

APPLICATION TO DEVIATE FROM THE PROVISIONS OF THE LIVINGSTON CENTER REDEVELOPMENT PLAN

MANDATORY SUBMISSION ITEMS & APPLICATION CHECK LIST

1. FIFTEEN (15) COLLATED SETS OF THE FOLLOWING:
 - Completed Application (one with original signature) and Declaration of Applicable Subsection
 - Completed Checklists (Preliminary Site Plan Details and/or Final Site Plan Details) with original signature and seal
 - Site Plan prepared in accordance with Section 170-61 of the Land Use Ordinance
 - List of names and addresses of persons having 10% interest or more in the applicant corporation or partnership
 - Statement of Compliance with requirements of Residential Site Improvement Standards (RSIS), if applicable
 - Any other reports or documents submitted in support of the application
 - Environmental Impact Statement, prepared in accordance with Section 130 et seq. of the General Ordinances, or a completed Environmental Impact Statement Waiver Application.

2. TWO (2) COLLATED SETS OF ALL DOCUMENTS AND ONE (1) CD OR USB DRIVE CONTAINING COPIES OF ALL DOCUMENTS IN PORTABLE DOCUMENT FORMAT (PDF) MUST ALSO BE SUBMITTED TO THE LIVINGSTON ENVIRONMENTAL COMMISSION (“LEC”) CONCURRENT WITH SUBMISSION TO THE PLANNING DEPARTMENT. THE LEC SUBMISSION MUST BE MADE THROUGH:

Livingston Environmental Commission
c/o Jackie Hollis – Livingston Planning Department
357 South Livingston Avenue
Livingston, NJ 07039

3. ONE (1) SETS OF ALL DOCUMENTS MUST BE SUBMITTED TO THE LIVINGSTON BUSINESS IMPROVEMENT DISTRICT (“BID”) ARCHITECTURAL REVIEW BOARD CONCURRENT WITH SUBMISSION TO THE PLANNING DEPARTMENT. THE BID SUBMISSION MUST BE MADE THROUGH:

Livingston Business Improvement District
Attn: Beth Lippman, Executive Director
250 S. Livingston Avenue, 2nd Floor, Suite E
Livingston, NJ 07039
Phone: 973-992-8080

4. Completed **W-9 Form** (Request for Taxpayer Identification Number and Certification).

5. Completed **Application for Development**, which will provide certification from the Tax Collector that no taxes or assessments for local improvements are due or delinquent.

6. Complete **Request for Certified List of Property Owners**, in order to obtain list of all property owners within 200 feet of the property. (\$10.00 fee – please make check payable to the Township of Livingston.)

7. Application Fee and Escrow Deposit as required by Ordinance.

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ESCROW DEPOSITS:

In accordance with the Ordinances of the Township of Livingston (§170-52B), escrow accounts are established to cover the cost of professional services including but not limited to planning, engineering, legal, meeting fees incurred (i.e. court reporter) and other expenses associated with the review of submitted materials. If additional sums are deemed necessary, the Board Administrator will notify the Applicant of the required additional amount. Sums not utilized in the application process shall be returned upon written request by the Applicant.

ATTACHMENTS:

- Application to Deviate from the Provisions of the Livingston Center Redevelopment Plan
- Declaration of Applicable Subsection
- Preliminary Site Plan Details Check List
- Final Site Plan & Check List
- Environmental Impact Statement Waiver Application
- W-9 Form
- Application for Development (Certification of Taxes and Assessments)
- Request for Certified List of Property Owners within 200'

Copies of the board's Rules of Procedure can be obtained from the Planning Department or on-line at www.livingstonnj.org / Planning Department.

PUBLIC NOTICES ARE A JURISDICTIONAL REQUIREMENT. THE APPLICATION CANNOT BE HEARD UNTIL PUBLICATION AND PUBLIC NOTICE IS PROPERLY SERVED AND PROOF OF SAID NOTICE IS RECEIVED.

