



Township of Freehold
OFFICE OF THE PLANNING BOARD
One Municipal Plaza, Freehold, NJ 07728

2017 VARIANCE APPLICATION PACKAGE

YOUR APPEARANCE BEFORE THE FREEHOLD TOWNSHIP PLANNING BOARD

The Freehold Township Planning Board wishes to advise you of its requirements for land use approval applicants in regard to your appearance and representation at Board hearings. We request that you adhere to the following rules in order to assure the prompt processing of your application.

1. **Individuals and Partnerships** - If you are an individual or a partner in a partnership, you may appear before the Planning Board and represent yourself. You may present your own testimony and the testimony of your consultants in support of your application. **Please note: You cannot have a consultant make an application for you in your absence.** Engineers, surveyors, planners, contractors, real estate agents, friends and family are not authorized to present your application unless you yourself are present to offer them as witnesses. If you do not intend to appear then you must have an attorney at law of the State of New Jersey represent you at all hearings.
2. **Corporations and Limited Liability Companies** - You must, under all circumstances, have an attorney at law of the State of New Jersey appear to represent you before the Board at all hearings.



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HOW TO FILE AN APPLICATION FOR A VARIANCE

This package is to assist you in completing the administrative requirements that are necessary to submit your application to the Planning Board. We cannot offer you legal advice or information as to how to prove the merits of your case. You may want to seek outside professional assistance in that regard.

The following documents are enclosed:

- Introduction to Zoning
- Instructions
- Application Form
- Zoning Schedule
- Application Fee Worksheet
- Tax Statement Form
- Consent to Inspect Form
- Consent of Owner Form
- Waiver of Statutory Time Form
- Escrow Maintenance Form
- Taxpayer Identification (W-9) Form
- Disclosure Statement Form
- Undersized Lot Confirmation (for undersized lot applications)
- General Requirements for Serving Notice
(Form of Notice, Affidavit of Proof of Service, Classified Legal Advertising)

Please review the enclosed materials. If you have any questions or need additional information, please contact Danielle B. Sims, Administrative Officer to the Planning Board at 732-294-2080 or email dsims@twp.freehold.nj.us.



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INTRODUCTION TO ZONING

WHAT IS ZONING?

All land in the Township of Freehold is divided into districts or zones. Each zone has specific regulations as to the types of activities or uses for which property can be used. For example: Single family residential, professional office, multi-family, retail, etc.) have specific requirements regulating lot and building sizes, the location of buildings on the property and the intensity of the development. Among the reasons for dividing land into zones are to guide the development of land in an orderly fashion and to prevent conflicts between different types of uses. In residential zones for example, incompatible uses such as factories, shopping centers, and offices are not permitted. By regulating the placement, height and intensity of development, allows Freehold Township to be a safer and more attractive community.

Although each municipality may establish different zoning regulations, all zoning regulations and all actions of the Planning Board must be in accordance with the requirements of the New Jersey Municipal Land Use Law.

WHAT IS A VARIANCE?

All development must conform to the specific requirements of the zoning district in which the property is located as well as the Township's general zoning regulations. In some cases, it may not be possible to meet these requirements because of the shape or special physical characteristics of the property. In other cases, a property owner may wish to develop a site in a different way than is permitted by the zoning regulations. A variance is an official act of the township which permits a property owner to use or develop property in a manner which would not otherwise be allowed under the zoning requirements of the Township of Freehold.

WHAT IS THE PLANNING BOARD?

The Planning Board is a group of citizens (seven regular members and two alternate members) appointed by the Township Committee that has the power to grant variances from the zoning requirements. The Board can only grant a variance in accordance with the requirements of the Municipal Land Use Law. In all cases before the Planning Board, it is the applicant's burden to prove his or her case. In addition, the applicant must demonstrate that the granting of a variance will not create any harm to the public, or impair the intent and purpose of the Zoning Ordinance.

ARE THERE DIFFERENT CATEGORIES OF VARIANCES?

Generally, there are two broad categories of variances. The Planning Board may grant a "d" or "use" variance to permit a use or type of building that is not otherwise allowed. The Zoning Board may also grant "bulk variances" from the zoning requirements related to the location and placement of building or structures, or the size and configuration of a piece property. There are two different types of bulk variances, also known as the "C-1" and "C-2" variances. (The number refers to the subsection of the Municipal Land Use Law which describes these variances.)

