S.A. 40:55D-12b and Land Development Code, Article 4-7.

Dated: _____

Signature of Applicant(s)

AFFIDAVIT OF PROOF OF SERVICE

BOARD OF ADJUSTMENT
BOROUGH OF BERNARDSVILLE

STATE OF NEW JERSEY)
) SS.
COUNTY OF _____)

_____, of full age, being duly sworn according to law,
deposes and says, that (s)he resides at _____ in the
municipality of _____, County of _____ and State of
New Jersey, that (s)he has written notice of the hearing on the application
personally or by certified mail to all of the persons entitled by law to such notice as
follows:

- a. Owners of Bernardsville property within 200 ft., as indicated on the sheet(s) attached hereto;
- b. Owners of property in adjoining municipalities located within 200 ft. as indicated on the sheet(s) attached hereto;
- c. Other persons entitled to notice by law, as indicated by copies of the notices, served, copies of which are attached hereto; and
- d. By publication of notice of this hearing in an official newspaper of the Borough of Bernardsville on _____, a copy of which newspaper publication is attached hereto.

Applicant or Agent

Sworn to and subscribed before me

this _____ day of _____

ARTICLE 15 FEES AND ESCROW DEPOSITS

15-1 FEES.

The fees described in the table in Section 15-4 are hereby fixed and established for Subdivision, Site Plan and Variance applications filed with the Planning Board or Board of Adjustment. The fee is charged to cover the costs associated with the administrative and clerical processing of the application and is not refundable.

15-2 ESCROW DEPOSITS.

In addition to paying the fees prescribed by Section 15-1, applicants before the Planning Board or the Board of Adjustment shall deposit with the Borough the escrow deposits specified in Section 15-5. The escrow deposit shall be applied to all costs associated with the required review of the application by the engineer, planner, attorney or other professionals employed by the Board.

a. The applicant will have the right to review any reports by the professionals and to cross-examine them if, and when, they testify before the Board.

b. Before an application requiring the deposit of escrow funds shall be deemed complete by the approving authority, the applicant shall post the required escrow amount with the Borough in the form of cash, certified check or money order. Additional escrow funds may be required when the escrow has been depleted to twenty (20%) percent of the original amount. The Borough shall promptly notify the appropriate Board when escrow funds have been so depleted. Professional consultants and experts shall inform the approving authority as to the additional anticipated costs. The approving authority will in turn notify the applicant as to the amount of additional escrow funds which must be posted. No action shall be taken on the application until adequate additional funds have been deposited by the applicant with the Borough Clerk.

c. All bills and vouchers submitted by retained professionals in connection with the processing of such applications shall specify the services performed and the time expended relative thereto. The bill shall also set forth the hourly billing rate. The hourly billing rate shall be in accordance with the amount set forth in the contract between the professional and the Borough or appropriate Board. All funds not expended shall be refunded to the applicant within thirty (30) days after the approving authority has taken action on the application. The Borough shall also provide the applicant with an accounting of the escrow funds.

d. Whenever an amount of money in excess of five thousand (\$5,000.00) dollars shall be deposited by an applicant with a municipality for professional services employed by the municipality to review applications for development, for municipal inspection fees in accordance with subsection h. N.J.S.A. 40:55D-53 or to satisfy the guarantee requirements of subsection a. N.J.S.A. 40:55D-53, the money, until repaid or applied to the purposes for which it is deposited, including the applicant's portion of the interest earned thereon, except as otherwise provided in this section, shall continue to be the property of the applicant and shall be held in trust by the Borough. Money deposited shall be held in escrow. The Borough shall deposit it in a banking institution or savings and loan association in this State insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the State, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Borough shall notify the applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The Borough shall not be required to refund an amount of interest paid on a deposit which does not exceed one hundred (\$100.00) dollars for the year. If the amount of interest exceeds one hundred (\$100.00) dollars, that entire amount shall belong to the applicant and shall be refunded to him by the municipality annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be; except that the municipality may retain for administrative expenses a sum equivalent to no more than thirty-three and one-third (33 1/3%) percent of that entire amount, which shall be in lieu of all other administrative and custodial expenses.

