

APPLICATION PACKET

**Borough of Stone Harbor
Zoning Board of Adjustment
9508 Second Avenue
Stone Harbor, New Jersey 08247
(609)368-6813**

COVER PAGE/FORM INDEX

**Stone Harbor Zoning Board of Adjustment
FORM A-1**

Application Packet

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APPLICATION OUTLINE

Stone Harbor Zoning Board of Adjustment FORM A-2

1. Introduction.

The purpose of this Outline is to highlight some of the requirements involved in applications made to the Stone Harbor Zoning Board of Adjustment for variance applications or other action. This Outline is not a complete summary of all legal and procedural requirements. All applications involve not only Zoning Board of Adjustment regulations and local ordinances, but also county and state laws and regulations, which are beyond the scope of this outline.

The applicant should not rely on the Application Outline alone, and should not hesitate to consult an attorney and/or planner. The following publications offer more complete information:

- Zoning Ordinance of the Borough of Stone Harbor
- New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
- Zoning Board “Rules of Procedure” (copy attached)

2. Information Sources:

- Borough Zoning Officer, Borough Hall, 8:30 am to 4:00 pm, (609) 368-6813
- Zoning Board Secretary, Borough Hall, 8:30 am to 4:00 pm (609) 368-5102

3. Submission Requirements/Number of Copies

The original application, plus eleven (11) copies (a total of twelve (12), must be submitted to the Zoning Officer along with drawings, plats, and other supporting documents. Each set shall not exceed 8 ½ x 11” in size (**FOLDED**). Payment of the application fee and the escrow fee is required at the time of submission.

4. Proof of Payment of Taxes

Every application shall be accompanied by a request for proof and certification by the Borough Tax Collector that no taxes or assessments for local improvements are delinquent on the property which is the subject of such application (RGO § 345.30). It is the applicant’s responsibility to ensure that proof of said payments is delivered to the Zoning Officer at least five (5) days before the hearing.

5. Determination of Completeness

The application is marked received by the Zoning Officer upon receipt, but official action and the time calculations commence only after it is declared complete in accordance with Chapter 345. If no determination regarding completeness is made within forty-five (45) days of receipt, the application will be automatically deemed complete.

6. Hearing Date

Upon a finding of completeness, the Board Secretary shall set a hearing date and notify the applicant of same in writing. The hearing date shall be within one hundred twenty (120) days of the date the application is determined to be complete. The Board Secretary shall distribute copies of the application, drawings, plat and documents to the Board Members, Alternates, Engineer (if applicable), and Solicitor for review. See "Rules of Procedure" for the hearing procedure.

7. Public Notice:

Pursuant to the New Jersey Municipal Land Use Law, many applications require a newspaper advertisement and other notices such as the notification by Certified Mail or personal service to owners of all property located within 200 feet of the subject property. The Tax Assessor will supply a list of the names and mailing addresses of such property owners for a fee. The applicant must comply with applicable notification requirements. Proof of notification must be submitted to the Board Secretary at least five (5) days before the hearing, if applicable.

8. Engineer's Report

Prior to the hearing date, the Board Engineer shall prepare a report as to the applicant's compliance with RGO Chapter 560, Zoning, and forward same to the Zoning Board Secretary; provided that the Board may waive this requirement at the applicant's request or upon the Board's initiative.

9. Additional Requirements

Approval by the Stone Harbor Zoning Board of Adjustment is conditioned upon the applicant's receipt of all required county, state and other approvals.

APPLICATION FOR ZONING BOARD ACTION

Stone Harbor Zoning Board of Adjustment FORM A-10

Case Number _____ Hearing Date _____

FOR OFFICE USE ONLY		
Date Received		By:
Review Deadline		By:
Incomplete		By:
Complete		By:
Hearing Deadline		By:

Property Information

Street Address _____

Block & Lot No(s) _____

Zoning District _____ Dimensions _____

Applicant's Name & Address* _____

Owner's Name & Address: _____

- * If Applicant is not Owner, attach authorization of owner or Agreement of Sale.
- * If applicant is a corporation, partnership, or other business entity, list on attached Form A-12 all stockholders or partners owning ten percent (10%) or more of the Applicant, and their respective addresses.

1. Specify which power(s) the Zoning Board is required to exercise:

- | | |
|---|-------------------------------------|
| <input type="checkbox"/> Hardship Variance | <u>N.J.S.A. 40:55D-70(c)(1)</u> |
| <input type="checkbox"/> Broad "C" Variance | <u>N.J.S.A. 40:55D-70(c)(2)</u> |
| <input type="checkbox"/> Special Reasons Variance | <u>N.J.S.A. 40:55D-70(d)(_____)</u> |
| <input type="checkbox"/> Approval of Minor Subdivision | <u>N.J.S.A. 40-55D-47</u> |
| <input type="checkbox"/> Approval of Major Subdivision | <u>N.J.S.A. 40-55D-48</u> |
| <input type="checkbox"/> Granting of Conditional Use | <u>N.J.S.A. 40-55D-67</u> |
| <input type="checkbox"/> Granting of Site Plan Approval | <u>N.J.S.A. 40-55D-37</u> |
| <input type="checkbox"/> Interpretation of Zoning Map or Ordinance | <u>N.J.S.A. 40:55D-70(b)</u> |
| <input type="checkbox"/> Building Permit in mapped street, etc. | <u>N.J.S.A. 40:55D-76(a)</u> |
| <input type="checkbox"/> Appeal from decision of Administrative Officer | <u>N.J.S.A. 40:55D-70(a)</u> |
| <input type="checkbox"/> Other – Specify _____ | |

