

ARTICLE IV

PROCEDURE FOR APPROVAL OF MINOR SUBDIVISIONS

401 APPLICABILITY

This Article shall apply only to consolidations, resubdivision or replatting, as defined herein, and to those subdivisions which propose at least two (2) lots, but no more than ten (10) lots, including the residual parcel, if any, all of which have frontage on an improved public street and not involving the dedication or construction of any new public street and which may or may not involve the extension or creation of any public improvements.

402 PRE-APPLICATION CONFERENCE

Prior to filing an application for Preliminary Approval of a Minor Subdivision, the applicant or his representative may meet with the County Planning Director to obtain application forms and to discuss application procedures and applicable ordinance requirements.

The applicant shall contact the local municipality in which the proposed development is located to determine which local ordinances affect the proposed development and to obtain the necessary application forms for submitting the required applications to the local municipality, if any. At the time that Preliminary Application for approval of a Minor Subdivision is filed with the Greene County Planning Commission, the applicant shall provide written evidence that he or she has contacted the local municipality and has determined the applicability of all local ordinances affecting the proposed development.

A No plat which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit is required pursuant to Section 402 of the act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law, before driveway access to a State highway is permitted.

If the Municipality in which the proposed development is located has adopted a Zoning Ordinance, evidence of zoning approval in the form of a letter or Zoning Permit from the Municipal Zoning Officer shall be submitted with an application for Preliminary Approval of a Minor Subdivision.

While no formal application is required for a pre-application conference, the applicant should provide one (1) copy of readily available information with the request for a pre-application conference which will show the location of the property and any special features such as streams, floodplains or other conditions that may

affect the development of the property. Readily available resources which may be used include the deed for the property, a property survey, the Tax Maps prepared by the Greene County Assessor's Office, U.S.G.S. Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service Maps of soil types and the U.S. Bureau of Mines coal mine maps.

The pre-application conference with the County Planning Director is voluntary and no formal application or fee is required. This opportunity is afforded to the applicant or his representative to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

A pre-application conference with the County Planning Director shall not constitute formal filing of any application for approval of a subdivision or land development, shall not bind the Planning Commission to approve any concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development between the date of the pre-application conference and the official date of filing of an application for Preliminary or Final Approval of a Minor Subdivision under the terms of this Ordinance.

403 PRELIMINARY AND FINAL APPLICATION SUBMISSION

The applicant shall file the application for Preliminary and Final Approval of a Minor Subdivision as required by Section 404 of this Ordinance to the County Planning Director at least twenty-five (25) calendar days prior to the regular meeting of the Planning Commission. If the twenty-fifth day falls on a Saturday, Sunday or holiday, the application shall be filed by the close of business on the preceding working day immediately preceding.

The Preliminary and Final Application shall not be considered to be complete and properly filed unless and until all items required by Section 404 of this Ordinance, including the Application Fee, have been received.

Upon receipt, the application shall be stamped with the date of receipt by the County Planning Director. Upon receipt, one (1) copy of the application shall be distributed to the Municipal Secretary of the local municipality in which the proposed development is located, two (2) copies to the Greene County Conservation District for review by the District and the Natural Resources Conservation Services. If any public improvements are required in the Minor Subdivision, one (1) copy of the application shall be submitted to the Municipal Engineer for the Municipality in which the proposed public improvements are located. Additional copies may be requested for referral to any other appropriate review agency at the discretion of the County Planning Director.

The fee for these reviews shall be paid by the applicant in accordance with Section 1102.2 of this Ordinance.

During the review period between the date of receipt of the Preliminary and Final Application by the County Planning Director and the next regular Planning Commission meeting, the County Planning Director shall provide a written review of the Preliminary and Final Application to the applicant with a copy to the Chairman of the Planning Commission. The County Planning Director's review letter shall require a written and/or graphic response and submission of the corrected Preliminary and Final Application from the applicant by the close of business three (3) working days prior to the Planning Commission meeting, not including the day of the meeting in order for the Preliminary and Final Application to be considered complete and officially filed by the Planning Commission at their next regular meeting.

At least three (3) working days prior to the regular meeting of the Planning Commission, the County Planning Director shall forward the complete and properly filed Preliminary and Final Application to the Chairman of the Planning Commission along with a copy of his or her review and any comments from other review agencies or consultants.

In the event that the applicant fails to meet the deadline for submission of additional information or revised drawings, the Preliminary and Final Application shall be tabled until the next regular meeting of the Planning Commission.

In all cases, the official date of filing of the Preliminary and Final Application shall be the date of the Planning Commission meeting at which the Commission accepts the application as complete in content and properly filed, subject to the County Planning Director's written review. The official date of filing represents the beginning of the ninety (90) day period for review and action by the Planning Commission. When possible, the Planning Commission may take action on the plan at the next regular meeting.

404 PRELIMINARY AND FINAL APPLICATION CONTENT FOR MINOR SUBDIVISIONS

All applications for Preliminary and Final Approval of a Minor Subdivision shall be submitted in accordance with Section 403 of this Ordinance and shall include the following information:

- A. One (1) copy of the completed application form supplied by the County Planning Director.
- B. Application filing fee, as required by Section 1102.1 of this Ordinance.