"C-1" variances involve cases where because of the size, shape, topography or other physical features that are unique to your property, the zoning requirements would place an exceptional burden or hardship upon you. Suppose that you would like to build a house on a property that has steep slopes on a portion of the site. In order to avoid disruption of the slopes, the house would have to be placed on the property in a manner such that the side yard setback of the house (i.e., the distance required between the house and the side property line) would not meet the Township requirement. The Planning Board would be justified in granting a variance for the insufficient side yard setback if you were to demonstrate that 1) the physical constraints of that particular property would not allow you to meet the zoning requirements and 2) that the variance could be granted without harming the public welfare or impairing the intent and purpose of the Township's Zoning Ordinance.

"C-2" variances do not require a demonstration of hardship however, you must demonstrate that the variance requested would promote one of the goals of the Municipal Land Use Law and that the benefits of granting a variance would substantially outweigh and detriment. For example, suppose you would want to build a house on a property that does not have any physical limitations such as wetlands or steep slopes. Although the house could meet all zoning requirements, you would like to place the house closer to the front property line than is normally allowed and in order to be consistent with the setback of other houses in the neighborhood. If you were to demonstrate that 1) the proposed development allows a more desirable visual environmental and a better utilization of the property and 2) that the benefits of blending in which the existing pattern of development in the neighborhood and creating a more attractive appearance would outweigh any possible detriments associated with the reduced front yard setback, then the Planning Board would be justified in granting a variance.

HOW SHOULD I PREPARE FOR A PUBLIC HEARING?

It is recommended that you review the Municipal Land Use Law and the Freehold Township Land Use Ordinance. Copies of these documents are available for inspection at the Planning Board office between 8:30 a.m. and 4:30 p.m. Another source of information is "*Zoning and Land Use Administration*" by William M. Cox, Esq. A copy of this book is available at any local library.



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INSTRUCTIONS

1. In order to file an application before the Board, you must submit the following:
 - a. Three (3) copies of the completed Application Form.
 - b. Application and escrow fees (separate checks or money orders made payable to the Township of Freehold – see attached fee schedule.)
 - c. If you do not own the property, the owner must sign the Consent of Owner Form so that you can submit an application to the Board.
 - d. One (1) copy of the completed Right of Entry/Consent Form and Waiver of Statutory Time Limitation Form signed by the owner of the property. This will allow members of the Planning Board, Township employees and consultants to inspect your property.
 - e. Six (6) copies of a property survey or plan drawn to scale, clearly showing the location and dimensions of the property and all existing and proposed structures (buildings, swimming pools, sheds, fences, driveways, garages, etc.). If plans are of larger format, you may submit three (3) reduced sized (11” x 17”) copies, noted as “Not to Scale” and three (3) full size copies, to scale. A digital copy (pdf) of all plans should be provided if available. Additional copies of plans, reports, etc. may be requested as needed.
 - f. If the lot is undersized, a copy of the Undersized Lot-Acquisition Form must also be submitted no later than 20 days prior to a scheduled hearing date to show attempt to acquire additional property. Proof of submission would include certified mail slips, the adjacent property owners signing a receipt of the notice or the completed form returned.
 - g. A zoning schedule must be provided, either on the cover sheet of a plan or as a separate submission document. A sample can be provided upon request.
2. The Board office will review the items submitted and let you know if the application is complete, incomplete or if additional items are required.
3. When all submittal requirements have been fulfilled, the application will be declared complete and scheduled for a hearing. **NOTE: NO VARIANCE APPLICATION WILL BE SCHEDULED UNTIL IT IS DEEMED COMPLETE BY THE ADMINISTRATIVE OFFICER.** The application must be deemed complete no less than twenty-one (21) days prior to a meeting in order to be scheduled for a meeting agenda. If that agenda is filled, the application will be placed on the next available agenda.