2. List all drawings, plot plans, plats, maps, or other documents filed with this application pursuant to N.J.S.A. 40-55D-10(b):

3. Present use of Subject Property (describe) _____

4. Proposed use of Subject Property (describe) _____

5. If subdivision is proposed, is the subdivision to be filed by deed or plat? _____

6. If subdivision is proposed, provide number of:

Existing Lots: _____ Proposed Lots: _____

7. Have any variances or zoning interpretations previously been obtained from the Planning Board or Zoning Board of Adjustment for the subject property? If so, explain and attach a copy of all resolutions, etc.

9. Have all other governmental approvals been obtained? _____. If not, indicate what other governmental approvals have been, or are being applied for.

10. Have any of the lands in question been classified as environmentally impacted or sensitive area(s)? _____ Or wetlands? _____

11. Provide the approximate cost of Project (including "hard" and "soft" costs): \$_____.

12. Provide the name, address and phone numbers of the following, if applicable:

Applicant's Attorney: _____

Applicant's Engineer: _____

Applicant's Planner: _____

Other Professionals: _____

13. Attached hereto as Schedule I is a detailed narrative description of the entire Application, including but not limited to (1) the present size, location and character of the Subject Property; and (2) the proposed development for which approval is sought.

14. Are any variances requested as part of this application? _____. If so, the applicant must attach a narrative identified as "Schedule II", setting forth (i) the specific ordinance requirements from which relief is sought; (ii) the basis for the variances pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-70; and (iii) the reasons why the requested variances should be granted, with specific reference to the basis upon which the applicant asserts both the "positive" and "negative" criteria have been established as required by N.J.S.A. 40:55D-70.

15. Are any waivers requested as part of this application? _____. If so, the applicant must attach a list of requested waivers identified as "Schedule III", setting forth the specific provisions from which waivers are sought and the reasons why the requested waivers should be granted.

I hereby certify that all answers and information set forth herein are true to the best of my knowledge.

Date

Signature of Applicant

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

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

Print or type. See Specific Instructions on page 3.	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 of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its 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.) See instructions.	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 instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* 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 for Part II, later.

Sign Here	Signature of U.S. person ►	Date ►

General Instructions

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

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

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, later.

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*, later, 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 Pub. 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 24% 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 instructions for Part II 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*, later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

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*, later, 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 (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a 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 on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on 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. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

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.

If you are a single-member LLC that is disregarded as an entity separate from its owner, 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 *What Name and Number To Give the Requester*, later, 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. Go to www.irs.gov/Forms to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to www.irs.gov/OrderForms to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

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 item 1, 4, or 5 below indicates 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), ABLE accounts (under section 529A), 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) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor ²
5. 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
6. Sole proprietorship or disregarded entity owned by an individual	The owner ³
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity ⁴
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. 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
15. 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*, earlier.

***Note:** The 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 Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic 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 report them at www.ftc.gov/complaint. You can contact the FTC at www.ftc.gov/idtheft or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see www.IdentityTheft.gov and Pub. 5027.

Visit www.irs.gov/IdentityTheft 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 Stone Harbor - Site Plan Elements

	COMPLETE	QUESTIONS	CONCERNS	CONDITIONS	APPROVED
1 Current Survey, Date of Preparation and Revision					
2 Topographic Survey					
3 Key Maps					
USGS Quad Sheet					
Zoning Map					
Tax Map Sheet #					
Firm Map					
Soil Map					
Wetlands Map					
4 Address, Block and Lot					
5 Owner/Applicant Name and Address					
6 Preparer Name and Address					
7 Proposed Uses and Existing Uses					
8 Site Plan @ 1-50 to 1-10 Scale					
9 North Arrow on All Sheets <u>SAME DIRECTION</u>					
10 Names and Address of 200 Feet Owners					
11 Elevations, Landscaping and Drains					
12 Existing Building to Remain					
13 Location of Existing and Proposed Structures					
14 Existing Adjacent 200 Feet Zoning					
15 School/Special 200 Feet Locations					
16 Distance to Nearest Street Intersections					
17 Utility Locations and Detail					
18 Contiguous Lots Owned by Applicant or Owner of Record					