e. The Borough chief financial officer shall make all of the payments to professionals for services rendered to the Borough or approving authority for review of applications for development, review and

preparation of documents, inspection of improvements or other purposes under the provisions of the MLUL. Such fees or charges shall be based upon a schedule established by resolution. The application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and review by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the Borough. The only costs that shall be added to any such charges shall be actual out-of-pocket expenses of any such professionals or consultants including normal and typical expenses incurred in processing applications and inspecting improvements. The municipality or approving authority shall not bill the applicant, or charge any escrow account or deposit authorized under subsection p. of this section, for any Borough clerical or administrative functions, overhead expenses, meeting room charges, or any other Borough costs and expenses except as provided for in this section, nor shall a Borough professional add any such charges to his bill. If the salary, staff support and overhead for a Borough professional are provided by the Borough, the charge shall not exceed two hundred (200%) percent of the sum of the products resulting from multiplying (1) the hourly base salary, which shall be established annually by ordinance, of each of the professionals by (2) the number of hours spent by the respective professional upon review of the application for development or inspection of the developer's improvements, as the case may be. For other professionals the charge shall be at the same rate as all other work of the same nature by the professional for the Borough when fees are not reimbursed or otherwise imposed on applicants or developers.

f. If the Borough requires of the developer a deposit toward anticipated Borough expenses for these professional services, the deposit shall be placed in an escrow account pursuant to N.J.S.A. 40:55D-53.1. The amount of the deposit required shall be reasonable in regard to the scale and complexity of the development. The amount of the initial deposit required shall be established by ordinance. For review of applications for development proposing a subdivision, the amount of the deposit shall be calculated based on the number of proposed lots. For review of applications for development proposing a site plan, the amount of the deposit shall be based on one or more of the following: the area of the site to be developed, the square footage of buildings to be constructed, or an additional factor for circulation-intensive sites, such as those containing drive-through facilities. Deposits for inspection fees shall be established in accordance with subsection h. of N.J.S.A. 40:55D-53.

g. Each payment charged to the deposit for review of applications, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from the professional, which voucher shall identify the personnel performing the service, and for each date the services performed, the hours spent to one-quarter hour increments, the hourly rate and the expenses incurred. All professionals shall submit vouchers to the chief financial officer of the Borough on a monthly basis in accordance with schedules and procedures established by the chief financial officer. If the services are provided by a Borough employee, the Borough employee shall prepare and submit to the chief financial officer a statement containing the same information as required on a voucher, on a monthly basis. The professional shall send an informational copy of all vouchers or statements submitted to the chief financial officer of the Borough simultaneously to the applicant. The chief financial officer of the Borough shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest earnings, disbursements and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are one thousand (\$1,000.00) dollars or less, or on a monthly basis if monthly charges exceed one thousand (\$1,000.00) dollars. If an escrow account or deposit contains insufficient funds to enable the Borough or approving authority to perform required application reviews or improvement inspections, the chief financial officer of the Borough shall provide the applicant with a notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall within a reasonable time period post a deposit to the account in an amount to be agreed upon by the Borough or approving authority and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds.

h. The following close-out procedure shall apply to all deposits and escrow accounts established under the provisions of the MLUL and shall commence after the approving authority has granted final approval and

signed the subdivision plat or site plan, in the case of application review escrows and deposits, or after the improvements have been approved as provided in N.J.S.A. 40:55D-53, in the case of improvement inspection escrows and deposits. The applicant shall send written notice by certified mail to the chief financial officer and the approving authority, and to the relevant Borough professional, that the application or the improvements, as the case may be, are completed. After receipt of such notice, the professional shall render a final bill to the chief financial officer within thirty (30) days, and shall send a copy simultaneously to the applicant. The chief financial officer shall render a written final accounting to the applicant on the uses to which the deposit was put within forty-five (45) days of receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest in accordance with N.J.S.A. 40:55D-53.1, shall be refunded to the developer along with the final accounting.

i. All professional charges for review of an application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction. Review fees shall be charged only in connection with an application for development presently pending before the approving authority or upon review of compliance with conditions of approval, or review of requests for modification or amendment made by the applicant. A professional shall not review items which are subject to approval by any State governmental agency and not under Borough jurisdiction except to the extent consultation with a State agency is necessary due to the effect of State approvals in the subdivision or site plan. Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonably based on the approved development plans and documents.

j. If the Borough retains a different professional or consultant in the place of the professional originally responsible for development, application review, or inspection of improvements, the Borough or approving authority shall be responsible for all time and expenses of the new professional to become familiar with the application or the project, and the Borough or approving authority shall not bill the applicant or charge the deposit or the escrow account for any such services.

