

ARTICLE III PLAN PROCESSING

301 General

All plans for the subdivision and/or development of land within the corporate limits of Glenburn Township shall be submitted to and reviewed by the Township Planning Commission, Board of Supervisors and other Township, State and/or County Officials as provided in this Ordinance, and shall be approved or disapproved by the Township in accord with the procedures specified in this Article.

302 Sketch Plan

302.1 Optional - Sketch Plans

Applicants are **VERY STRONGLY ENCOURAGED**, but not required, to submit a Sketch Plan to the Planning Commission prior to the submission of a Preliminary Plan, Land Development Plan or Minor Plan. The purpose of the Sketch Plan is to:

- A. Avoid costly revisions to detailed Preliminary Plans prepared before a general consensus on the layout is reached with the Planning Commission.
- B. Identify the overall objectives of the Applicant using a diagrammatic approach showing broad areas of development and broad areas of conservation..
- C. Determine if the plan is a major or a minor subdivision and/or land development.
- D. Assist applicants and officials develop a better understanding of the property.
- E. Establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the zoning ordinance.
- F. The extent to which the plan generally conforms with the provisions of this Ordinance.
- G. Any design parameters deemed necessary by the Township for conformance to the Township comprehensive plan.

The critical part of the Sketch Plan review process is to lay the Sketch Plan on top of the Existing Resources and Site Analysis Plan, prepared in accord with the requirements of §402.3, to determine the extent to which the proposed layout of conservation areas, streets, and building lots succeeds in designing around and conserving significant site features. The Sketch Plan should be prepared on translucent material (such as tracing paper or mylar) and at the same scale as the Existing Resources/Site Analysis Map.

302.2 Contiguous Holdings

When an application includes only a portion of a landowner's entire tract, or when such portion is contiguous to an adjoining tract of the landowner, a sketch layout shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner to ensure that subdivision may be accomplished in accordance with current codes and with appropriate access. Submission and review of the sketch plan described in this section shall not constitute approval of the future subdivision shown thereon.

302.3 Non-formal Filing

A Sketch Plan shall be considered a submission for discussion between the Applicant and the Township and shall not constitute a formal filing of a plan with the Township. All Sketch Plans submitted shall be so noted on the Plan and in the minutes of the Planning Commission.

302.4 Major Subdivisions and Land Developments – Sketch Plan Process

The following procedures shall apply to major subdivisions and land developments when a sketch plan is submitted:

- A. Pre-Application Meeting - A pre-application meeting is encouraged between the applicant, the site designer,

and the Township (and/or its planning consultant), to introduce the applicant to the municipality's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan submissions as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis Plan at this meeting.

- B. Existing Resources and Site Analysis Plan - Applicants shall submit an Existing Resources and Site Analysis Plan, in its context, prepared in accord with the requirements of §402.3. The purpose of this key submission is to familiarize officials with existing conditions on the applicant's tract and within its immediate vicinity, and to provide a complete and factual reference for conducting a site inspection. This Plan shall be provided prior to or at the site inspection, and shall form the basis for the development design as shown on the Sketch Plan (or on the Preliminary Plan, if the optional Sketch Plan is not submitted).
- C. Site Inspection - After preparing the Existing Resources and Site Analysis Plan, applicants shall arrange for a site inspection of the property by the Planning Commission and other municipal officials, and shall distribute copies of said site analysis plan at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated conservation lands (if applicable), and potential locations for proposed buildings and street alignments. Comments made by municipal officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the Site Inspection.
- D. Pre-Sketch Conference - Following the site inspection and prior to the submission of a diagrammatic sketch plan, the applicant shall meet with the Planning Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four-step design procedure described in §602 of this ordinance, where applicable. At the discretion of the Commission, this conference may be combined with the site inspection.
- E. Sketch Plan Submission and Review
 - 1. Five (5) copies of a Sketch Plan, meeting the requirements set forth in §401, shall be submitted to the Township during business hours for distribution to the Board, the Planning Commission, the Township Planner, the Municipal Engineer and applicable municipal advisory boards (at least seven (7) days prior to the Planning Commission meeting at which the Sketch Plan is to be discussed. The Sketch Plan diagrammatically illustrates initial thoughts about a conceptual layout for greenway lands, house sites, and street alignments, and shall be based closely upon the information contained in the Existing Resources and Site Analysis Plan. The Sketch Plan shall also be designed in accordance with the four-step design process described in §602 of this ordinance, and with the design review standards listed in §603.
 - 2. The Planning Commission shall review the Sketch Plan in accordance with the criteria contained in this ordinance and with other applicable ordinances of the municipality. Their review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance. Their review shall include but is not limited to:
 - a. the location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis Plan and on the Township's Map of Potential Conservation Lands;

