

PLAN PROCESSING PROCEDURES

CHAPTER 22

SUBDIVISION AND LAND DEVELOPMENT

§ 22-201. General.

1. The procedures set forth in this Part shall be followed for all subdivision and/or land development plans.
2. The pre-application sketch plan review is optional. Its purpose is to provide the developer with helpful advice prior to the formal proceedings.
3. For minor subdivisions and minor land development, however, a sketch plan is the only required plan submittal. Information to be submitted in such cases is specified in § 22-302 (1) and (2). (See definitions of minor subdivision and minor land development in Part 8.)
4. The preliminary plan is mandatory for all non-minor subdivisions and land development. Approval of the preliminary plan authorizes the construction of specified public improvements and the preparation of final plans.
5. The final plan is mandatory for all non-minor subdivisions and land development. Under conditions specified in §22-304(1), the preliminary plan may be considered as the final plan. Otherwise, the final plan will have incorporated all the changes and modifications required by the Township. Approval of the final plan authorizes the recording of the plan, construction of buildings and selling of land.

(Ord. 3/9/1993A, § 200)

§ 22-202. Sketch Plan.

The Planning Commission encourages the submission of a sketch plan for review prior to the formal filing of a preliminary plan. Sketch plans are intended for informal discussion between the subdivider and the Planning Commission and shall not constitute formal filing of a subdivision or land development plan. Minor subdivision and minor land development shall require a modified sketch plan as described in § 22-302(4).

(Ord. 3/9/1993A, § 201)

§ 22-203. Preliminary and Final Plan Procedures.

1. Filing. The applicant, at least 10 days prior to the meeting of the Planning Commission at which consideration is desired, shall file with the Commission five copies of a preliminary plan or final plan of the proposed layout of the subdivision or land development. A plan shall be considered filed upon receipt by the Planning Commission of all required materials including review fees. Review procedures and time frames shall not commence until the Planning Commission Secretary deems the submission complete.
2. Distribution. Immediately upon receipt of the plan proposed for either preliminary or final approval, the Secretary of the Township Planning Commission shall forward one copy of the plan to the County Planning Commission, who shall submit a report advising the Township of its recommendations within 30 days. However, if such a report is not received from the County Planning Commission within 30 days, the Township may proceed. The Planning Commission Secretary shall submit copies of the preliminary plan for review to public agencies and adjacent municipalities as appropriate.
3. Action by Commission and Governing Body.
 - A. Before any action is taken on the plan, at least three members of the Planning Commission shall view the site and evaluate the proposed plan on the basis of all the information gathered.
 - B. Before taking final action on any plan, the Planning Commission shall receive the advice of the Township sewage enforcement officer regarding percolation tests and septic systems. Advice regarding other pertinent data described in §§22-303 and 22-304 shall also be reviewed.
 - C. Upon review of all information, the Planning Commission shall make recommendations for approval, approval with modifications or disapproval and communicate such recommendations to the Board of Supervisors. Such review and recommendation shall take place at a scheduled Planning Commission meeting which has been duly advertised.
 - D. The Board of Supervisors shall determine whether the preliminary or final plan shall be approved, approved with modifications, or disapproved and shall notify the applicant in writing thereof, including, if approved with modifications or disapproved, a statement of reasons for such action and return a copy of the plan to the applicant within 15 days following the decision.
 - E. The Board of Supervisors shall render its decision and communicate it to the applicant not later than 90 days after the deemed-complete application was filed. Failure to render a decision and communicate it to the subdivider within this time shall be deemed an approval of the application.

(Ord. 3/911993A, § 202)

§ 22-204. Recording of Final Plan.

1. Upon notification of approval of the final plan, the subdivider shall record one copy of the approved plan in the office of the Clinton County Register and Recorder within 90 days after approval of the final plan. Should the subdivider fail to record the final plan within such 90-day period, Township approval shall be null and void unless an extension of time is requested by the subdivider in writing and is granted before the expiration date. The final plans shall be filed with the Clinton County Register and Recorder before proceeding with the sale of lots or construction of buildings.

2. Recording of the plan shall not constitute grounds for tax reassessment until lots are sold or improvements installed.

3. Recording the final plan after approval by the Township shall have the effect of an irrevocable offer to dedicate all streets and other public ways to public use and to dedicate or reserve all park reservations and other public areas to public use unless reserved by the subdivider as hereinafter provided. Approval shall not impose any duty upon the Township concerning maintenance or improvement of any such dedicated streets, parks, areas or portion of same until actual appropriation of the same by ordinance or resolution or by entry, use or improvement.

(Ord. 3/9/1993A, § 203)

§ 22-205. Resubdivision Procedures.

For any replotting or resubdivision of land, the same procedure, rules and regulations shall apply as prescribed herein for the original subdivision.

(Ord. 3/9/1993A, § 204)

§ 22-206. Procedure for Installation and Approval of Improvements.

1. General Requirements.

- A. Improvements required may include streets, sanitary sewers, water supply systems, stormwater controls, utilities, or other such improvements necessary to development of the site.
- B. Improvements may be installed in phases comprising a minimum of three contiguous parcels.

- C. Improvements shall be installed by the subdivider prior to final plan approval, or a suitable guarantee shall be provided which shall ensure installation of the improvements by the subdivider according to the standards set forth in these regulations. The final plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed and inspected and determined to be in a satisfactory state of repair, or a suitable guarantee for installation and maintenance is provided.
- D. The Township shall designate the Township Engineer or other individual to approve final design and inspect the installation of improvements.