k. An applicant shall notify in writing the Governing Body with copies to the chief financial officer, the approving authority and the professional whenever the applicant disputes the charges made by a professional for service rendered to the Borough in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges made pursuant to the provisions of the MLUL. The Governing Body, or its designee, shall within a reasonable time period attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the County construction board of appeals established under N.J.S.A. 52:27D-127 any charge to an escrow account or a deposit by any Borough professional or consultant, or the cost of the installation of improvements estimated by the Borough engineer pursuant to N.J.S.A. 40:55D-53.4. An applicant or his authorized agent shall submit the appeal in writing to the County construction board of appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the Borough, approving authority, and any professional whose charge is the subject of the appeal. An applicant shall file an appeal within forty-five (45) days from receipt of the informational copy of the professional's voucher required by subsection c. of N.J.S.A. 40:55D-53.2, except that if the professional has not supplied the applicant with an informational copy of the voucher, then the applicant shall file his appeal within sixty (60) days from receipt of the Borough statement of activity against the deposit or escrow account required by subsection c. of section 13 of P.L. 1991, c.256 (C.40:55D-53.2). An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six (6) months to demonstrate that they represent a pattern of excessive or inaccurate charges. An applicant making use of this provision need not appeal each charge individually.

l. During the pendency of any appeal, the Borough or approving authority shall continue to process, hear, and decide the application for development, and to inspect the development in the normal course, and shall not withhold, delay, or deny reviews, inspections, signing of subdivision plats or site plans, the reduction or the release of performance or maintenance guarantees, the issuance of construction permits or certificates of occupancy, or any other approval or permit because an appeal has been filed or is pending under this section.

The chief financial officer pays charges out of the appropriate escrow account or deposit for which an appeal has been filed. If a charge is disallowed after payment, the chief financial officer of the Borough shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount to the applicant. If a charge is disallowed after payment to a professional or consultant who is not an employee of the Borough, the professional or consultant shall reimburse the Borough in the amount of any such disallowed charge.

15-3 PAYMENT REQUIRED.

The application shall not be considered complete until the fees and escrow deposit are paid in full. When an application involves more than one of the categories set forth in section 15-4 below, the applicant shall deposit cumulative amounts.

15-4 SCHEDULE OF FEES AND ESCROW DEPOSITS ESTABLISHED.

The schedule of fees and escrow deposits referred to in Sections 15-1 and 15-2 is as follows:

Schedule of Fees and Escrow Deposits

<i>Subdivisions</i>	<i>Fees</i>	<i>Escrows</i>
Conceptual Subdivision without review by Board's Attorney, Engineer or Planner	0	0
Conceptual Subdivision with review by Board's Attorney or Consultant	\$250	\$1,000
Minor Subdivision or Re-Sub with no newly created variances	\$500	\$2,000
Minor Subdivision or Re-Sub with newly created variances	\$500	\$4,000
Preliminary Plat, Major Subdivision	\$200/lot	\$5,000 + \$200/lot
Final Plat, Major Subdivision	\$100/lot	\$2,000 + \$100/lot
Lot Line Adjustment	\$250	\$1,500
<i>Site Plans</i>	<i>Fees</i>	<i>Escrows</i>
Conceptual Site Plan without expert/legal review OR Site Plan Review/Waiver done at sub-committee meeting (i.e., doesn't require public meeting).	0	0
Conceptual Site Plan with expert/legal review	\$250	\$1,500
Minor Residential Site Plan including in-house Professional Use Apartment and Accessory Dwelling Unit applications	\$500	\$2,000
Preliminary Multi-Family Site Plan	\$1000 + \$100/unit	\$5,000 + \$100/unit
Final Multi-Family Site Plan	\$1000 + \$50/unit	\$5,000 + \$50/unit
Site Plan Review/Waiver Nonresidential, Facade changes without site improvements or building expansion (When there is a public hearing)	\$250	\$1,000 for those needing public meeting, and/or review by Board professionals (\$0 if done at subcommittee meeting)

Minor Nonresidential Site Plan, including outside dining	\$750	\$2,500
Preliminary Major Nonresidential Site Plan	\$500 - 1st 2,000 square feet of affected land area + \$20/each additional 1,000 square feet affected land + \$500 - 1st 1,000 square feet of structures + \$20/each additional 1,000 square feet of affected structures	\$5,000+ \$200/1,000 new/altered square feet GFA
Final Major Nonresidential Site Plan	\$100 - 1st 2,000 square feet land + \$10/each 1,000 square feet of affected land + \$100 - 1st 1,000 square feet GFA + \$10/each additional 1,000 square feet GFA affected	25% of Prelim.