Borough of Stone Harbor - Site Plan Elements

		COMPLETE	QUESTIONS	CONCERNS	CONDITIONS	APPROVED
19	Easements and Public Areas					
20	Vehicular Ingress and Egress					
21	Off Street Parking					
22	Truck Loading and Unloading					
23	Refuse Disposal - City/Private					
24	Equipment Screening - HVAC					
25	Exterior Lighting - Photometrics - Fixtures					
26	Signs - Free Standing and Wall Mounted					
27	Sidewalks, Exits, Bike Racks					
28	Name and Address and Consent of Owner If Other than Applicant					
	Site Triangles clearly Designated at All Driveway and Street					
29	Intersection Locations					
30	Landscaping Screening					
31	Adjoining Street Improvements					
32	Deed Restrictions					
33	New Building Rendering					
34	Floor Plans and Elevations with Finish Floor Elevations					
35	Fire Service - Sprinkler - Hydrant Locations					
36	Flood Zone and Curb Elevations					
37	Postal Address					
38	Storm Water Drainage - Prepared by Architect/Engineer					
39	Building Area					
40	Landscaping Area and % of coverage					
41	Drive and Road Area and % of Coverage					
42	Parking Area and % of Coverage					

Borough of Stone Harbor - Site Plan Elements

		COMPLETE	QUESTIONS	CONCERNS	CONDITIONS	APPROVED
43	Number of Parking Spaces - Dimensions Shown - Drive Aisles Shown					
44	Fence Details					
45	Open Space Designations					
46	Project Assessment Statements					
	Environmental Condition Inventory					
	Probable Impact and Proposed Mitigation					
	Required License List and Status					
	Construction Impact and Mitigation					
	Project compatability with Adjacent Area					
47	Delivery and Shipping - Requirements - Materials					
48	Noise Generation					
49	Waterway Impact					
50	The Number of Employees, Total and The Maximum for one (1) Shift					
51	Notice Whether Wetlands Exist on the Site					
52	Location of all Proposed and Required Setback Lines					
	Existing and Proposed Street In and Abutting the Site and the					
53	Dimensions of Same					
	The Location of all existing and Proposed Inlets, Pipes, Swales,					
54	Detention or Retention Basins, Berms and Other Storm Drainage Facilities					
55	Photos of the Site					
56	Signature Blocks - First Sheet of Plans Listing					
	County Planning Board					
	Site Plan board					
	Applicant					
	Owner					

APPOINTMENT OF AGENT
(Optional)

Stone Harbor Zoning Board of Adjustment
FORM A-11

Applicant's Name & Address: _____

Owner's Name & Address: _____

Subject Property - Street Address: _____

Block & Lot No(s). _____

The Applicant hereby appoints _____

as Applicant's Agent for all purposes concerning the above-referenced Zoning Board Application, and does agree to accept, as Applicant's own act and deed, all acts performed by said Agent concerning the matter.

Date _____

Applicant

Date _____

Applicant

**CERTIFICATE OF OWNERSHIP OF APPLICANT
AS REQUIRED BY NEW JERSEY LAW
(N.J.S.A. 40:55D-48, et. seq.)**

**Stone Harbor Zoning Board of Adjustment
FORM A-12**

Listed below are names and addresses of all owners of 10% or more of stock/interest in the undersigned applicant corporation, partnership, or other business entity*:

NAME	ADDRESS
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____
5) _____	_____
6) _____	_____
7) _____	_____
8) _____	_____
9) _____	_____
10) _____	_____

* Applicant shall submit an additional form A-12 for each business entity identified above.

Signature of Officer/Partner

Date

Name of Applicant Corporation/Partnership

REAL ESTATE TAX STATUS REPORT

Stone Harbor Zoning Board of Adjustment FORM A-13

Property Information

Street Address _____ Block/Lot _____

Applicant's Name & Address: _____

Owner's Name & Address: _____

Applicant must submit this form with Application. The Board Secretary or Administrative Officer will forward this form to the Tax Collector for completion.

TO BE COMPLETED BY THE BOROUGH TAX COLLECTOR

Are taxes delinquent on any property involved? _____

Are assessments for local improvements delinquent? _____

Is a Borough lien on the property in effect? _____

☐

I hereby certify that no tax or assessment delinquency exists for the involved property through the date of _____, 20____.

☐

A review of the Borough's records indicates the following tax or assessment delinquency:

Stone Harbor Tax Collector

Date: _____

FINANCIAL DISCLOSURE STATEMENT
(Escrow Fees)

Stone Harbor Zoning Board of Adjustment
FORM A-14

Pursuant to local ordinance, I understand that additional escrow fees may be charged at a later date: I herewith agree to pay these additional charged fees. If I fail to pay these fees when requested, I understand that the Borough will also charge reasonable attorney's fees for the collection of these fees.

(Please Print Name)

(Daytime Phone)

(Billing Address)

(Signature)

(Date)

*Note: This application will be deemed **incomplete** if all information above is not fully completed.*

REQUEST FOR CERTIFIED PROPERTY OWNERS' LIST
(Addresses within 200')

Stone Harbor Zoning Board of Adjustment
FORM A-17

Submit to Tax Assessor's Office with Ten (\$10.00) Dollar Fee

Applicant: _____

Block: _____

Lot: _____

Property Location: _____

I authorize the Tax Assessor's Office to compile a listing of property owners (including adjacent municipalities and utility owners) and mailing addresses located within a 200-foot radius of the above-mentioned property.