- C. A deed or other proof of proprietary interest acceptable to the County Planning Director.
- D. At least ten (10) days prior to the Planning Commission meeting at which the subdivision is being considered, the developer shall notify all property owners and adjacent municipalities within two hundred (200) feet of the subject property, as their names appear on the County Assessment Office tax records, by certified mail, return receipt requested. Said notice shall state the time and place of the meeting, a brief description of the plan, and shall indicate that said plan has been filed with the Planning Commission and is available for public inspection.

The developer shall also cause notice of the Planning Commission meeting to be published in a newspaper of general circulation in the County at least ten (10) days prior to the meeting.

Evidence of publication of the notice and copies of the return receipts shall be submitted to the County Planning Commission at least three (3) days prior to the meeting.

- E. A location map showing the plan name and location; major existing thoroughfares related to the site, including the distance therefrom; title, scale and North point.
- F. The section of the U.S.G.S. Topographic Map, identified by Quadrangle name and indicating a North arrow, showing contours at twenty (20) foot intervals with the boundaries of the property and the proposed subdivision clearly shown.
- G. A copy of any existing or proposed covenants, deed restrictions, modifications to this Ordinance or zoning variances covering all or any part of the parcel, shall be submitted with the application and, where appropriate, plat notations made.
- H. The zoning district (if the municipality in which the property is located has enacted a Zoning Ordinance) in which the parcel is located, together with the zone boundaries within two hundred (200) feet of the extreme limits of the property in question.
- I. If applicable, Flood Hazard Zone boundaries.

J. Sewage

When an individual sewage disposal system is proposed, the plan for such must be approved by the State Department of Environmental Protection and the Local Sewage Enforcement Officer.

In cases where either public sewage is available or extension of existing public sewage lines are needed, a letter from the Local Sewer Authority that they have been contacted in regard to the construction requirements for said facilities and that the necessary hook-up will be provided and the applicable permits have been approved by the Department of Environmental Protection (DEP).

K. Documentation from the Municipality in which the proposed development is scheduled to take place, indicating that they have reviewed the proposed design.

L. Eight (8) copies of a Final Plat, all drawings on sheets not exceeding thirty-four inches by forty-four inches (34" x 44") accurately drawn to a scale of not less than one inch equals one hundred feet (1"=100') for Minor Subdivisions certified by a Pennsylvania Registered Land Surveyor as to existing features, design features and boundaries. (See Appendix A for additional plat specifications). The Final Plat shall contain the following information:

1. Date of preparation. All revisions shall be noted and dated.
2. Title of development; North arrow; scale; County Assessment Office Map and Parcel Number; the name and address of the record owner; the name and address of the applicant; the name and address, license number and seal of the person preparing the subdivision. If the owner of the premises is a corporation, the name and address of the president and secretary shall be submitted on the application.
3. All distances shall be in feet and decimals of a foot and all bearings shall be given to the nearest ten (10) seconds.
4. The names, as shown on current tax records, of all owners of property within two hundred (200) feet of the subdivision, together with the Map and Parcel numbers of the Greene County Assessment Office for said property.

5. Survey data showing boundaries of the property, building or setback lines and lines of existing and proposed streets and rights-of-way, lots, reservations, easements and areas dedicated to public use, including grants, restrictions and rights-of-way, to be prepared by a licensed land surveyor. The name, address, signature, and seal of the surveyor shall be indicated.
6. Location of existing buildings and all other structures, including walls, fences, culverts and bridges, with spot elevations of such buildings and structures. Structures to be removed shall be indicated by dashed lines; structures to remain shall be indicated by solid lines.
7. Acreage, to the nearest thousandth of an acre of the tract to be subdivided and the acreage, in square feet, of all lots.
8. Plans of proposed sanitary and stormwater systems showing feasible connections to existing or any proposed utility systems. Pipe sizes, grades and direction of flow, locations and inlets, manholes or other appurtenances and appropriate invert and other elevations shall be indicated.
9. If public water is available, a statement on the plat identifying the company or authority that will provide service. The location and size of existing and proposed water lines/valves and hydrants.
10. If public water is not available, a statement on the plat that water will not be supplied by a public utility and, therefore, is the responsibility of the purchaser to provide a potable source of water.
11. If public sewer service is to be provided, a statement on the plat identifying the authority that will provide service. The location of proposed or existing sanitary sewer lines including size, grade, direction of flow, location of inlets, manholes, etc.
12. If public sewer service is not available, the appropriate DEP application, submitted to and approved by DEP.
13. If applicable, a notation on the plat that access to a State highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945). If applicable, a notation on the plat that access to a municipal street requires a driveway permit from the local Municipality.

14. Spaces for the signature of the Chairman and Secretary of the Planning Commission.
15. Certification clauses illustrated in Appendix B, including evidence of approval by the Municipality.