[Areas to be rounded off to nearest 1,000 SF]

<i>Variances</i>	<i>Fees</i>	<i>Escrows</i>
Use Variances (N.J.S.A. 40:55D-70d)	\$1,000	\$2,000
Use variances filed in conjunction with application for a Certificate of Nonconformity (N.J.S.A. 40:55D-68)	\$0	\$2,000
Applications that include only Rear Yard Setback Variances for Decks of 300 SF or Less	\$ 500	\$ 700
All Other Bulk Variances (N.J.S.A. 40:55D-70c)	\$ 500	\$1,500
<i>Certificates of Nonconformity</i> N.J.S.A. 40:55D-68		
Applications to Administrative Officer	\$200	\$300
Applications to Board of Adjustment	\$200	\$800
<i>Miscellaneous</i>	<i>Fees</i>	<i>Escrows</i>
Site Plan for Flood Plain/Riparian Yard Encroachment when not part of a Subdivision or Site Plan	\$1,000	\$1,500

Amended Approvals - Subdivision or Site Plan	25% of initial fee	Use initial unless returned, then 25%
Appeals filed pursuant to N.J.S.A. 40:55D-70a	\$200	\$800
Interpretations filed pursuant to N.J.S.A. 40:55D-70b	\$200	\$800
Appeals filed pursuant to N.J.S.A. 40:55D-34	\$1,000	\$1,500
Appeals filed pursuant to N.J.S.A. 40:55D-36	\$1,000	\$1,500

Note No. 1: The Planning Board encourages prospective applicants to appear at its work meetings for informal discussions of proposals. No such discussion shall be considered a concept plan until the Board determines that review by professionals is required. At that point, the applicant must pay the fee and make the deposit appropriate for a concept application or a formal application, at the election of the applicant.

Note No. 2: Conditional Use Site Plans shall be charged per normal Minor or Major Nonresidential Site Plans with the exception of Professional Use Site Plans and in-house accessory apartment site plans which shall be treated as Minor Residential Site Plans.

(Ord. No. 2001-1261 § 3; Ord. No. 10-1576; Ord. No. 2014-1648; Ord. No. 2019-1800)

15-5 INSPECTION FEES.

Inspection fees for Subdivision and/or Site Plans shall be five (5%) percent of the cost of all improvements subject to inspections.

15-6 OTHER FEES.

15-6.1 Transcripts.

Copies, documents or transcript of record of proceedings furnished to an interested party pursuant to c.192, P.L. 1975, Section 6f (N.J.S.A. 40:55D-10f) shall be charged at the rate of forty (\$0.40) cents for each original page (folio) and ten (\$0.10) cents for each of the copies or the maximum permitted by N.J.S.A. 2A:11-15, whichever is greater. An order for a transcript must be accompanied by a deposit of five hundred (\$500.00) dollars or some other amount which the Administrative Officer considers to be reasonable.

15-6.2 List of Property Owners.

List of property owners from current tax duplicate pursuant to N.J.S.A. 40:55D-12c. - ten (\$10.00) dollars. (Ord. No. 2003-1312 § 2)

15-6.3 Copy of Decision.

Copy of Decision of Governing Body to interested party in connection with an appeal pursuant to subsection 3-16.1 of this chapter - ten (\$10.00) dollars.

15-6.4 Publication of Decision on Appeal.

Publication in newspaper of decision of Governing Body on an appeal pursuant to N.J.S.A. 40:55D-17g - cost of publication.

Revised General Ordinances of the Borough of Bernardsville

VOLUME I

Adopted April 19, 1993 Amended through June 30, 2019

CHAPTER XIII TREE PROTECTION *(abridged)*

13-9 TREE REMOVAL REQUIREMENTS FOR DEVELOPMENT APPLICATIONS.