Authorized Signature

Date

☐ Please call me when the list is complete at: _____

☐ Please mail the list to the following address: _____

NOTICE OF APPLICATION FOR ZONING BOARD ACTION

Stone Harbor Zoning Board of Adjustment FORM A-18

TO BE SERVED BY THE APPLICANT ON OWNERS OF PROPERTY LOCATED WITHIN
200 FT. OF SUBJECT PROPERTY AND PUBLISHED IN THE OFFICIAL NEWSPAPER.
MAILING AND PUBLICATION MUST BE COMPLETED
AT LEAST 10 DAYS BEFORE THE HEARING DATE

PLEASE TAKE NOTICE that the undersigned has filed an Application for Development with the Zoning Board of Adjustment of the Borough of Stone Harbor, New Jersey, requesting (provide description of requested approval including a detailed description of all requested variances):

for the premises known as _____
(Block No.) (Lots No(s))

located at _____
(Address)

A public hearing has been scheduled for _____, 20_____, at 7:00 p.m., in the Municipal Building at 9508 Second Avenue, Stone Harbor, New Jersey, at which time you may appear either in person or by attorney, and present any objection which you may have to the granting of this application. Letters will not be accepted in lieu of personal appearance at this hearing.

Maps and documents, if any, relating to this Application will be available for public inspection beginning not less than ten (10) days prior to the hearing date in the office of the Zoning Officer, Municipal Building, 9508 Second Avenue, Stone Harbor, New Jersey 08247, during regular business hours.

This Notice is sent to you by the Applicant by order of the Zoning Board of Adjustment in compliance with N.J.S.A. 40:55D-1, et seq.

Applicant's Name and Address

AFFIDAVIT OF MAILING AND PUBLICATION

Stone Harbor Zoning Board of Adjustment FORM A-19

Property Information

Street Address _____ Block/Lot _____

Applicant's Name & Address: _____

Owner's Name & Address: _____

STATE OF NEW JERSEY) ss:
COUNTY OF CAPE MAY)

_____, of full age, being duly sworn
according to law, on his/her oath, deposes and says:

1. I am the _____ in the
above captioned matter.

2. Attached hereto as EXHIBIT A is the certified list received from the Tax Assessor of all property owners and other parties to whom notice was required to be sent, showing the names and addresses of the persons served and the lot and block numbers of each person's property as same appear on the current Stone Harbor Tax Assessment List.

3. On _____, 20____, at least ten (10) days prior to the hearing date for this application, I gave notice to all property owners on the said Exhibit A by certified mail, return receipt requested. Copies of the certified mail receipts are attached hereto as EXHIBIT B.

4. A copy of the Notice of Hearing mailed to the property owners identified on Exhibit A is attached hereto as EXHIBIT C.

5. The Notice of Hearing on Application for Development was also published in _____, the official newspaper of the municipality on _____, 20____. Attached hereto as EXHIBIT D is a Proof of Publication received from the said official newspaper.

Print Name

Sign Name

Sworn and subscribed to before
me this ____ day of _____, 20____.

Notary Public
My commission Expires:

RULES OF PROCEDURE

Stone Harbor Zoning Board of Adjustment FORM A-50

The following Rules of Procedure have been adopted by the Stone Harbor Zoning Board of Adjustment (the "Board"), pursuant to N.J.S.A. 40:55D-8. The Municipal Land Use Law of the State of New Jersey, the ordinances of the Borough of Stone Harbor, and other applicable statutes and laws are incorporated herein by reference.

PRE- HEARING

1. **FILING APPLICATIONS FOR DEVELOPMENT** – Initial contact for basic guidance may be directed to the Zoning Board of Adjustment Administrative Officer, who is also the Stone Harbor Zoning Official, in Borough Hall. Applications for Development (which includes subdivisions, site plans, conditional uses, variances, etc.) shall be filed with the Administrative Officer of the Board on forms available from the Administrative Officer. Filing shall not be deemed to have been effective until all submissions are received by the Administrative Officer, including the payment of any filing fees and escrow fees which may be required. If an application is found to be deficient, the Applicant will be notified by the Administrative Officer. Official action and time calculations commence only when the application and all required submissions are received by the Administrative Officer. Unless otherwise permitted by the Administrative Officer, an original and 11 copies (total of 12), stapled in sets, folded 8 ½ " x 11", of every document supporting the application, must be filed. Such applications shall be filed by the party having an interest in the development, his agent, or his attorney. All requests for action by the Board shall, to the extent practical, contain the information required on the Application for Development, shall contain a detailed statement of the action desired by the Board, and shall be filed in the manner set forth herein, together with any fees as may be required.
2. **FILING OF APPEALS** – Appeals to the Zoning Board of Adjustment, in accordance with N.J.S.A. 40:55D-72, shall be made within twenty (20) days of a decision or act appealed from, by filing a Notice of Appeal on a form approved by the Zoning Board of Adjustment with the Administrative Officer from whom the appeal is taken, and by filing an ORIGINAL and ELEVEN (1 + 11) COPIES of such Notice, together with all supporting documents, with the Secretary of the Zoning Board of Adjustment, Borough of Stone Harbor, together with any fee as may be provided for by ordinance. Appeals may be filed by any interested party, or his agent or attorney, provided that such interested party or his agent or attorney, appears and be prepared to proceed at the Hearing of the Appeal before the Board.
3. **DETERMINATION OF COMPLETENESS** - The application shall be dated by the Administrative Officer upon receipt, provided that all required submissions must accompany the application. In accordance with Chapter 345. The Administrative Officer shall make a formal determination regarding the application's completeness (with the assistance of the Board Engineer, if necessary) within forty-five (45) days of receipt.
4. **DETERMINATION OF HEARING DATE** – Once the application has been deemed complete, the Board Secretary shall set a hearing date and notify the applicant in writing.