4. All applications require Public Notice. After your application is scheduled for a public hearing, the Board Secretary will furnish you with the necessary forms (also at www.twp.freehold.nj.us) and a list of property owners that must be served. You must:
- a. Arrange for publication of the notice in the Asbury Park Press at least ten (10) days prior to the date of the hearing. NOTE: The newspaper requires several days advance notice in order to print your legal notice.
 - b. Request an Affidavit of Publication from the newspaper and send it to the Board office at least three (3) days prior to the hearing.
 - c. Serve notice by personal service or certified mail at least ten (10) days prior to the hearing date to the following parties where applicable:
 - (1) Owners of all rear property located within two-hundred feet (200') feet in all directions of the subject property. NOTE: The Planning Board Secretary will provide you with a certified list of property owners in the Township of Freehold. If properties in other municipalities are within two-hundred feet (200') of the subject property, you must contact the other municipality or municipalities to obtain a list of property owners in those municipalities.
 - (2) The Clerk of adjoining municipalities where the subject property is within two-hundred feet (200') of another municipality.
 - (3) Monmouth County Planning Board where the subject property is adjacent to an existing county road or proposed road, adjoining County land, or situated within two hundred feet (200') of another municipality.
 - (4) Ocean County Planning Board where the subject property is within two hundred feet (200') of a municipality located in Ocean County.
 - (5) Commissioner of Transportation where the subject property is adjacent to a State Highway.
 - (6) New Jersey State Planning Commission where the subject property exceeds 150 acres or includes 500 or more dwelling units. The Notice must include a copy of any maps or documents required to be on file.
 - d. You must return the notice forms that are included in the application package (Affidavit of Proof of Service Form, Affidavit of Publication), the list of persons served, a copy of the notice served and an Affidavit of Publication from the newspaper to the Board office at least three (3) days prior to the meeting. If notice was served by certified mail, the receipts must also be submitted to the office. **A digital (scanned) copy of the proof of service can be provided for review three (3) days prior to the hearing date as long as the originals are brought to the public hearing.** **NOTE:** No action will be taken on any application unless you have demonstrated that all affected parties have been properly notified.

5. Applicants must appear at the meeting and may be represented by an attorney at law. If the applicant is a corporation, then it must be represented by an attorney at law. The applicant should be prepared to testify regarding the reasons for requesting the variance.
6. IT IS THE APPLICANT'S RESPONSIBILITY TO DEMONSTRATE THAT THE VARIANCE CAN BE GRANTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE NEW JERSEY MUNICIPAL LAND USE LAW. Applications for variances are legally complex, and the applicant may wish to consult an attorney for guidance in submitting an application and preparing for a public hearing. The staff of the Planning Board cannot provide advice or information as to how to prove the merits of the application. Please note that if you are unrepresented by an attorney and your public hearing has commenced, it is highly unlikely that Board will grant an adjournment of your hearing to permit you to retain an attorney if you have subsequently decided that one is needed.
7. If you wish to obtain a complete copy of the Planning Board's Rules and Procedures, please contact the Board Secretary.

NOTES:

- (1) You are not required to obtain a list of variances from the Zoning Officer. You may prepare this list yourself, however, if you need assistance, it is recommended that you contact the Zoning Officer at 732-294-2067 or seek the advice of a land use attorney.
- (2) You may prepare the list of property owners within two-hundred feet (200') of the subject property yourself, however, it is recommended that you ask the Planning Board Secretary to prepare this list.

PLEASE MAKE SURE THAT YOUR APPLICATION FORMS, MAPS AND DRAWINGS ARE CLEAR, LEGIBLE AND DESCRIBE PRECISELY WHAT YOU WANT TO BUILD.

AT THE PUBLIC HEARING, YOU MAY WANT TO BRING PHOTOGRAPHS AND OTHER MATERIALS TO HELP YOU PRESENT YOUR CASE. YOU MAY ALSO WISH TO PREPARE A POSTER BOARD EXHIBIT SHOWING ALL EXISTING AND PROPOSED STRUCTURES ON YOUR PROPERTY SO THAT ALL BOARD MEMBERS CAN CLEARLY SEE WHAT YOU ARE PROPOSING AS YOU PRESENT YOUR CASE.



Application # _____

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VARIANCE APPLICATION FORM

I/We _____, the applicant herein whose post office address is _____ am the _____ (owner/contract purchaser/lessee) of property located at or on _____ and designated on the Tax Map as Block _____ Lot(s) _____. The property is located in the _____ Zone District.

