

6. Proof of submittal to other agencies having jurisdiction and copies of all other agency approvals obtained by the applicant; and

7. Other such information from a specific applicant as may be required by the NJMC.

(f) The technical requirements of (a) through (e) above may be waived by the Chief Engineer upon written request in accordance with the following:

1. A request for a waiver shall specify the provision in (a) through (e) above from which the waiver is requested and the reason(s) for the request.

2. The Chief Engineer may grant waivers from the technical submittal requirements, in writing, upon finding that conformance with the NJMC rules may be determined without the specific submittal.

3. The Chief Engineer shall have 10 business days to render a decision on the waiver request.

4. Upon a substantive change of an application or unforeseen circumstance, the NJMC reserves the right to require the submittal of a waived technical requirement when deemed necessary by the Chief Engineer to determine conformance with the NJMC rules.

Amended by R.2006 d.163, effective May 1, 2006.
See: 37 N.J.R. 4198(a), 38 N.J.R. 1860(a).

In (d)1i, deleted "and" from the end of (15) and inserted (17), in 1ii, substituted "; and" for a period at the end of (1) and inserted (2).

19:4-4.5 Review and approval of application for zoning certificate

(a) Within 10 working days after receipt of a zoning certificate application that is administratively complete per N.J.A.C. 19:4-4.3, the NJMC shall review the items submitted as specified in N.J.A.C. 19:4-4.4, and determine if the application is technically complete and in compliance with the applicable regulations.

(b) If the application is deemed to be technically incomplete, the NJMC shall advise the applicant, in writing, of the deficiencies.

(c) The site plan, and any report(s) submitted in support of the application, shall be reviewed to determine if the proposal complies with the following, unless relief has otherwise been previously granted:

1. The application and the development proposed therein comply with the applicable requirements of these regulations;

2. The traffic circulation system, both on site and off site, and parking and loading facilities are adequate for the proposed use and designed to promote maximum safety, including the provision of adequate and efficient access to existing roadways and for emergency equipment;

3. The proposed drainage system will be adequate for the proposed development; and

4. The development will not adversely affect any adjoining existing or potential development.

(d) If the application is not in compliance with (c) above, the NJMC shall advise the applicant, in writing, of the deficiencies.

(e) If the application is in compliance with (c) above, the NJMC shall approve the application by issuing a zoning certificate signed by the Chief Engineer. The zoning certificate shall be sent to the applicant with a copy to the municipality in which the development is located.

(f) The zoning certificate so issued shall be deemed to incorporate the approved application, and any violation or departure from the approved application during construction of the facilities and structures therein shown shall be deemed a violation of these regulations as provided in N.J.A.C. 19:4-4.21. A substantial departure from the approved application as depicted on as-built plans when required by N.J.A.C. 19:4-4.7 shall also be deemed a violation of these regulations.

(g) As a condition precedent to the granting of approval of the application for a zoning certificate, an escrow deposit may be required and such deposit may be used in accordance with N.J.A.C. 19:4-4.20.

19:4-4.6 Period of validity

A zoning certificate shall become null and void one year after the date on which it is issued, unless within such one year period, the site work, construction, moving, remodeling, reconstruction or change in use of a structure, or addition thereto, is commenced. Extensions, not exceeding one year each, may be granted by the Chief Engineer upon written application. No more than five such extensions shall be granted.

19:4-4.7 Certificate of completion

(a) Upon completion of any project subject to NJMC approval, and prior to the issuance of occupancy certification where required by N.J.A.C. 19:4-4.8, the applicant shall inform the NJMC of the project's completion and shall certify to the NJMC that all improvements have been completed in accordance with the approved plans. The NJMC staff shall inspect the premises to ensure the project was completed in accordance with the approved plans.

(b) An as-built survey completed in accordance with the specifications of N.J.A.C. 19:4-4.4(a) shall be required for all new buildings, additions, site improvements, fill applications, and in other cases deemed necessary by the NJMC. If the NJMC suspects that a project in progress may not be proceeding in accordance with the approved plans, the NJMC may require an interim as-built survey at any time.