The hearing date shall be no later than one hundred twenty (120) days from the date the application is deemed complete.

5. **DISTRIBUTION OF MATERIAL** – At least five (5) days prior to the hearing date, the Board Secretary shall distribute copies of the application, drawings, plats, and other submissions to the Board members and Board Solicitor.
6. (a) **APPOINTMENT OF AGENT** – Any person acting as an agent for a party filing any application shall have first filed with the Secretary of the Board evidence of the appointment of his agency on a form approved by the Board (Form A-11).

(b) **CORPORATION OR PARTNERSHIP** – If owner is a corporation or partnership, the names of all stockholders or partners owning 10% or more of applicant's business, must accompany the application.
7. **NOTICE** – (Applicant's Responsibility) – Applicant shall give the appropriate pre-hearing notices where required under N.J.S.A. 40:55D-12.

Public notice shall be given by the applicant's placing a notice in the official newspaper of this municipality, using the form provided by the Board Secretary or any other form that complies with the Municipal Land Use Law. An Affidavit of Publication, signed by an official of the newspaper, must be presented to the Board Secretary, five (5) days prior to the Hearing.

Personal notice or notice by Certified Mail (where required) shall be given to all owners of real property as shown on the current tax duplicate, located within 200 feet in all directions of the property which is the subject of the Hearing, including properties located in adjacent municipalities and utility owners. Notice shall be given on forms supplied by the Board or otherwise compliant with the Municipal Land Use Law by personally serving a copy thereof upon the property owner, or his agent in charge of said property, or by mailing a copy thereof by Certified Mail to the property owner at this address as shown on said current tax duplicate (proof of mailing required by the Board). Notice to a partnership may be made by service upon any partner; and notice to a corporation may be made by service upon its president, vice president, secretary or person authorized by appointment or law to accept service on behalf of the corporation. An Affidavit of Service, including a listing of the names and addresses of the property owners notified by Certified Mail, must be presented to the Board Secretary five (5) days prior to the Hearing (form is available from the Board).

Notice of all hearings involving property located within 200 feet of an adjoining municipality shall be given by personal service or Certified Mail, to the Clerk of such municipality, and an Affidavit of such service shall be presented to the Board prior to the Hearing.

Notice of a hearing involving property adjacent to a state highway shall be given by personal service or Certified Mail, Return Receipt Requested, to the Commissioner of Transportation, State of New Jersey, and an Affidavit of Service shall be presented to the BOARD prior to the Hearing. Notice to a condominium association shall be given in accordance with N.J.S.A. 40:55D-12.

Notwithstanding the above, applicants shall refer to and comply with the provisions of N.J.S.A. 40:55D-12, et seq.

8. **PROOF OF PAYMENT OF TAXES.** Every application submitted shall include proof and certification by the Borough Tax Collector that no taxes or assessments for local improvements are delinquent on the property which is the subject of such application (Stone Harbor RGO § 345.30)
9. **MAPS, DRAWINGS, PLATS AND DOCUMENTS** – Pursuant to N.J.S.A. 40-55D-10(b), any maps or documents for which approval is sought at a Hearing, shall be on file and available for public inspection at least ten (10) calendar days prior to the date of the Hearing, during normal business hours, in the office of the Administrative Officer (Zoning Officer).

For subdivision applications, in addition to copies of drawings, etc., required with the application, the following copies of the subdivision plat (drawing) are required at or before the Hearing for signature upon approval:

- a. Four (4) paper prints of the subdivision plat (drawing) FOLDED 8 ½” x 11”
- b. One (1) linen print of the subdivision plat – ROLLED, not folded
- c. One (1) Mylar type copy of the subdivision plat – ROLLED, not folded

If the application is approved:

Item “a” goes to the Zoning Official, Tax Assessor, Tax Collector and Zoning Board of Adjustment file, with copies of the DECISION.

Items “b” and “c” are immediately signed and returned to the applicant for his filing with the County Clerk. Secretary to obtain a signed receipt for these drawings, using Form B-6.

Resubmission of the above Mylar, linen and paper prints is required for signature and distribution if a revision of the drawings is required as a result of the Hearing procedure.