- b. the potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;
- c. the location of proposed access points along the existing road network;
- d. the proposed building density and impervious coverage;
- e. the compatibility of the proposal with respect to the objectives and policy recommendations of the Comprehensive Plan and the Open Space Plan; and
- f. consistency with the zoning ordinance.

The Commission shall submit its written comments to the Applicant. The Sketch Plan may also be submitted by the Planning Commission to the County Planning Commission for review and comment.

303 Preliminary Plans for Major Subdivisions

All applications for preliminary plans for major subdivisions shall be submitted to Glenburn Township and be processed in accord with this §303.

303.0 Submissions Not Preceded by a Sketch Plan - If an applicant opts not to submit a Sketch Plan the following shall apply:

- A. Sketch Plan Information - The Preliminary Plan shall include all information required for Sketch Plans listed in §401 specifically including the Existing Resources and Site Analysis Plan, plus further details as required by this Ordinance.
- B. Site Inspection - A site inspection shall be arranged and conducted in accord with §302.4.C.

303.1 Official Submission of Preliminary Plans

303.1.1 Plan to be Filed With the Township - Copies of the Preliminary Plan and all required supporting documentation shall be submitted to the Township by the Applicant or his authorized representative at least ten (10) working days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Preliminary Plan Submission".

303.1.2 Number of Copies to be Submitted - The official submission of the Preliminary Plan shall include the following:

- A. Five (5) completed copies of the subdivision plan application.
- B. Five (5) legible paper prints of the Preliminary Plan.
- C. Five (5) copies of the required sewage planning module(s) and associated documentation.
- D. Five (5) copies of all other required supporting data and information as required in Article IV of this Ordinance.

303.1.3 Preliminary Plan Filing Fee - The Township shall collect a preliminary plan filing fee as established by resolution of the Board of Supervisors for all subdivisions.

A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions .

B. The Applicant shall pay the fee at the time of initial submission of the application to the Township.

303.1.4 Preliminary Plan Submission Verification - Upon receipt of the Preliminary Plan and supporting data the Township shall check the submission for the required number of copies of all documents.

A. If the submission is complete, the Township shall accept the said plans and documentation, complete the submission verification noting same and provide a copy of the plan submission verification to the Applicant.

B. If the submission is not complete, the Township shall complete the plan submission verification noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and return all documents to the Applicant.

C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission receipt.

303.1.5 Official Date of the Preliminary Plan Submission - The official date of the Preliminary Plan submission shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.

A. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmission.

B. If the submission is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the preliminary plan submission and forward said receipt to the Applicant.

C. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) days following the date of submission verification established in accord with §303.1.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission verification.

D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Committee next following the final order of the court. If the first meeting of the Planning Committee occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

303.1.6 Distribution of the Preliminary Plan

A. Township Distribution - The Township Staff may forward applicable plans to the following to seek their comments prior to Preliminary Plan approval:

1. The Township Engineer.

2. The Township Solicitor

3. The Township Zoning Officer

4. The Township Sewage Enforcement Officer
 5. The Lackawanna County Regional Planning Commission
 6. Any other Engineer or Consultant designated by the Township
- B. Applicant's Distribution - The applicant is fully responsible for distribution to the following agencies and shall provide receipt of such to the Township:
1. The Lackawanna County Conservation District.
 2. PennDOT, when applicable.
 3. Appropriate utilities, when applicable.
 4. Any other State or government agencies when applicable.

303.2 Preliminary Plan Review and Action

303.2.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Preliminary Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval, or approval with conditions and modifications, of such plan as provided in this §303.2. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing such recommendation to the Applicant within fifteen (15) days of when the recommendation was made.

- A. If approval is recommended, the plans and written notice of said recommendation along with the sewage planning and other documentation shall be forwarded to the Board of Supervisors.
- B. If approval with conditions is recommended such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions.
- C. If denial is recommended, the specific reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, and date shall be communicated to the Board of Supervisors and the Applicant.

