

SUBCHAPTER 4 INDIVIDUAL APPROVALS

7:45-4.1 Issuance of an individual approval

- (a) Construction, disturbance, or pre-construction earth movement is prohibited on any project prior to issuance of the Commission's individual approval, which shall be issued within 10 days of the Notice of Decision approving an application and receipt of the proof of filing of any required easement as provided in (h) below.
- (b) The individual approval may contain conditions imposed by the Commission to be carried out during or post construction. Failure to comply with any provision or any condition imposed in an individual approval shall render the approval null and void.
- (c) The holder of the approval shall not deviate from the approved plans and any deviation shall render the approval null and void if the Commission determines that the deviation measurably alters the character of the project or impairs the intent of either the Master Plan or this chapter.
- (d) The holder of the approval shall allow the Commission or its authorized agent access to the project site to inspect the project and otherwise determine compliance with the approval and this chapter.
- (e) Except as provided in (f) and (g) below, the approval shall remain valid for five years from the date of approval and shall not be extended.
- (f) An individual approval for a public roadway, railroad, or flood control project is valid for ten years from the date of approval, provided the applicant is a public entity and the applicant demonstrates that the size and scope of the project is likely to prevent the completion of the project within a five-year period.
- (g) An individual approval shall lapse if the municipal permits or approvals for the project expire, lapse, or are revoked within the five-year period.
- (h) When the Commission's Notice of Decision requires an easement affecting some or all of the property on which a project is located, an approval shall not be issued until the easement has been approved by the Commission and until proof is submitted to the Commission of the recording of such easement in the office of the appropriate County Clerk or Registrar of Deeds. Such proof shall consist of a copy of the first page of the easement with the County Clerk or Registrar of Deeds stamp, itemizing the number of pages that have been recorded. The applicant shall provide a complete copy of the recorded instrument within six months of the issuance of the instrument number.
- (i) The holder of the approval shall notify the Commission at least 10 days prior to start of construction.
- (j) The holder of the approval shall notify the Commission within 10 days of the completion of the construction or issuance of the permanent or temporary Certificate of Occupancy for the project.
- (k) Within three months of the issuance of the permanent Certificate of Occupancy for the project, the holder of the approval shall submit a certificate from a licensed engineer stating that the project was built in accordance with the plans upon which the approval was based.

7:45-4.2 Modification of an individual approval

- (a) If the holder of an individual approval proposes a change to the project for which an individual approval was issued, the holder shall submit a request for modification in writing and shall include sufficient information for the Commission to adequately review and consider the modification request. A holder of an individual approval may request:
 - 1. A minor modification under (b) below; or
 - 2. A major modification under (c) below.

- (b) The following changes are minor modifications that may be made to any individual approval:
 - 1. Correction of a typographical error that does not affect the terms of the approval; or
 - 2. For projects in Zone B, a change in materials, construction techniques, or the minor relocation of a structure on a site, if the change is required by another permitting agency. However, this change is not a minor modification if the change could affect any stream corridor.

- (c) Any change other than described at (b) above shall constitute a major modification. To obtain approval for a major modification, an applicant shall meet the same substantive and procedural standards that would apply to an application for a new individual approval, except that the application need only address the portions of the approval affected by the proposed modification. Portions of the approval that are not affected by the proposed modification are not subject to further Commission review, or other procedures that would apply to an application for a new individual approval.