M. Resubdivision Procedure

1. These regulations shall not be construed to require the subdivider to comply with the resubdivision procedure in each and every case for minor shifts in lot lines because of excess topography or similar types of development problems. For purposes of review, however, the Planning Commission shall be solely responsible for review and approval of resubdivisions involving lot line changes. If major street changes or other modifications to easements or right-of-way are involved, the municipality shall be notified and recommendations required.
2. Lot lines may be changed from those shown on a recorded plan, provided that in making such changes:
 - a. No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by the Ordinance;
 - b. Easement reserved for drainage shall not be changed;
 - c. No lot shall be created which does not abut on a street; and
 - d. The character of the area shall be maintained.
3. In every case wherein lot lines are changed as permitted above, the subdivider shall prepare a revised plan and submit said plan for the approval of the Planning Commission and then record plan.
4. If street changes are also necessary, the above procedure shall be followed after comments are received from the municipality.

405 PRELIMINARY AND FINAL APPLICATION APPROVAL

405.1 Planning Commission Recommendation

At the first regular meeting of the County Planning Commission after submission of a Preliminary Application, the County Planning Commission shall either accept the application as complete in content and properly filed or table the application until the County Planning Director's review is addressed, if the application is incomplete or improperly filed. The acceptance of the application or tabling of the application by the Planning Commission shall be by motion adopted by the majority of the members present. If the application is tabled, as incomplete, a copy of the County Planning Director's written review citing the specific requirements of this Ordinance which have not been met shall be provided to the applicant or his representative by the Planning Commission.

The date of the County Planning Commission meeting at which the Preliminary and Final Application is accepted as complete and properly filed shall be the official date of filing of the application and shall represent the beginning of the ninety (90) day period for County Planning Commission review and action on the application, unless the applicant agrees, in writing, to an extension of time.

The County Planning Director shall present a written report at the County Planning Commission meeting which states whether an application complies with the requirements of this ordinance and that report shall be included in the minutes at the County Planning Commission meeting. The County Planning Commission shall not act on the application until the report of the County Planning Director has been received and until the report from the local municipality in which the development is located has been received or until forty-five (45) days has passed from the date of transmittal to the Municipal Secretary of the local municipality.

Within ninety (90) days of the official date of filing of the Preliminary and Final Application, the County Planning Commission shall either approve, approve with conditions or disapprove the Preliminary and Final Application at a public meeting.

A letter indicating approval, approval with conditions or disapproval shall be mailed to the applicant within fifteen (15) days of the date of the decision. If the Preliminary and Final Application is not approved, the County Planning Commission shall specify the defects found in the Preliminary and Final Application and cite the requirements of this Ordinance which have not been met.

405.2 Conditional Approval

If at the time of Preliminary or Final Approval it is found that some items which had been applied for in a timely manner, had not been received, the Planning Commission may (as a Modification) give approval specifically conditional upon completion of these items.

405.3 Deemed Approval

Failure of the County Planning Commission to render a decision and communicate it to the applicant within the time and in the manner prescribed by this Ordinance shall be deemed an approval of the application in the terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

406 MEDIATION OPTION

The County Planning Commission may offer the mediation option as an aid in completing the proceedings authorized by this Article in accordance with the requirements of Section 509 of this Ordinance.

407 RECORDING OF FINAL PLAT

Upon approval of a Final Plat by the County, the developer shall, within ninety (90) days of such Final Approval, record such plat in the Office of the Greene County Recorder of Deeds.

408 REINSTATEMENT OF APPROVAL

In the event that the plan has not been recorded within the required ninety (90) days, the County Planning Director is authorized to reinstate the signatures of the proper officers of the County indicating approval, provided there are no changes in the Minor Subdivision previously granted approval and all the requirements of this Ordinance regarding posting of a Performance Guarantee and execution of a Development Agreement, if applicable, have been met and, further, provided the plan is submitted for reinstatement of approval within one hundred eighty (180) days following the date of Preliminary and Final Approval.

Any request for reinstatement of Preliminary and Final Approval which is submitted after one hundred eighty (180) days from the date of the original granting of Preliminary and Final Approval shall be required to resubmit an application for

Preliminary and Final Approval in conformance with the requirements of Sections 403 through 405 and Sections 407 through 410 of this Ordinance.

409 FILING OF COPIES

Upon recording of the Final Plat in the Office of the County Recorder of Deeds, the applicant shall deliver to the County Planning Director, one (1) paper print of the final plat as recorded, containing all required signatures and dates of approval. One (1) paper print of the final plat, as recorded, shall be delivered by the applicant to the Municipal Secretary of the local Municipality in which the plan is located.

410 MINOR SUBDIVISIONS WHICH PROPOSE THE EXTENSION OR INSTALLATION OF ANY PUBLIC IMPROVEMENTS

Minor Subdivisions which propose the extension or installation of any public improvements, as defined by this Ordinance, shall be further subject to Section 508.4 and Sections 510 through 512 of this Ordinance governing installation of public improvements and posting of a Performance Guarantee to guarantee their proper installation.