2. Improvement Guarantee.

- A. In lieu of completion of any improvements required as a condition of final plan approval, the applicant shall file with the Township a financial security as an improvement guarantee equal to 110% of the estimated cost to install the same improvements estimated as of 90 days after the date scheduled for completion by the developer. Such guarantee may consist of an irrevocable letter of credit, a restricted or escrowed bank account or acceptable performance bond. For phased development, financial security in lieu of improvement completion need cover only the phase for which final plan approval is sought. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such bond, or other security shall provide for and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements. The cost of the required improvements shall be established by a registered professional engineer selected by the applicant and submitted for approval. The Township may reject such estimates for good cause shown.
- B. If the developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and rectified by a registered professional engineer chosen mutually by the Township and the developer. The estimate certified by the engineer shall be presumed fair and reasonable and shall be the final estimate. In the event an engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the developer.
- C. Should the completion of the required improvements require more than 1 year, the Township may increase the amount of financial security by up to 10% for each 1-year period beyond the first anniversary date of the posting

of the original security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding 1 year period. If a development is projected over a period of years, the Township may authorize submission of plans by stages, which shall be subject to such requirements or guarantees as the Commission deems essential for the protection of any finally approved section of the development.

3. Release from Improvement Guarantee.

- A. The Township may authorize the release to the developer of such portions of the security necessary for payment to the contractor or contractors performing the installation of required improvements. Any request for the release of funds shall be in writing to the Township which shall have 45 days from receipt of the request to authorize its engineer to complete inspection of and certify, in writing, that the improvements to be covered by the funds have been completed satisfactorily.
- B. Under certain conditions the Township may agree to other procedures for the release of portions of any posted financial security so long as the work has been done in accordance with the terms of plan approval.
- C. When all necessary improvements have been completed, the developer shall notify the Township in writing by certified or registered mail of said completion. The Township shall, within 10 days after receipt of such notice, authorize final inspection by its engineer of the aforesaid improvements. A report shall be made in writing by certified mail to the developer within 30 days of the inspection authorization and shall indicate approval or rejection of the completed improvements.
- D. Upon approval of the completed improvements, the Township shall release to the developer those funds remaining in the financial security deposit including all interest accrued thereunder. Prior to release of such funds, the developer shall guarantee in writing the structural integrity of the improvements for a period of 1 year.
- E. If any portion of the completed improvements shall be found not satisfactory, the aforementioned written report shall contain a statement of reasons for rejection. The developer shall proceed to correct or complete those improvements and upon completion shall notify the Township by those procedures contained in this Section.
- F. Should the Township fail to comply with the time limitations as provided, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the financial guarantee agreement.

- G. If financial security has been provided in lieu of completion of improvements required as a condition for the final plan approval as set forth in this Section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

4. Dedication of Improvements.

- A. Where the subdivider proposes to dedicate improvements to the Township, a deed which dedicates the land and such improvements to the Township and is duly signed by the subdivider and Township Supervisors, shall be recorded with the final plan. In accepting the deed of dedication and approving the final plan, the Township accepts ownership and maintenance responsibility for the improvements shown on the final plan.
- B. Where the Township accepts dedication of all or some of the required improvements, the Township may require up to 15% of the actual cost of improvements for financial security to ensure the structural integrity of those improvements for a term not to exceed 18 months from the date of acceptance of dedication.
- C. A final plan may be approved without an offer of dedication of improvements, provided that such improvements are noted as private on the final plan. The subdivider shall also be required to provide a notice in each deed, setting forth an arrangement between the subdivider and buyer for maintenance of such improvements. In addition, as stated in subsection (B) above, the Township may require up to 15% of the actual cost of improvements for financial security to ensure the structural integrity of those improvements for a term not to exceed 18 months from the date of acceptance of dedication.

(Ord. 3/9/1993A, § 205)

§ 22-207. Fee Schedule.

1. All review and inspection fees shall be paid to Lamar Township. Fees are designed to cover part of the costs of plan review services provided by the Lamar Township Planning Commission including consultant review if necessary.
2. The Township Supervisors shall establish by Resolution a schedule of fees for review of all subdivision or land development proposals. Review fees shall include reasonable and necessary charges by the municipality's professional consultants or engineer for review and report thereon to the Township. A supplemental fee may be levied for review of large land development or where special environmental conditions exist.
3. For inspection of installed improvements, the subdivider shall reimburse the Township for all Township review fees and expenses charged by a qualified registered professional engineer. (22, PART 2)
 - A. In the event the applicant disputes the fees or expenses in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary. The Township shall not delay application or other approval due to the applicant's request over disputed expenses.
 - B. If within 20 days from the date of billing, there is disagreement on the amount of fees or expenses which are reasonable and necessary, then the applicant and Township shall jointly appoint another professional engineer licensed in the Commonwealth of Pennsylvania, to review the fees or expenses and make a determination as to the reasonable amount.
 - C. The registered professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

(Ord. 3/9/1993A, § 206)

CHAPTER 26

WATER

§ 26-151. General.

1. The Municipality may include all costs incurred in the review fee charged to an applicant.
2. The review fee may include but not be limited to costs for the following:
 - A. Administrative/clerical processing.
 - B. Review of the SWM Site Plan.
 - C. Attendance at meetings.
 - D. Inspections.
 - E. Engineering review costs.

(Ord. 4-09-2007, 4/9/2007, § 601)

CHAPTER 27

ZONING

§ 27-1304. Payment of Fees.

No permit shall be issued until the applicable fee(s) have been paid. A schedule of fees have been established by resolution of the Board of Supervisors. In certain cases, additional fees may be applied. Such additional fees shall be at the discretion of the Township and shall cover, in whole or in part, costs associated with review of large scale land development.

(Ord. 3/9/1993B, § 1303)