(c) If the project is deemed in compliance with the approved application, the NJMC shall issue a certificate of completion for the project, and occupancy certification where required by N.J.A.C. 19:4-4.8.

19:4-4.8 Occupancy certification

No structure or addition thereto constructed, moved, remodeled or reconstructed shall be occupied or used for any purpose; no land vacant shall be used for any purpose; no use of land or structure shall be reoccupied or changed to any other use; and no occupancy, except in the case of residential dwelling units, shall be changed, unless occupancy certification shall first have been obtained from the NJMC certifying that the proposed use or occupancy complies with the applicable provisions of these regulations.

19:4-4.9 Application for occupancy certification; administrative completeness

(a) Every application for occupancy certification shall be filed with the NJMC.

(b) An application for occupancy certification shall comply with the requirements of N.J.A.C. 19:4-4.10(a).

(c) Upon receipt of an application, the items submitted shall be reviewed to determine that the essential elements of the application have been submitted.

(d) If the application is deemed administratively complete, the NJMC shall review the application for technical completeness, in accordance with N.J.A.C. 19:4-4.10.

(e) If the application is deemed administratively incomplete, the NJMC shall advise the applicant of the deficiencies within two working days.

19:4-4.10 Application for occupancy certification; technical completeness

(a) An application for occupancy certification shall contain the following:

1. A complete application form, signed by the applicant and the property owner, containing the following elements:
 - i. Applicant information;
 - ii. Property location and ownership information; and
 - iii. Proposed tenant/use;
2. The required fee, in accordance with N.J.A.C. 19:4-11;
3. One copy of a site plan, including the following:
 - i. Property lines with distance and bearings;
 - ii. Block, lot and municipality information;
 - iii. Location of all existing structures;
 - iv. Location of existing parking, loading and drive aisles, and traffic circulation patterns; and
 - v. Location of any watercourses, ditches and drainage structures;

4. A key plan for multi-tenanted facilities indicating the exact location of the proposed change of occupancy;

5. Information sufficient to show compliance with the applicable performance standards in N.J.A.C. 19:4-7;

6. Information sufficient to show compliance with all applicable building code requirements, including:

- i. Submittal of Material Safety Data Sheets; and
- ii. Submittal of any required certifications or reports;

7. A description of the proposed occupant's use of the property, including the following:

- i. The number of employees;
- ii. The number of vehicle parking stalls;
- iii. A description of any proposed construction; and
- iv. A description of the former occupant's use of the property; and

8. Such other information as may be required from a specific applicant by the NJMC.

(b) The submittal requirements of (a) above may be waived by the Chief Engineer upon written request in accordance with the following:

1. A request for a waiver shall specify the provision in (a) above from which the waiver is requested and the reason(s) for the request.

2. The Chief Engineer may grant waivers from the submittal requirements, in writing, upon finding that conformance with NJMC rules may be determined without the specific submittal.

3. The Chief Engineer shall have 10 business days to render a decision on the waiver request.

4. Upon a substantive change of an application or unforeseen circumstance, the NJMC reserves the right to require the submittal of a waived requirement when deemed necessary by the Chief Engineer to determine conformance with NJMC rules.

(c) For the initial occupancy of a structure or addition thereto constructed, moved, remodeled, or reconstructed, information sufficient to show compliance with the approved zoning certificate shall be provided.

(d) No occupancy certification for a structure or addition thereto constructed, moved, remodeled, or reconstructed after February 17, 2004 shall be issued until such work has been completed and the premises and site inspected and certified by the NJMC to be in compliance with the conditions and specifications upon which the zoning certificate was issued, all applicable provisions of the building code, and the subdivision regulations pertaining to the lot or lots containing the land or structure to be occupied, except as otherwise provided by N.J.A.C. 19:4-6.1 pertaining to nonconforming structures.