10. **MAJOR AND MINOR SUBDIVISIONS** – Applications for Development requesting subdivision approval shall be accompanied by a survey (plat) showing the existing and proposed lots and boundaries, and any existing structures and easements, certified by a Licensed Engineer of the State of New Jersey. The plat shall indicate square footage of the lot and subject structures and also the coverage percentages, and any other information required under local law or State statute. Pursuant to N.J.S.A. 40-55D-47, unless otherwise directed by the Chairman of the Board, the Board as a whole shall act as a subdivision committee under N.J.S.A. 40-55D-47. County Planning Board approval or review is required on all subdivisions.

DEFINITION OF MINOR AND MAJOR SUBDIVISIONS: A minor subdivision is that division of an existing parcel of land (which may consist of one or more Tax Map lots) into two (2) parcels (each of which may contain portions of one or more existing Tax Map lots), and which meets the further provisions of the Municipal Land Use Law definition of minor subdivisions. A major subdivision is any other subdivision of land.

HEARINGS AND MEETINGS

1. **TIMES AND PLACE** – The Board shall hold its regular monthly meeting, provided there is business to be brought before the Board, on the second Friday of each month at 7:00 p.m. in the Borough Hall, second floor, 9508 Second Avenue, Stone Harbor, New Jersey, unless revised from time to time by appropriate notice.
2. **THE AGENDA** – The Agenda for the meeting shall be substantially as follows:
 - a. Call to order.
 - b. Reading of “Open Public Meetings Act” Announcement.
 - c. Roll Call
 - d. Assignment of Alternate(s)
 - e. Introductions of Members and staff (for Hearing only—for record purposes)
 - f. Motion to accept the Minutes of the previous meeting in the form in which they have been prepared and filed by the Secretary
 - g. Correspondence
 - h. Consideration of Applications (caucus)
 - i. Old Business
 - j. New Business, other than Applications
 - k. Public Comment
 - l. Adjournment of the meeting.

The agenda may be altered by the Chairman in the interest of conducting an orderly and efficient meeting.
3. **PROCEDURE FOR APPLICATIONS FOR DEVELOPMENT AND APPLICATIONS FOR ZONING BOARD OF ADJUSTMENT ACTION** – The following rules will be observed during the Board’s conduct of any Hearing of an Application for Development or Application for Zoning Board of Adjustment action:
 - a. The Chairman shall call the case to be heard
 - b. The Chairman shall request proof from the Secretary that the Applicant has complied with the necessary notice requirements and shall accept such proof for filing. In the event that the notice requirements are not fully satisfied, the Board will proceed no further with the matter, which will be re-scheduled for hearing at its next Regular Meeting.
 - c. The applicant, or his attorney or agent, shall be permitted brief opening remarks after swearing in.
 - d. The applicant’s case shall be presented, including the testimony of all supporting witnesses and the introduction of all documents or physical evidence. Questions by Members of the Board or its attorney of the testifying witnesses shall be entertained at this time. Upon completion of the applicant’s case, he shall so advise the Board that the case is rested.
 - e. Testimony of other persons in attendance at the Hearing favoring the application shall be heard. Each person so testifying shall first be recognized by the Chair, rise and give his name, address and the location of his property within the municipality, if any, and thereafter proceed to the front of the hearing room and

be sworn in by the Board Solicitor. Such testimony shall be limited to the making of a statement or statements concerning the matter, followed by any specific question or questions of any specific witnesses who have previously testified. Each person shall be given one fair opportunity to be heard.

- f. Qualified persons objecting to the application shall be given an opportunity to be heard, and their testimony or questions shall be heard in accordance with the Procedure outlined immediately above.
 - g. When all objections have been heard, the Chair shall ask whether the applicant has any additional factual information which has not previously been admitted, and will permit the admission of same. Thereafter, the Chair shall declare that the receipt of all testimony is closed.
 - h. The Chair shall permit the applicant, or his attorney or agent, to make a brief closing statement if desired.
 - i. The Board Solicitor shall provide an overview of the application to the Board, including a statement of the relevant legal standards governing the Board's review of the application.
 - j. The Board shall discuss the application, which said discussion shall be led by the Chairman who, at his discretion, may review the facts presented to the Board, so that the Board might make an accurate determination of those matters which have been proved to the Board's satisfaction. Upon agreeing upon these established facts, the Chairman may request the Solicitor's opinion on any matter, including whether the facts as presented and proved are sufficient under the law to grant relief.
 - k. At the close of the discussion by the Board, the Chairman shall (1) adjourn the matter pending further consideration of the Board; (2) adjourn the matter and request additional information to be supplied to the Board; (3) refer the matter to another municipal agency for their review and report back to the Board pursuant to the Municipal Land Use Law; or (4) request that a motion be made for determination of the matter, which motion shall contain any conditions or other proposed restrictions.
 - l. In the event a motion on the matter is made, the Chair shall request each Member to express his view on the matter and, when complete, the Chairman will request a Roll Call Vote on the Resolution.
 - m. The Chairman shall then announce the determination by the BOARD to those in attendance, and shall refer the matter to the Solicitor for his preparation of a formal Resolution.
4. **MINUTES AND TRANSCRIPT** – Minutes of every Regular or Special Meeting shall be kept, which shall include but not be limited to the names and addresses of the persons appearing, the actions taken by the Board, the findings of the Board, and the reasons given by the Board for its actions. Minutes shall be available for public inspection and shall be maintained by the Office of the Secretary of the Board. In addition, the Board, through its Secretary, shall provide a verbatim stenographic or sound recording of the Meetings of the