The following structures, buildings or uses are currently on the property: _____

Application is made to (describe in detail the proposed construction and use (Ex: 6' high stockade fence; a one-story family room addition measuring 500 square feet):

Complete the following information about the property (existing): Floor Area Ratio: _____
Lot area _____ square feet Lot width _____ feet Lot depth _____ feet
Lot frontage _____ feet Side yard setback _____ and _____ feet
Front yard setback _____ feet Rear yard setback _____ feet

The proposed building or use is contrary to the following Section(s) of the Freehold Township Land Use Ordinance: (EXAMPLE: Chapter 190a-Schedule C. – proposed shed is 22' high where 16' high is the Maximum height permitted) _____

The reasons for requesting this/these variance(s) are as follows: _____

Has there been any previous appeal or application to the Planning Board or previous Board of Adjustment involving this property_____. If yes, state the date, character and disposition of the application:_____

The following is/are submitted with this application (list all documents and exhibits accompanying this Application, **must incl. a zoning schedule**): _____

I, the undersigned, certify that all statements contained herein, the papers and plans filed herewith are true and correct to the best of my knowledge, the information and belief.

Signature of Applicant

Date

Daytime Phone Number

Home Phone Number

Email address

FOR OFFICE USE ONLY

Date Filed: _____ Fee Paid: _____

Application Declared Complete On: _____

Decision Must Be Rendered By: _____

Date of Public Hearing: _____

Date of Resolution: _____

Board Decision: Approved () Denied ()

ZONING SCHEDULE

Project/Applicant's Name: _____

Project/Application Number: _____

Project Address: _____

Block(s): _____ Lot(s): _____

Zone: _____

	REQUIRED	EXISTING	PROPOSED
Lot Area			
Lot Width			
Lot Frontage			
Lot Depth			
Front Setback			
Side Setback (1 of 2)			
Side Setback (2 of 2)			
Rear Setback			
Building Coverage			
Assessory Structure Coverage			
Impervious Coverage			
Building Height			
Accessory Structure Side Setback (1)			
Accessory Structure Side Setback (2)			
Accessory Structure Rear Setback			
Floor Area Ratio (FAR)			

Note with * as any existing conditions
 Note with ** as any new variances being requested



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2017 VARIANCE APPLICATION FEE WORKSHEET

Applicant: _____ Date: _____

Project Name: _____

Block # _____ Lot # _____ Computed by: _____

SCHEDULE A - FEES*

Publication of Decision \$83.00

List of Property Owners \$10.00

Variations:

- 1. Appeals (N.J.S.A. 40:55D-70(a)) _____
 - a. Single family residential uses - \$124.00
 - b. Other uses - \$206.00
- 2. Interpretation of the Land Use Ordinance or Map (N.J.S.A. 40:55D-70 (b)) - \$413.00 _____
- 3. Bulk Variances (N.J.S.A. 40:55D-70 (c)) _____
 - a. Single family residential uses - \$248.00
 - b. Other uses - \$413.00
- 4. Use Variances (N.J.S.A. 40:55D-70 (d)) _____
 - a. Single family residential uses - \$248.00
 - b. Other uses - \$743.00

Public Hearing Fee \$165.00

Other _____

TOTAL FEES _____

ESCROW FEES (Separate check)

Residential uses - \$578.00
Non-residential uses - \$2,888.00 _____

*See Section 150-15 of the Freehold Township Land Use Ordinance for a complete list of all fees



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TAX STATEMENT

This is to certify that taxes have been paid and are current for property owned by

at _____
(Address)

known as Block (s) _____, Lot (s) _____.

Taxes for the next quarter are due _____
(Date)

CERTIFIED BY:

Office of the Tax Collector

Date



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CONSENT TO INSPECT

APPLICATION NAME: _____

APPLICATION NO.: _____

I/We, as owners of Lot(s) _____ in Block (s) _____
as shown on the Tax Map of the Township of Freehold, which is the subject of an
application for development to the Freehold Township Planning Board under the above
number, do hereby consent to have said premises inspected by members of the Planning
Board, consultants to the Planning Board and other officials of the Township pertaining
to this application. This shall include the privilege of entering into, upon and over said
premises.