303.2.2 Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Preliminary Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including the written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Preliminary Plan Submission" as established pursuant to §303.1.5.

303.2.3 Board of Supervisors Approval with Conditions - When a Preliminary Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Preliminary Plan is considered and communicated in writing to the Applicant as provided in §303.2.2.

When a preliminary plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications, in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the preliminary plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §303 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and

accept the conditions is the reasons for denial.

303.2.4 Board of Supervisors Denials - When a Preliminary Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Preliminary Plan is considered and communicated in writing to the Applicant as provided in §303.2.2.

303.3 Reviewing Agency and Officials Comments

The Township may consider the comments and the recommendations provided pursuant to §303.1.6 and may request such additional information as deemed necessary.

303.4 Lackawanna County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until the Township has received and considered the comments of the Lackawanna County Planning Commission or after thirty (30) days following transmittal of the Preliminary Plan to the County Planning Commission.

303.5 Sewage Facilities Planning Modules

The Township shall concurrently make its decision on the Sewage Facilities Planning Module, and if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Preliminary Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.

303.6 Highway Occupancy Permit

If a highway occupancy permit shall be required for access to a Township or State road, approval of the preliminary major subdivision plan shall be conditional upon the issuance of a highway occupancy permit by the Township or PA DOT, as the case may be.

303.7 Public Hearing

The Planning Commission and/or the Board of Supervisors may conduct a public hearing on the proposed Preliminary Plan pursuant to public notice.

303.8 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Township, and any such agreement shall be in writing.

304 Final Plans for Major Subdivisions

All Final Plans for major subdivisions shall be submitted and processed in accord with this §304.

304.1 Final Plan Application

An application for Final Plan approval can be submitted only when the following conditions have been met:

- A. The subdivision has previously been granted an unconditional Preliminary Plan approval in accord with §303 of this Ordinance or all conditions established by the Township for the Preliminary Plan approval have been fulfilled by the Applicant.
- B. All improvements such as roads and drainage facilities (see definition of *improvements* in Article II) which are shown on the Preliminary Plan have been completed or guaranteed in accord with Article V of this Ordinance.

304.2 Final Plan Conformation; Five-Year Protection From Ordinance Changes

The Final Plan shall conform in all principal respects to the previously approved Preliminary Plan. The Planning

Commission shall determine whether a modified Final Plan shall be accepted or whether a new Preliminary Plan shall be submitted pursuant to §303. In accord with §105 of this Ordinance and §508,(4) of the Municipalities Planning Code, when a preliminary Plan has been approved without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and complete any aspect of the approved development in accord with the terms of such approval within five (5) years from such approval.

304.3 Sections

Final Plans may be submitted in sections in accord with Pennsylvania Municipalities Planning Code §508(4)(v),(vi) and (vii), each covering a portion of the entire proposed subdivision as shown on the Preliminary Plan.

- A. Each section in the subdivision, except the last section, shall contain a minimum of twenty-five (25) percent of the total number of lots and/or dwelling units as depicted on the Preliminary Plan except that the Board of Supervisors may approve a lesser percentage.
- B. When a Final Plan is proposed to be submitted by sections a proposed layout of the sections, their boundaries, the order of submission, and a schedule of submission shall be submitted to the Township for approval prior to submission of the first section.

304.4 Official Submission of Final Plans

304.4.1 Plan to be Filed With the Township - Copies of the Final Plan and all required supporting documentation shall be submitted to the Township by the Applicant or his authorized representative at least ten (10) working days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Preliminary Plan Submission".

304.4.2 Number of Copies to be Submitted - The official submission of the Final Plan shall include the following:

- A. Five (5) completed copies of the subdivision plan review application.
- B. Five (5) legible paper prints of the Final Plan.
- C. Five (5) copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
- D. Five (5) copies of the applicable highway occupancy permit.
- E. Five (5) copies of all other required supporting data and information as required in Article IV of this Ordinance.

304.4.3 Final Plan Filing Fee - The Township shall collect a Final Plan filing fee as established by resolution of the Board of Supervisors for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions .
- B. The Applicant shall pay the fee at the time of initial submission of the application to the Township.

304.4.4 Final Plan Submission Verification - Upon receipt of the Final Plan and supporting data the Township shall check the submission for the required number of copies of all documents.