Board, in accordance with N.J.S.A. 40:55D-10(f). The Secretary of the Board shall provide a copy of the Minutes or a copy of the transcript on request of any interested party at the expense of said party. These shall be in accordance with the Schedule of Fees adopted for the Board from time to time.

5. **FILES AND EVIDENTIARY MATERIAL** – The Secretary of the Board shall maintain a file on each matter coming before the Board, which said file shall contain a complete compilation of all papers filed in conjunction with each matter, and shall include all documentary evidence submitted to the Board, which said evidence shall be marked with an appropriate notation indicating that it has been accepted as an evidential Exhibit, in accordance with the custom and practice utilized by Certified New Jersey Court Reporters.

The Board Solicitor is hereby designated, pursuant to N.J.S.A. 40:55D-10, as that officer of the Board who shall administer oaths to persons testifying before the Board. The Secretary of the Board is designated as the officer authorized to issue subpoenas compelling the attendance of witnesses and the production of documents in accordance with the above-mentioned statute.

POST-HEARING

1. **WRITTEN DECISION** – The Board Shall embody its decision in a written resolution and shall, within ten (10) days of the date the written decision is adopted, forward such document to the applicant, without charge. Further, the Secretary shall file a copy of the resolution in the files, and make available said resolution to any interested party, and shall provide such interested party a copy of such resolution upon the payment of the fee established therefore.
2. **NOTICE OF DECISION** - A brief notice of the decision shall be prepared by the Secretary and published by the Secretary in the official newspaper of the municipality within ten (10) days of the date the resolution is adopted. The Secretary shall obtain a Proof of Publication from the said newspaper and shall file such Proof of Publication in the Board's official records.
3. **MISCELLANEOUS** – In addition to the above, the Board shall exercise such powers, and adopt such directives, as it may be empowered by law to do, and transmit to the parties or municipal officials involved such determinations and directives.

FEES

In accordance with the provisions of the Municipal Land Use Law and the enabling ordinances of the Borough of Stone Harbor (345-24.), the Board hereby establishes the following Schedule of Fees, which such fees shall be made payable by check to the order of the "Borough of Stone Harbor" and delivered to the Administrative Officer unless otherwise indicated below. Fees for applications or for the rendering of any service by the Zoning Board of Adjustment or any professional designated by the Boards, or any of the professionals hired by the Borough, for the purpose of repaying technical, investigative and administrative expenses involved in processing the application shall be as follows: **[Amended 7-5-2005 by Ord. No. 1237]**

<u>CATEGORY</u>	<u>APPLICATION FEE</u>	<u>ESCROW FEE</u>
Subdivision, minor	\$550	\$1,000 per lot
Subdivision, major	\$550	\$1,000 per lot
Site plan, major (preliminary)	\$550	\$2,000
Site plan, major (final)	\$550	\$2,000
Informal review	\$550	\$1,000
Variances	\$550 per variance applied for	\$1,200 If site plan not required. \$2,000 If site plan is required.
Request for extension of time	\$100	\$100
Subdivision or site plan amendments	50% of the original fees	
Certified list of property owners		\$10
Tax Map changes resulting from Subdivisions and other applications creating new lots		\$300

***Copy of Minutes, Proceedings and Notice of Decisions, Refer to Chapter 92, Art. I, of the
Borough of Stone Harbor Code***

MISCELLANEOUS INFORMATION AND NOTES

- a. “Days” refers to calendar days.
- b. If the applicant, or his attorney or agent, is absent from the Hearing, The Board reserves the rights to approve, deny or continue the application.
- c. Concerning the disposition of letters directed to the Board:

1) Opinion letters relative to an application

Any letter or petition offered as evidence or indicating an opinion on an application can be accepted by the Board only if the author is present at the Hearing and available for cross-examination. Otherwise, such correspondence shall not be considered by the Board.

Disposition will normally be determined by the Secretary with the advice of the Solicitor and the Chairman, if necessary. Such correspondence will be maintained in the Secretary’s file and a Form B-5 sent as a reply to the sender.

2) Letters or reports from experts (in response to a Zoning Board of Adjustment request)

Such letters or reports are admissible if also made available to the applicant at the same time they are made available to Board Members. If it is forwarded to the Board Members prior to the Hearing, a copy should be sent to the applicant or his attorney or agent.

3) Procedural Letters

Any letter from a non-applicant requesting administrative action by the Board – such as a request to change the Hearing date – should be read at the Meeting, resolved, and answered. The Secretary may seek the advice of the Solicitor or the Chairman in responding to any such letters.