Each application to the Planning Board or Zoning Board of Adjustment for approval of a major or minor subdivision or any site plan or any variance that requires the removal of trees shall include an application for a tree removal permit. A separate application shall be filed for each lot that will result from the application. The application form shall be available from the Tree Conservation Officer, the Secretary of the Shade Tree Committee and the administrative officers of the Planning Board and Zoning Board of Adjustment and shall include the information listed in subsections 13-7.2 and 13-7.3, as well as a landscape plan (as defined in Section 13-3 above). (Ord. #2008-1500 §1; Ord. #2010-1561)

13-9.1 Design Requirements for Subdivisions and Site Plans.

a. To the greatest extent practicable, large trees (eighteen (18") inch DBH and larger), tree rows and hedgerows should be preserved. Only those trees necessary to permit the construction of buildings, structures, streets, stormwater management structure, driveways, deck, patio, the lawn area for the recreational use by the inhabitants of the building or dwelling, or any other authorized improvements shall be removed. Existing vegetation shall be preserved to the greatest extent feasible. Invasive shrubs shall be removed to the greatest extent practicable.

1. On all residential lots, natural screening and woodlands between lots, along property lines and between buildings shall be preserved to the greatest extent feasible.

2. On residential lots greater than one (1) acre, the width of the natural screening and woodlands shall be fifty (50') feet along any portion of the lot bordering a road, whether public or private, and twenty-five (25') feet along all other property lines.

b. No more than fifty (50%) percent of existing tree canopy within the property boundaries shall be removed. The location of the remaining tree canopy to be preserved shall be noted on the landscape plan, Steep slope limits of disturbance shall supersede this section when appropriate.

c. No more than ten (10%) percent of existing trees with a DBH equal to or greater than ten (10") inches within the area of development/limit of disturbance shall be removed unless the applicant shall replant trees removed in accordance with Section 13-14.

d. Input from a designated subcommittee of the Board and/or from the Shade Tree Committee shall be requested for recommended areas of tree preservation.

e. Landscape standards may be waived by the Board when trees and/or shrub masses are preserved and/or relocated on site that duplicate or essentially duplicate the landscape requirements contained in this section.

f. The approving authority shall have the option of requesting a conservation easement to protect any or all trees or tree canopy areas to remain on site.
(Ord. #2008-1500 §1)

13-9.2 Site Protection for Development Applications.

a. Tree protection measures and the limit of disturbance line shown on the landscape plan (as defined in Section 13-3 above) shall be installed in the field with snow fencing or other durable material and verified by the Tree Conservation Officer or other designated official prior to soil disturbance.

b. Protective barriers shall be self-supporting and shall not be supported by the plants they are protecting. Barriers shall be a minimum of four (4') feet height and shall last until construction is complete.

c. Chain link fence may be required for tree protection if warranted by site conditions and relative rarity of the plant.

d. Snow fencing used for tree protection shall be firmly secured along the drip line, but no less than six (6') feet from the trunk when the drip line is less than six (6') feet.

e. The grade of the land located within the drip line shall not be raised or lowered more than six (6") inches unless compensated by welling or retaining wall methods; and in no event shall welling or retaining wall methods be less than six (6') feet from the trunk of a tree.

f. No soil stockpiling, storage of building materials, construction equipment or vehicles shall be permitted within the drip line or within six (6') feet of any remaining trees, whichever is greater.

g. Any clearing within the drip line, or within six (6') feet of the trunk of a remaining tree, whichever is greater, shall be done by hand-operated equipment.

h. Where a tree that has been noted for preservation is severely damaged and unable to survive, tree replacement shall occur as provided in Section 13-14.
(Ord. #2008-1500 §1; Ord. #2010-1561)

13-9.3 Submission to Shade Tree Committee; Tree Removal Permit; Variances and Waivers.

a. All development applications that involve tree removal shall be submitted to the Shade Tree Committee for its review. The Shade Tree Committee shall complete its review and submit a report to the approving authority stating whether the applicant's proposal complies with the requirements of this section. Failure of the Planning Board or Zoning Board of Adjustment to make such informational copy available to the Shade Tree Committee shall not invalidate any hearing or proceeding.

b. The Shade Tree Advisory Committee may delegate this review responsibility to a subcommittee or the Tree Conservation Officer.

c. If the applicant's plan satisfies the requirements of this chapter, the Shade Tree Committee, or its delegate, shall issue a tree removal permit upon completion of an application and payment of all required fees. The Planning Board or Zoning Board of Adjustment, however, may alter the terms of the tree removal permit as part of its approval of the development application.

d. In accordance with the Municipal Land Use Law and the Borough Land Development Ordinances, the Planning Board and Zoning Board of Adjustment may grant variances and waivers from the requirements of this section.
(Ord. #2008-1500 §1; Ord. #2010-1561)