- A. If the submission is complete, the Township shall accept the said plans and documentation, complete the submission verification noting same and provide a copy of the plan submission verification to the Applicant.
- B. If the submission is not complete, the Township shall complete the plan submission verification noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and return all documents to the Applicant.
- C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission receipt.

304.4.5 - Official Date of the Final Plan Submission - The official date of the Final Plan submission shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.

- A. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmission.
- B. If the submission is complete and acceptable, the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the Final Plan submission and forward said receipt to the Applicant.
- C. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) days following the date of submission verification established in accord with §304.4.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission verification.
- D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Committee next following the final order of the court. If the first meeting of the Planning Committee occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

304.4.6 Distribution of the Final Plan -

- A. Township Distribution - The Township Staff may forward applicable plans to the following to seek their comments prior to Preliminary Plan approval:
 - 1. The Township Engineer.
 - 2. The Township Solicitor
 - 3. The Township Zoning Officer
 - 4. The Township Sewage Enforcement Officer
 - 5. The Lackawanna County Regional Planning Commission
 - 6. Any other Engineer or Consultant designated by the Township
- B. Applicant's Distribution - The applicant is fully responsible for distribution to the following agencies and

shall provide receipt of such to the Township:

1. The Lackawanna County Conservation District.
2. PennDOT, when applicable.
3. Appropriate utilities, when applicable.
4. Any other State or government agencies when applicable.

304.5 Final Plan Review and Action

304.5.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Final Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval or approval with conditions and modifications of such plan as provided in this §304.5. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing such recommendations to the Applicant within fifteen (15) days of when the decision was made.

- A. If approval is recommended, the signed and dated plans shall be forwarded to the Board of Supervisors.
- B. If approval with conditions is recommended, the plans shall not be signed, but such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions.
- C. If denial is recommended, the specific reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, and date shall be communicated to the Board of Supervisors and the Applicant.

304.5.2 Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Final Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Final Plan Submission" as established pursuant to §304.4.5.

304.5.3 Board of Supervisors Approval with Conditions - When a Final Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Final Plan is considered and communicated in writing to the Applicant as provided in §304.5.2. When a Final Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Final Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §304 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reasons for denial.

304.5.4 Board of Supervisors Denials - When a Final Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Final Plan is considered and communicated in writing to the Applicant as provided in §304.5.2.

304.6 Reviewing Agency and Officials Comments

The Township shall consider the comments and the recommendations provided pursuant to §304.4.6 and may request

such additional information as deemed necessary.

304.7 Lackawanna County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until the Township has received and considered the comments of the Lackawanna County Planning Commission or after thirty (30) days following transmittal of the Final Plan to the County Planning Commission.

304.8 Public Hearing

The Planning Commission and/or Board of Supervisors may conduct a public hearing on the proposed Final Plan pursuant to public notice.

304.9 Planned Improvements

The Board of Supervisors shall not approve or sign the Final Plan until such time as all the improvements shown on the Final Plan have been installed by the developer, and have been certified as complete by the Township Engineer or a performance guarantee has been provided by the Applicant pursuant to Article V of this Ordinance.

304.10 Signature of Final Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Planning Commission and Board of Supervisors shall endorse the Final Plan for recording purposes. The Board of Supervisors shall retain at least one endorsed print.

304.11 Recording of the Final Plan

The Applicant shall file the final record plan with the Lackawanna County Recorder of Deeds within ninety (90) days of the date of endorsement by the Township, and provide to the Township proof of such recording within fifteen (15) days of such recording. If the Applicant fails to record the final record plan in the Recorder's office within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan shall be made to the Township.

304.12 As-Built Plans

Upon the completion of all improvements, the Applicant shall provide to the Township plans certified by the Applicant's engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in this Ordinance.

304.13 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Township, and any such agreement shall be in writing.

305 Minor Subdivisions

Preliminary Plans for minor subdivisions shall not be required. However, a Final Plan for all minor subdivisions shall be submitted to the Township and be processed in accord with this §305.

305.1 Official Submission of Minor Subdivision Plans

305.1.1 Plan to be Filed With the Township - Copies of the minor subdivision plan and all required supporting documentation may be submitted by the Applicant or his authorized representative to the Township prior to a Planning Commission meeting or at any duly advertised Planning Commission meeting. However, the Applicant shall contact the Township not less than ten (10) working days prior to the meeting the Applicant intends to attend.