THIS APPLICATION DOES NOT RELIEVE THE APPLICANT FROM COMPLYING WITH OTHER TOWNSHIP ORDINANCES SUCH AS THE LOT SURFACE DRAINAGE, STORM WATER OR TREE REMOVAL ORDINANCES. OBTAINING THE NECESSARY APPROVALS AND PERMITS UNDER SUCH ORDINANCES WILL BE THE RESPONSIBILITY OF THE APPLICANT.

ESSEX COUNTY PLANNING BOARD

In the event that this project is bounded on any side by a county road or is within 200' of another municipality or includes a subdivision, a county application must be completed and submitted to Essex County Planning Board directly. Submit to the Planning Department verification that the application was filed with the County Planning Board.



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BRIEF DESCRIPTION OF PROPOSED CONSTRUCTION OR USE

(Indicate type of use proposed; size of structures; hours of operation; number of employees; number of parking spaces; intention to sell or rent; and any other information submitted for consideration.)

PROPOSAL IS CONTRARY TO THE PROVISIONS OF THE LIVINGSTON CENTER REDEVELOPMENT PLAN ORDINANCE AS TO: (state violation, article, section and variance request and state principal points on which the variance request is made. Use separate sheet if necessary.)

HAS THERE BEEN ANY PREVIOUS APPEAL REGARDING THESE PREMISES?

(If so, state the character of the appeal, date and disposition)

LIST ANY LICENSES, PERMITS OR OTHER APPROVALS REQUIRED BY MUNICIPAL, COUNTY, STATE OR FEDERAL LAW AND THE STATUS OF EACH.

<p>I hereby affirm that all of the above statement and statements contained in the papers submitted herewith are true.</p>	<p>I hereby affirm that I am the attorney for the owner of the premises involved in this application and that I consent to the filing of the application.</p>
<p>_____ <i>Signature of Applicant / Owner</i> <i>Date</i></p>	<p>_____ <i>Signature of Attorney</i> <i>Date</i></p>
<p>_____ <i>Address</i></p>	<p>_____ <i>Address</i></p>



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DECLARATION OF APPLICABLE SUBSECTION

All applicants or appellants coming before the Planning Board seeking variance approval shall complete and submit this form as part of the regular application forms. This form shall list the section of the Ordinance section under which the application is made as well as the basic reasons that will be presented in order to obtain the relief sought.

The Planning Board of the Township of Livingston has been established pursuant to the authority of the Municipal Land Use Law of the State of New Jersey (N.J.S.A. 40:55D-1 et seq.). Within the guidelines of that Statute, Boards shall have the power, under certain circumstances, to grant deviations from the requirements of the Livingston Center Redevelopment Plan.

Where (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, (b) or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, (c) or uniquely affecting a specific piece of property the strict application of any area, yard, bulk or design objective or regulation pursuant to this Plan would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the redeveloper of such property, grant, upon an application or an appeal relating to the property, a deviation from strict application of such regulation so as to relieve such difficulties or hardship; or

Where in an application or appeal relating to a specific piece of property the purposes of the Redevelopment Plan would be advanced by a deviation from the Redevelopment Plan ordinance requirements and benefits of the deviation would substantially out weigh any detriment, grant a deviation to allow departure from any one area, yard bulk or design objective or regulation pursuant to this plan.

The Planning Board shall hear and decide requests for interpretation of the Livingston Center Redevelopment Plan or to interpret and answer any special question relative to said Plan, upon which such board is authorized to pass by any zoning official map ordinance in accordance with this act; and,

No deviation or other relief may be granted under the terms of this section unless such deviation or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Livingston Center Redevelopment Plan and zoning ordinance. No deviation may be granted which will result in permitting a use that is prohibited within said Plan. Public notice of such application shall be made in accordance with the requirements set forth in N. J. S. A. 40:55D-12a&b.

A short statement of the reason(s) why the applicant believes that it is entitled to the relief requested under the appropriate section(s) is: _____

Signature of Applicant

Date