OWNER DATE

OWNER DATE

OWNER DATE



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CONSENT OF OWNER

_____ do/does hereby consent to the
(Name of Owner)

filing and processing of an application for: (Select all that apply)

- Site Plan Minor Subdivision Major Subdivision
 Variance Conditional Use General Development Plan
 Soil Removal/Fill _____

approval to be made by _____ who is the
(Name of Applicant)

developer within the meaning of N.J. Rev. Stat. 40:55D-4. This consent applies to premises located
on _____ and described as
(Street Address)

Lot (s) _____ in Block _____ as shown on the Tax Map of the
Township of Freehold. I/We hereby authorize said developer to execute all documents and
perform all acts necessary in conjunction with said application as though same were applied for and
processed by us.

(Name of Owner)

(Name of Owner)

(Address of Owner(s))



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WAIVER OF STATUTORY TIME LIMITATIONS

Applicant/Developer: _____

does hereby consent to an indefinite extension of time within which the Freehold Township Planning Board may consider applicant's application for:

_____ approval notwithstanding any statutory limitations applicable to said approval. Applicant reserves the right to withdraw this extension of time after expiration of the initial statutory period provided that applicant gives the Planning Board 30 days notice of applicant's intention to withdraw this waiver.

APPLICANT

DATE



App. # _____

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ESCROW MAINTENANCE FORM

I understand that as owner and/or applicant that I am responsible to maintain an escrow account with the Township that will be used to pay for professional reviews of the project. The reviews are charged on an hourly basis and I will be billed monthly. If my account is not kept current, I will be in violation of Public Law 40:55D-52.2.(c) and work will not continue on the processing of the Application.

Person/Firm Responsible for Receiving Financial Account Information:

Email address: _____

Address: _____ Phone: _____

Prefer to receive statements via: Regular Mail Electronic Mail

OWNER

DATE

APPLICANT

DATE

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.	Name (as shown on your income tax return)	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
	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 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.

Social security number
or
Employer identification number

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

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).

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 4.

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.

Purpose of Form

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

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

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.

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

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 on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the 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 withholding on your share of partnership income.

The person who gives 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 is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (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 not subject to backup withholding, give the requester the appropriate completed Form W-8.

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, 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 the instructions below and the separate Instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

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

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the “Name” line. You may enter your business, trade, or “doing business as (DBA)” name on the “Business name” line.

Limited liability company (LLC). Check the “Limited liability company” box only and enter the appropriate code for the tax classification (“D” for disregarded entity, “C” for corporation, “P” for partnership) in the space provided.

For a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Regulations section 301.7701-3, enter the owner’s name on the “Name” line. Enter the LLC’s name on the “Business name” line.

For an LLC classified as a partnership or a corporation, enter the LLC’s name on the “Name” line and any business, trade, or DBA name on the “Business name” line.

Other entities. Enter your business name as shown on required federal tax documents on the “Name” line. 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 the “Business name” line.

Note. You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).

Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the “Exempt payee” box in the line following the business name, sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

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 possession of the United States, or any of their political subdivisions or instrumentalities,
4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
5. An international organization or any of its agencies or instrumentalities.

Other payees that may be exempt from backup withholding include:

6. A corporation,
7. A foreign central bank of issue,
8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
9. A futures commission merchant registered with the Commodity Futures Trading Commission,
10. A real estate investment trust,
11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
12. A common trust fund operated by a bank under section 584(a),
13. A financial institution,
14. A middleman known in the investment community as a nominee or custodian, or
15. A trust exempt from tax under section 664 or described in section 4947.

The chart below shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 13. Also, a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 7

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

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

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 page 2), 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 Social Security Administration 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 www.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, 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 domestic 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, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt payees, see *Exempt Payee* on page 2.

Signature requirements. Complete the certification as indicated in 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 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.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (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.

Call the IRS at 1-800-829-1040 if you think your identity has been used inappropriately for tax purposes.

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 personal property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.consumer.gov/idtheft or 1-877-IDTHEFT(438-4338).

Visit the IRS website at www.irs.gov to learn more about identity theft and how to reduce your risk.

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)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ³
For this type of account:	Give name and EIN of:
6. Disregarded entity not owned by an individual	The owner
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate or LLC electing corporate status on Form 8832	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership or multi-member LLC	The partnership
11. A broker or registered nominee	The broker or nominee
12. 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

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 second 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 1.

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.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA, or Archer MSA or HSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. possessions to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax 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. Payers must generally withhold 28% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.