305.1.2 Number of Copies to be Submitted - The official submission of the minor subdivision plan shall include

the following:

- A. Five (5) completed copies of the minor subdivision plan review application.
- B. Five (5) legible paper prints of the minor subdivision plan.
- C. Five (5) copies of the sewage facilities planning modules and associated documentation.
- D. Five (5) copies of all other required supporting data and documentation as required in Article IV of this Ordinance.

305.1.3 Minor Subdivision Plan Filing Fee - The Planning Commission shall collect a minor subdivision plan filing fee as established by resolution of the Board of Supervisors for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of minor subdivisions.
- B. The Applicant shall pay the fee at the time of application for review of the minor subdivision plan.

305.1.4 Reserved

305.1.5 Official Date of the Minor Subdivision Submission - The official date of the minor subdivision plan submission shall be determined as follows:

- A. The Planning Commission shall examine the minor Subdivision submission to determine that all documents are complete and in proper form.
 - 1. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the re-submission.
 - 2. If the submission is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the Minor Subdivision Plan submission and forward it to the Applicant.
- B. If the first meeting of the Planning Commission occurs more than thirty (30) days following the submission of a complete application to the Township, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of plan submission.
- C. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

305.1.6 Distribution of the Minor Subdivision Plan

- A. Township Distribution - The Township Staff may forward applicable plans to the following to seek their comments prior to Preliminary Plan approval:
 - 1. The Township Engineer.

2. The Township Solicitor
 3. The Township Zoning Officer
 4. The Township Sewage Enforcement Officer
 5. The Lackawanna County Regional Planning Commission
 6. Any other Engineer or Consultant designated by the Township
- B. Applicant's Distribution - The applicant is fully responsible for distribution to the following agencies and shall provide receipt of such to the Township:
1. The Lackawanna County Conservation District.
 2. PennDOT, when applicable.
 3. Appropriate utilities, when applicable.
 4. Any other State or government agencies when applicable.

305.2 Minor Subdivision Plan Review and Action

305.2.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Minor Subdivision Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval, or approval with conditions and modifications, of such plan as provided in this §305.2. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing such recommendation to the Applicant within fifteen (15) days of when the recommendation decision was made.

- A. If approval is recommended, the signed and dated plans, along with the sewage planning documentation, shall be forwarded to the Board of Supervisors.
- B. If approval with conditions is recommended, the plans shall not be signed, but such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions.
- C. If denial is recommended, the specific reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, and date shall be communicated to the Board of Supervisors and the Applicant.

305.2.2 Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Minor subdivision plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Minor Subdivision Submission" as established pursuant to §305.1.5.

305.2.3 Board of Supervisors Approval with Conditions - When a Minor subdivision plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Minor subdivision plan is considered and communicated in writing to the Applicant as provided in §305.2.2. When a Minor subdivision plan has been approved subject to any conditions and/or modifications and

the Applicant does not agree and accept in writing the said conditions and/or modifications within fifteen (15) days of receipt of said written notice, said conditional approval of the Minor subdivision plan shall become an automatic disapproval and said plan shall be resubmitted as required by §305 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reasons for denial.

305.2.4 Board of Supervisors Denials - When a Minor subdivision plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Minor subdivision plan is considered and communicated in writing to the Applicant as provided in §305.2.2.

305.3 Reviewing Agency and Officials Comments

The Township shall consider the comments and the recommendations pursuant to §305.1.6 and may request such additional information as deemed necessary.

305.4 Lackawanna County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until the Township has received and considered the comments of the Lackawanna County Planning Commission or after thirty (30) days following transmittal of the Minor subdivision plan to the County Planning Commission.

305.5 Sewage Facilities Planning Modules

The Township shall concurrently make its decision on the Sewage Facilities Planning Module, and if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Minor subdivision plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.

305.6 Public Hearing

The Planning Commission and /or Board of Supervisors may conduct a public hearing on the proposed Minor subdivision plan pursuant to public notice.

305.7 Signature of Minor Subdivision Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Board of Supervisors shall endorse the Minor subdivision plan for recording purposes. The Board of Supervisors shall retain at least one endorsed print.

305.8 Recording of the Minor Subdivision Plan

The Applicant shall file the Minor Subdivision record plan with the Lackawanna County Recorder of Deeds within ninety (90) days of the date of endorsement by the Board of Supervisors, and provide to the Township proof of such recording within fifteen (15) days of such recording. If the Applicant fails to record the Minor Subdivision record plan in the Recorder's office within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan shall be made to the Township.