CASE STATUS REPORT

Stone Harbor Zoning Board of Adjustment FORM B-1

Case No. _____

Applicant/Appellant's Name _____

Subject Property (Street Address) _____

Block / Lot _____

Type of Application _____

DATE

Application received

Determination of Completeness

Hearing Date

Notice of Hearing Date to Applicant

Proof of Newspaper Ad received

Affidavit of Service and Publication received

Proof of Payment of Taxes received

In the case of Subdivision:

One "Mylar", one linen plat print & 4 paper plat prints received

One "Mylar", one linen plat print & 4 paper plat prints signed

One "Mylar", one linen plat print, returned to Applicant

Notice of Decision sent to Applicant

Notice of Decision sent to Newspaper

Notice of Decision sent to Tax Assessor, Tax Collector, and Zoning Official with
final prints

Received Approval (or waiver) from Cape May County Planning Board

Received Approval (of waiver) from Cape Atlantic Soil Conservation District

Received County Clerk's Notice of Filing

Application runs out

REQUEST FOR ENGINEER'S REPORT

Stone Harbor Zoning Board of Adjustment FORM B-2

To: Marc DeBlasio, P.E.

From: Raymond Poudrier, Zoning Officer

Re: Case Number _____

Date: _____, 20____

Property Information

Address: _____ Block/Lot: _____

Applicant: _____

Owner: _____

Enclosed please find an Application for Zoning Board Action with copies of all accompanying submissions received by the Zoning Board on _____, 20____.

Kindly provide a report on the enclosed application with your recommendation regarding a determination of completeness on or before _____, 20____ (30 days from the Board's receipt), including identification of any deficiencies in the said application which may cause same to be deemed incomplete.

Thank you.

NOTICE TO APPLICANT OF INCOMPLETE APPLICATION

Stone Harbor Zoning Board of Adjustment FORM B-3

Case No. _____

Application filed _____, 20__

Date: _____

Dear Applicant:

Your Appeal/Application to the Stone Harbor Zoning Board of Adjustment for the premises known as _____

(Case No. _____) has been deemed INCOMPLETE as per the enclosed correspondence from the Zoning Board Engineer. Upon receipt of the items identified in the attached correspondence, this matter will be reevaluated. Once the application is deemed complete, this matter will be scheduled for public hearing in accordance with the Stone Harbor Zoning Board of Adjustment Rules of Procedure. Thank you.

NOTICE TO APPLICANT OF PUBLIC HEARING DATE

Stone Harbor Zoning Board of Adjustment FORM B-4

Case No. _____

Application filed _____, 20____

Date: _____

Dear Applicant:

Your Appeal/Application to the Stone Harbor Zoning Board of Adjustment for the premises known as _____ has been given Case No. _____.

You are hereby notified that a public hearing on this Appeal/Application has been scheduled for _____, 20____, at 7:00 P.M., in the Municipal Building of the Borough of Stone Harbor, 9508 Second Avenue, Stone Harbor, New Jersey, at which time you or your agent must be present. Failure to appear will result in dismissal of your Appeal/Application, unless this requirement is waived by the Zoning Board Chairman.

Notice of the public hearing must be published and served at least ten (10) days prior to the hearing date in accordance with the Municipal Land Use Law and the Zoning Board's Rules and Regulations. A form of notice to be published and served and a form Affidavit of Mailing and Publication have been provided in the Stone Harbor Zoning Board of Adjustment Application Packet.

_____, Secretary
Stone Harbor Zoning Board of Adjustment

NOTICE REGARDING WRITTEN COMMENTS

Stone Harbor Zoning Board of Adjustment FORM B-5

Date _____

Re: Application No. _____
Block No. _____
Lot No(s). _____

Dear Sir or Madam:

This is to acknowledge your correspondence addressed to the Stone Harbor Zoning Board of Adjustment in the above-captioned matter.

Please be advised that such correspondence cannot be accepted, read, or considered by the Board unless the writer is present at the hearing and is available for cross-examination.

_____, Secretary
Stone Harbor Zoning Board of Adjustment

NOTICE AND DELIVERY OF MINOR SUBDIVISION PLAT

Stone Harbor Zoning Board of Adjustment FORM B-6

Case No. _____

Application filed _____, 20____

Date: _____

Dear Applicant:

The enclosed copies of the subdivision plat (drawing), consisting of one (1) linen print and one (1) "Mylar" type copy, have been signed by the Stone Harbor Zoning Board of Adjustment Chairman and Secretary as required by law.

IMPORTANT: These drawings MUST be filed with the Cape May County Clerk's Office within 190 days of the date on which the resolution of Zoning Board approval was adopted, or the approval will expire in accordance with N.J.S.A 40:55D-47(d). Note that Cape May County Planning Board signatures may also be required prior to filing.

SIGNED DRAWINGS RECEIVED BY

Applicant/Appellant's Signature

Date _____

Attachments as noted

One signed copy to Zoning Board File
One signed copy returned to Applicant w/drawings