Application: _____

Township of Freehold
OFFICE OF THE PLANNING BOARD
One Municipal Plaza, Freehold, NJ 07728

DISCLOSURE STATEMENT

Pursuant to N.J. Rev. Stat. 40:55D-48.1 _____
(Applicant's Name)

has applied to the Freehold Township Planning Board for permission to subdivide a parcel of land into six or more lots or has applied for a variance to construct a multiple dwelling of 25 or more family units or has applied for approval of a site to be used for commercial purposes under Planning Board application No. _____ and, thereof, discloses the names and addresses of all stockholders or individual partners who own at least 10% of its corporate stock or 10% of the interest in the partnership as the case may be:

NAME OF STOCKHOLDER OR PARTNER

PERCENTAGE OF INTEREST

APPLICANT

DATE

FOR OFFICE USE: E-mail to Twp. Attny



Township of Freehold

OFFICE OF THE PLANNING BOARD

One Municipal Plaza, Freehold, NJ 07728

NOTICE TO APPLICANT REGARDING UNDERSIZED LOTS

The Freehold Township Planning Board recommends that the attached buy-sell form letter be employed in corresponding with abutting property owners concerning undersized lots. While you are not required to use the exact language in the enclosed form, it is the policy of the Planning Board to require the buy-sell letter to contain the substance of the attached letter which should be sent by certified mail and ordinary mail at least 20 days before the first scheduled hearing date for your application. This is to allow the property owner addressed time to respond. Please be certain that you adjust the form for your particular application.

Failure to follow this procedure may jeopardize your ability to obtain relief from the Planning Board. The burden is on you to establish that the statutory requirements are met in cases involving variances associated with undersized lots.

You must be prepared at the time of the hearing to introduce into evidence a copy of the buy/sell letter along with the return receipt requested together with any response from the abutting property owners. In the event the response is limited to oral communication, then you are advised to send another letter to the communicating party confirming the substance of the oral discussion as it pertains to an offer to purchase or sell the properties involved.

THIS LETTER IS IN ADDITION TO THE REQUIRED STATUTORY NOTICE YOU MUST GIVE TO ALL PROPERTY OWNERS WITHIN 200 FEET.

If you have any questions concerning the procedure to be followed, consult your own attorney.

Certified Mail-RR# _____
And Ordinary Mail

To:

M. _____

Address _____

Block _____ Lot _____

Dear M. _____,

The undersigned has made an application to the Planning Board of the Township of Freehold for a variance to allow the development described in this letter on Block _____ Lot _____, street address _____, which abuts your property. The proposed development is as follows: *(describe proposal)*

This letter is to inquire whether you would be interested in selling me your lot or a portion of your lot in order to make my lot conform or more nearly conform to the current Freehold Township Land Use Ordinance. In the alternative, you may have an interest in purchasing my lot at "fair market value" which in this instance means a price for my property as if the variance had been granted.

It is my intention to offer as part of my proofs in support of the variance application that I am unable to either acquire additional land or sell my land at its fair market value.

If you are interested in selling your lot or a portion of your lot to me or in purchasing my lot, please indicate on the enclosed Response of Abutting Property Owner your position with respect to this application. The Freehold Township Planning Board hearing on the undersigned's application is scheduled for _____ at which time a copy of this letter and any response from you will be offered into evidence.

Enclosed is a self-addressed stamped envelope for your convenience. You may, of course, attend the Planning Board hearing and give testimony concerning your position.

Very truly yours,

Applicant



Township of Freehold
OFFICE OF THE PLANNING BOARD
One Municipal Plaza, Freehold, NJ 07728

**GENERAL REQUIREMENTS FOR SERVING
NOTICE OF PUBLIC HEARING**

All property owners within two hundred feet of a property subject to a variance hearing before the Planning Board must be served notice as required under Section 190-7. of the Freehold Township Land Use Ordinance. The list of names and addresses will be prepared from the most recent tax maps of Freehold Township.

Notice shall be served upon property owners at least ten (10) days prior to the date of your public hearing. You may send the notices by certified mail or personally, which means that you must have the homeowner sign and date next to their name.

Proof of Service (which is proof that you served notice) must be submitted to the Planning Board Administrative Officer.

If your property is within two hundred feet of an adjoining municipality, you will be required to obtain a list of names from the Clerk of the municipality.