305.9 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Township, and any such agreement shall be in writing.

306 Plans for Land Developments

A. Applicability

All plans for land developments, except as noted in §§C below, shall be submitted and processed in accord with this §306.

B. Intent

The intent of this §306 is to combine the preliminary and final plan approval stages into one step for land developments which do not involve the transfer of any interest in real estate other than rental or short-term lease. Requiring preliminary and final approval for such land developments is not necessary because no transfer of real estate is proposed, and the preliminary-final process is not necessary to assure the completion of improvements for the protection of individual purchasers. Occupancy of any structures which are part of the land development shall not be permitted until all required improvements have been completed by the developer and approved by the Township.

C. Non-Qualifying Land Developments

Land developments which involve the transfer of any interest in real estate other than rental or short-term lease shall comply with §303 and §304 of this Ordinance. (e.g., condominiums, or townhouses transferred in fee.)

306.1 Land Development Plan Application

An application for Land Development Plan approval shall be submitted in accord with this §306.

306.2 Official Submission of Land Development Plans

306.2.1 Plan to be Filed With the Township - Copies of the Land Development Plan and all required supporting documentation shall be submitted to the Township by the Applicant or his authorized representative at least ten (10) working days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Land Development Plan Submission".

306.2.2 Number of Copies to be Submitted - The official submission of the Land Development Plan shall include the following:

- A. Five (5) completed copies of the land development plan review application.
- B. Five (5) legible paper prints of the Land Development Plan.
- C. Five (5) copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
- D. Five (5) copies of all other required supporting data and information as required in Article IV of this Ordinance.

306.2.3 Land Development Plan Filing Fee - The Township shall collect a Land Development Plan filing fee as established by resolution of the Board of Supervisors.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of land developments.
- B. The Applicant shall pay the fee at the time of initial submission of the application to the Township.

306.2.4 Land Development Plan Submission Verification - Upon receipt of the Land Development Plan and supporting data the Township shall check the submission for the required number of copies of all documents.

- A. If the submission is complete, the Township shall accept the said plans and documentation, complete the submission verification noting same and provide a copy of the plan submission verification to the Applicant.
- B. If the submission is not complete, the Township shall complete the plan submission verification noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the

Applicant, and return all documents to the Applicant.

- C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission receipt.

306.2.5 Official Date of the Land Development Plan Submission - The official date of the Land Development Plan submission shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.

- A. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmission.
- B. If the submission is complete and acceptable, the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the Land Development Plan submission and forward said receipt to the Applicant.
- C. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) days following the date of submission verification established in accord with §306.2.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission verification.
- D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Committee next following the final order of the court. If the first meeting of the Planning Committee occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

306.2.6 Distribution of the Land Development Plan

- A. Township Distribution - The Township Staff may forward applicable plans to the following to seek their comments prior to Preliminary Plan approval:
 - 1. The Township Engineer.
 - 2. The Township Solicitor
 - 3. The Township Zoning Officer
 - 4. The Township Sewage Enforcement Officer
 - 5. The Lackawanna County Regional Planning Commission
 - 6. Any other Engineer or Consultant designated by the Township
- B. Applicant's Distribution - The applicant is fully responsible for distribution to the following agencies and shall provide receipt of such to the Township:
 - 1. The Lackawanna County Conservation District.
 - 2. PennDOT, when applicable.

3. Appropriate utilities, when applicable.
4. Any other State or government agencies when applicable.

306.3 Land Development Plan Review and Action

306.3.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Land Development Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval or approval with conditions and modifications of such plan as provided in this §306.3. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing such recommendations to the Applicant within fifteen (15) days of when the decision was made.

- A. If approval is recommended, the signed and dated plans shall be forwarded to the Board of Supervisors.
- B. If approval with conditions is recommended, the plans shall not be signed, but such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions.
- C. If denial is recommended, the specific reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, and date shall be communicated in writing to the Board of Supervisors and the Applicant.

306.3.2 Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Land Development Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Land Development Plan Submission" as established pursuant to §306.2.5.

306.3.3 Board of Supervisors Approval with Conditions - When a Land Development Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Land Development Plan is considered and communicated in writing to the Applicant as provided in §306.3.2. When a Land Development Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Land Development Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §306 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reason for denial.

306.3.4 Board of Supervisors Denials - When a Land Development Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Land Development Plan is considered and communicated in writing to the Applicant as provided in §306.3.2.

