

**Livingston Township's  
Post-Approval  
Tracking & Help  
(PATH)  
Program**

TOWNSHIP OF



LIVINGSTON

**PATH  
Program**

**Post-Approval  
Tracking & Help**

**Your Steward:**

<b>Phone:</b>
<b>E-Mail:</b>

**PATH:**

**What you need to know...**

**Planning Department  
357 So. Livingston Avenue  
Livingston, NJ 07039**

**973-535-7950 – Engineering  
973-535-7957 – Building**

**Land Use Codes, Ordinances,  
Forms & Information:  
[www.livingstonnj.org](http://www.livingstonnj.org)**



# Overview

## STEP 1: Recording of Final Plans

## STEP 2: Developer's Agreement

## STEP 3: Performance Bond

## STEP 4: Schedule Pre-Construction Meeting

## STEP 5: Building Permits

## Post-Approval Changes / Resources

### Step 1

#### Recording of Final Plans

- Receive fully executed copy of Resolution of Approval from Board Administrator.
- Create Final Plans.

#### Final Plans must include:

1. The full text of all conditions of the approval, and
2. All plan changes agreed to in the course of the hearing.

- Submit Final Plans (5 copies) addressing all technical conditions of the approval to the Board Administrator for review.

#### Site Plan Requirements

- The Final Site Plan package must include the Board's Resolution (on the plan drawing), address all conditions of approval, and include the required information as noted in the Site Plan Details Checklist.
- The plans must include a signature block for the necessary endorsements.
- As per the Board's Model Conditions of Approval, (item #6) **Final Plans are required** before any Township permits will be issued.

#### Plan Review and Township Reports

Township staff/professionals will review the Final Plans to determine compliance with the Resolution of Approval. A report outlining compliance with the Resolution of Approval will then be furnished to the Applicant.

#### Plan Revisions in Response to Issues and Comments

**Applicant** must submit supplemental information or revised plans in response to Township comments. The revisions must be submitted to the Board Administrator.

### Step 2

#### Developer's Agreement

Bonding, as well as other development guidelines and regulations, is outlined in the Developer's Agreement, which ensures all development regulations will be followed.

1. Make a written request to the Township Attorney for the required Developer's Agreement to be drafted (if applicable, seek clarification from Township Engineer). Developer's Agreement drafting will not begin until the Final Plans - including all agreed-upon changes - are approved and endorsed by the Board.
2. Finalize Developer's Agreement and submit three (3) signed original copies to the Township Attorney for processing. Once endorsed by the Township, one copy with original signatures will be returned to the Applicant.
3. Post performances guarantees, inspection fees, and attorney fees; fulfill any other obligations listed in the Developer's Agreement and Board Resolution.
4. Resolve any other outstanding fees with the Board Administrator.

## Step 3

### Performance Bond

The Applicant must estimate the cost to complete all site improvements for the project. The Township Engineer will review the estimates. Once the Township is satisfied that the development and improvements are completed, the bond will be released.  
(See Section 170-67 of the Code)

**In order to guarantee that a project meets the standards approved by the Board, a bond for all improvements must be submitted in advance.**

- A. **Security Required.** The Township may require an Applicant to provide adequate security to guarantee the proper completion of any approved work or compliance with any conditions of approval authorized by the Board.
- B. **Form of Security.** The security must be in the form of cash, a certified or cashier's check, an irrevocable letter of credit, or a performance bond executed by the Applicant and a corporate surety authorized to do business in New Jersey and approved by the County.
- C. **Amount of Security.** The Township Engineer will determine the amount of the security necessary to ensure proper completion of the approved work or compliance with applicable conditions of approval.
- D. **Duration of Security.** The security will remain in effect until all work has been completed and conditions fulfilled to the satisfaction of the Township Engineer, or until a specified warranty period has elapsed.
- E. **Release of Security.** The security deposit will be released upon completion of the approved work or compliance with applicable conditions of approval, or until the specified warranty period has elapsed.

## Step 4

### Schedule Pre-Construction Meeting

Once the Developer's Agreement and Performance Bond are completed, schedule a pre-construction meeting through the Township Engineer's office.

## Step 5

### Building Permits

Secure construction permits from Building Department.

**Construction permits will not be released until Final Plans are fully executed and include all required changes.**

Schedule construction period and coordinated inspections with (1) the Engineering Department for all site work and (2) the Building Department for all code construction.

1. Request inspection by Engineering Department for all site work upon substantial completion.
2. Resolve all outstanding issues and request final inspection(s).
3. Submit as-built drawings for review and approval to the Township Engineer.
4. Post maintenance guarantee once final approval is granted by Engineering for site work.
5. Request release of performance guarantee. Performance guarantee will not be released until as-built drawings are received, maps are filed, construction certification is completed, and all required fees are paid. Building Department releases final CO when all code issues are resolved.
6. Make formal request to Engineering for release of maintenance guarantee two years after posting maintenance guarantee.
7. Secure other required municipal (utility connections, tree removal, road opening, soil removal, lot surface drainage, etc.), county (road opening, soil erosion, etc.) and state approvals (highway access, NJDEP, etc.).

## Post-Approval Changes

### Requesting A Change

#### Minor Changes

Often, after development plans are approved and during the creation of construction drawings (or in the field), minor changes are needed due to site constraints or code compliance issues. If these are not significant changes to the plans, Township staff may approve minor adjustments when the Developer seeks construction/building permits. If there are more significant changes that don't appreciably change the development from what was approved by the Board, the Township Engineer and Construction Official may approve a minor alteration.

The Township Engineer may authorize minor changes to an approved project if the changes comply with all of the following criteria:

- ✓ Consistent with all applicable requirements of the Zoning Ordinance;
- ✓ Consistent with the spirit and intent of the original approval;
- ✓ Does not cause an additional significant impact;
- ✓ Does not involve a feature of the project that was a basis for conditions of approval;
- ✓ Does not involve a feature of the project that was a specific concern by the Board in granting the approval; and
- ✓ Does not involve any expansion of, or intensify the use of, the structure.

**The Developer must communicate changes in plans, whether made during or after permit approval.**

#### Major Changes

Alterations that more dramatically impact the use, function and design of a project may require Board approval as an amendment. Major changes require the Applicant to file a formal application to amend the site plan approval. The Developer must contact the Board Administrator to determine amendment process and scheduling.

- An Applicant must request desired changes in writing, and must also submit appropriate supporting materials and an explanation of the reasons for the request.
- Changes may be requested **before or after** either of the following has been established and is in operation: (1) construction or (2) the approved use.
- Changes must be approved before those changes may be implemented.

## Resources

### Your PATH Team

**Thank you for choosing to do business in Livingston!**  
**We work as a team to help you succeed in this process.**

As a part of our PATH Program, you will:

- ✓ **Deal mainly with one person.** Your Steward is your single contact person and will be your voice and interface at the Township throughout your project.
- ✓ **Receive weekly follow-through calls.** We want you to succeed, so we actively reach out to answer your questions or provide additional help.
- ✓ **Benefit from follow-up e-mails after decisions are made.** We work to ensure that all parties involved have current information, so everyone understands the next steps.