You are also required by law to publish a legal notice in the Asbury Park Press newspaper. Please bring your notice to the Asbury Park Press for publication. The notice **MUST** appear in the 'Legal Notice Section' of the newspaper at least ten days prior to the scheduled hearing.

If you are uncertain regarding the notice procedure, please call the Planning Board office at 732-294-2080 for further information.

NOTE: The following notice must be printed in the Asbury Park Press newspaper no less than ten(10) days prior to your scheduled hearing date. You will need to call the Asbury Park Press to arrange for a timely publication. (The telephone and fax numbers are attached.) Copies of this notice must also be sent to each property owner within two hundred feet of the property in question as well as any other agencies that appear on your certified list of names. The notices must be sent certified mail, return receipt requested and postmarked no less than ten (10) days before the scheduled hearing date. If you are hand delivering your notices, the recipient must sign their name and date next to their name on the property owners list. You will then be required to present proof to the Board that this has been done.

SAMPLE LEGAL NOTICE

Township of Freehold
Planning Board
Application # _____

PLEASE TAKE NOTICE that _____ (owner/contract purchaser)
(Name of Applicant)

of Block _____, Lot _____ on the Freehold Township Tax Map, known as

_____ said property located in the _____ zone, has applied to the
(Address)

Freehold Township Planning Board for the following variances: _____
(Describe all variances requested-See examples)

on the property in order to construct _____ and for such other variances or
(Describe proposed construction)

waivers or other relief as the Board shall deem necessary and appropriate.

A pubic hearing on this application will be held at the Freehold Township Municipal Building,

One Municipal Plaza, Freehold, New Jersey at 7:00 p.m. on _____, at which time
(Hearing month, day and year)

time, members of the public may heard.

A copy of the application and plans are on file in the office of the Planning Board for public inspection during business hours.

Name of Applicant or Attorney

Address

EXAMPLES OF VARIANCES

1. A variance for the use itself pursuant to N.J.S.A. 40:55D-70(d) since that use is prohibited in the zone; and
2. A variance to construct the _____ on a lot that does not have frontage on an improved street; and/or
3. A variance to construct _____ in a place shown to be part of a public street on the official map; and/or
4. Bulk variances, pursuant to N.J.S.A. 40:55D-70(c) as to:
 - (a) lot area _____ square feet existing vs. _____ square feet required; and
 - (b) lot width _____ square feet proposed vs. _____ square feet required; and
 - (c) lot depth _____ square feet proposed vs. _____ square feet required; and
 - (d) front yard setback _____ feet proposed vs. _____ feet required; and
 - (e) rear yard setback _____ feet existing vs. _____ feet required; and
 - (f) side yard setback _____ feet and _____ feet proposed vs. _____ feet required;
 - (g) Other – specify _____ feet proposed vs. _____ feet required; and/or
 - (h) minor subdivision in conjunction with the relief described above; and
 - (i) site plan approval in conjunction with the relief described above; and
 - (j) waivers as to the following requirements of the Freehold Township Land Use Ordinance – specify _____

AFFIDAVIT OF PROOF OF SERVICE

State of New Jersey)
County of Monmouth) ss.

I, _____, being of full age and being duly sworn according to law, say and depose that:

1. I am the (applicant) (representative) of the applicant in the above entitled matter.
2. I have served notice of public hearing regarding the above entitled matter to each and all persons upon whom service must be made, and in the required form, and according to the attached list.
3. The manner of service was as follows: _____.
4. The date on which service was made _____.
5. Attached to this Affidavit is a true copy of the form of notice which served and the certified return receipts (if service was by certified mail.

Signature

Printed Name

Sworn to and Subscribed before me

This _____ day of _____,
20_____.

Notary Public



Township of Freehold
OFFICE OF THE PLANNING BOARD
One Municipal Plaza, Freehold, NJ 07728

CLASSIFIED LEGAL ADVERTISING

ASBURY PARK PRESS

Phone: 732-643-3661
e-mail: applegals@gannett.com

Deadline	Date of Publication
Thursday, 3:00 pm	Monday
Friday, 12 noon	Tuesday
Monday, 12 noon	Wednesday
Tuesday, 12 noon	Thursday
Wednesday, 12 noon	Friday
Thursday, 12 noon	Saturday
Thursday, 1:00 p.m.	Sunday