306.4 Reviewing Agency and Officials Comments

The Township shall consider the comments and the recommendations provided pursuant to §306.2.6 and may request such additional information as deemed necessary.

306.5 Lackawanna County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until the Township has received and considered the

comments of the Lackawanna County Planning Commission or after thirty (30) days following transmittal of the Land Development Plan to the County Planning Commission.

306.6 Public Hearing

The Planning Commission and/or the Board of Supervisors may conduct a public hearing on the proposed Land Development Plan pursuant to public notice.

306.7 Authorization to Proceed with Land Development or to Provide a Financial Guarantee

Following any approval granted pursuant to §306.3.2 and when all requirements and conditions have been fulfilled by the Applicant to satisfy any conditional approval, the Township shall provide to the Applicant a letter authorizing the Applicant to proceed with site development and construction in accord with the approved plan. In lieu of constructing the improvements, the Applicant may provide a financial guarantee in accord with Article V of this Ordinance.

306.8 Final Approval; Signature of Land Development Plan

The Planning Commission and Board of Supervisors shall not sign the Land Development Plan until such time as all the improvements shown on the Land Development Plan have been installed by the Applicant, and have been certified as complete by the Township Engineer; or, a performance guarantee has been provided by the Applicant pursuant to Article V of this Ordinance. When all these requirements and conditions have been fulfilled by the Applicant, the Planning Commission and Board of Supervisors shall endorse the Land Development Plan for recording purposes. The Board of Supervisors shall retain at least one (1) endorsed print.

306.9 Recording of the Land Development Plan

The Applicant shall file the final record plan with the Lackawanna County Recorder of Deeds within ninety (90) days of the date of endorsement by the Township, and provide to the Township proof of such recording within fifteen (15) days of such recording. If the Applicant fails to record the final record plan in the Recorder's office within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan shall be made to the Township.

306.10 Certificate of Conformance

No use of land or structure within the land development shall be initiated until such time as a certificate of conformance has been issued for the land and structure(s) in accord with this Ordinance. In cases where a financial guarantee for final approval has been provided in lieu of the construction of improvements, no certificate of conformance shall be issued until such time as all the improvements shown on the Land Development Plan have been installed by the Applicant, and have been certified as complete by the Township Engineer pursuant to Article V of this Ordinance.

306.11 As-Built Plans

Upon the completion of all improvements, the Applicant shall provide to the Township plans certified by the Applicant's engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in this Ordinance.

306.12 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Township, and any such agreement shall be in writing.

307 Reserved

308 Lot Improvement Subdivisions (Also known as *add-on subdivisions*.)

Lot improvement subdivisions which involve the combination of lots of record which are shown on a map on file at

the office of the Lackawanna County Recorder of Deeds, (The applicant shall certify to the Board that the subject map is, in fact, on record.) and which do not involve the creation of any new lot lines, may be submitted directly to the Planning Commission. A new map for such lot improvements shall not be required; however, the combination shall be effected by the execution of an "Owners Affidavit" for same which shall be recorded with the Lackawanna County Recorder of Deeds upon the signature of the applicant and the Board of Supervisors. The "Owner's Affidavit" shall be in such form as required by the Township upon the recommendation of the Township Solicitor; and shall include a reference to the lot numbers of the subject lots and the Plat Book and page number where the map is recorded.

Lot improvement subdivisions which involve the creation of new lot lines shall require a new subdivision map and shall be processed in the manner set forth in §305 of this Ordinance for Minor Subdivisions; however, sewage planning modules may not be required unless additional, new sewage disposal areas are proposed. The applicable notes listed in §404.3, B of this Ordinance shall be included on the map; and the combination language shall also be included in the deed from the grantor to the grantee, and shall also be made binding on the combined parcel(s) of the grantee via Articles of Restrictive Covenants.

All documents to be recorded to effect any lot improvement subdivision shall be in such form as approved by the Township with the recommendation of the Township Solicitor. The fee for lot improvement subdivisions shall be established by Resolution of the Board of Supervisors and shall include the costs of recording.

309 Reserved

310 Contiguous Municipalities

In accord with Section 502.1(b) of the Pennsylvania Municipalities Planning Code, the governing body of any municipality contiguous to Glenburn Township, may appear before the Township to comment on a proposed subdivision, change of land use, or land development.