
MEMORANDUM

DATE: March 1, 2001

TO: Developers/Surveyors/Engineers

FROM: South Middleton Township Planning Department

**SUBJECT: Subdivision and Land Development Plan
Review Policy and Procedure**

The Board of Supervisors adopted ordinance changes at its meeting of January 25, 2001. As a result of these ordinance changes, the procedures for reviewing subdivision and land development plans has also changed. This memorandum serves to provide prospective applicants with a breakdown of the newly revised procedure.

This information is being supplied as general guidance to supplement the requirements of the Subdivision and Land Development Ordinance. If this document happens to impose requirements that conflict with the requirements of said ordinance, the provisions of Subdivision and Land Development Ordinance shall be deemed and interpreted to control.

POLICY

South Middleton Township created this policy and procedure to facilitate the review and approval of subdivision and land development applications. To accomplish the goal of having applications progress satisfactorily through the planning process, adequate preplanning and staff consultations are necessary. The Township has a staff available to assist whenever necessary. Applicants are encouraged to consult with the staff if questions arise. Any questions that the staff does not have the authority to answer will be forwarded to the Board of Supervisors for resolution.

Voluntary sketch-plan submission is encouraged. There is no formal submission deadline, however, sketch-plans should be submitted to the Planning Department seven (7) days before the Planning Commission meeting to allow time for review and comment. Submission and review of a sketch plan shall not constitute an official submission of a plan to the Township.

The deadline for submission of new Conditional Use Applications shall be fourteen (14) days before the Planning Commission meeting to allow time for review and comment. Conditional Use Applications received after this deadline will be reviewed at the Planning Commission meeting in the subsequent month. Please note that Conditional

Use Applications are required to be accompanied by sufficient escrow funds to cover the cost of review. Unused escrow will be returned to the Applicant after the Board of Supervisors has made a formal Conditional Use Decision.

The deadline for submission of new subdivision and land development applications is the close of business on the twenty-fifth (25th) day of the month prior to the scheduled Planning Commission meeting. The Planning Commission holds their regular meetings on the third Tuesday of each month. A meeting schedule is advertised and posted at the beginning of each year. When in doubt, please call the Township Office, or visit the South Middleton Township Website at www.smiddleton.com. Please note that the Township Office closes at 4:00 P.M. **All plans should be at the office and checked in before that time.** The office will not be kept open to accept plans.

If no Preliminary Plan has been previously approved, a Preliminary Plan must be filed when:

- The plan is not a minor plan under Section 305 of the Ordinance.
- The plan is not a lot addition (Section 306 of the Ordinance).
- The total disturbed area exceeds 5 acres.
- There are requests for modification of design requirements.
- There are any public improvements (included but not limited to streets, sewer and/or water line extensions, curbs, sidewalks, gutters, stormwater, etc.).
- The development is planned in phases or sections.

All applications for subdivision and land development approval must be filed using the Application Form (attached). Submissions must include all fees and all applicable supporting documentation required by the Subdivision and Land Development Ordinance. **The Township shall not receive applications without the required form and fees.**

The Township Planning Department will review the submission within ten days to make sure all necessary components of a plan are present. If any of the applicable supporting documents, required under Section 502 of the Ordinance, are not included with the application, **the entire submission, including all fees, will be returned to the Applicant as incomplete.** Incomplete submissions will be accompanied by a denial letter from the Township Board of Supervisors indicating the reason(s). Submissions deemed to be incomplete will not be scheduled for review by the Planning Commission.

Upon acceptance of a complete application, subdivision and land development plans will be subject to technical review by the Planning Department, the Zoning Officer, the

Township Engineer, the Township Manager, the Emergency Services Coordinator, the South Middleton Township Municipal Authority and the Township Solicitor. The purpose of the technical review is to evaluate the plan for compliance with the ordinance.

The policy of the Board of Supervisors is that all requirements of the Ordinance shall be met by all Applicants. The Board understands that in certain circumstances, it may not be possible or practical for an Applicant to comply with each and every requirement of the Ordinance. Under Article XIV of the Ordinance, the Board may grant a modification of the requirements of provisions of the Ordinance.

The Board has established two types of modifications of requirements: administrative and design. In general, administrative modifications of requirements are those related to the requirements of Articles III, V, VI, and XIII. Design modifications of requirements are those related to the planning and design of a subdivision and land development project and generally are associated with the requirements of Articles VII, X, XI, and XII of the Ordinance. WHERE ANY APPLICATION FAILS TO MEET AN APPLICABLE REQUIREMENT OF THE ORDINANCE, APPROVAL (BY THE BOARD OF SUPERVISORS) OF A MODIFICATION OF THAT REQUIREMENT MUST BE REQUESTED.

Applications that fail to meet an applicable requirement, and that do not request a modification of that requirement, shall be deemed in non-compliance with that requirement. Ten or more substantive omissions shall render an application substantially non-compliant with the requirements of the Ordinance. If the plan submission is found to be substantially in non-compliance, the Applicant will be asked to submit a form withdrawing the application. If an application is withdrawn, fees minus any outstanding charges will be returned. If an application substantially in non-compliance is not withdrawn, the application will be scheduled for action by the Planning Commission and the Board of Supervisors with the Planning Department's recommendation for denial due to incompleteness. For all applications rejected by the Board of Supervisors, FEES, with the exception of the unused escrow, WILL NOT BE RETURNED. Complete filing fees will then be required for all applications resubmitted after formal rejection by the Board of Supervisors.

After technical review, the Planning Department will notify the Planning Commission of its comments and concerns with the application, if any. A copy of the comments and concerns also will be sent to the Applicant. As stated in Section 503 c., all plans submitted shall be subject to a mandatory meeting between Township Staff and applicants. The Planning Department will arrange a meeting with the Applicant and or the Applicant's Agent to informally discuss the comments and concerns with the plan. If resulting comments require design changes to the plan, the Planning Department will recommend that the Planning Commission table the application to allow sufficient time to make the changes.

As stated, the goal of this policy and procedure is to facilitate the review and approval of subdivision and land development applications. Therefore, it is the policy of the Board

of Supervisors that conditional approvals of will not be recommended by the Planning Commission to the Board of Supervisors if:

Preliminary Plans

- (1) the plan has more than five (5) unresolved substantive omissions, or
- (2) there are more than ten (10) unresolved administrative comments from the review, or
- (3) revisions of the plan design are required, or
- (4) the plan has not been submitted to other governmental agencies for review.

Final Plans

- (5) the plan has any unresolved substantive omissions, or
- (6) there are more than five (5) unresolved administrative comments from the review, or
- (7) revisions of the plan design are required, or
- (8) if there are required reviews or approvals pending from the following governmental agencies:
 - PADEP
 - Cumberland County Planning Commission
 - Cumberland County Conservation District
 - the applicable Authority or jurisdiction regarding the adequacy of sanitary sewer and public water service
 - The PUC if required

With the first Planning Commission review (at the regular public meeting) starts the ninety- (90) day time-period for action. If a plan is tabled and subsequently revised, the Planning Commission must review it again. The original plan must be withdrawn, and the revised plan resubmitted, thus starting a new ninety-(90) day review period. Revised plans will be subject to any changes in the law.

Requests for modification of design requirements made at the Final Plan stage are done so at the Applicant's risk. If the Board does not grant the modification of design requirements, re-engineering of the plan may be necessary. The plan may be tabled

until ALL the revisions are made. If the Board tables a plan, the Applicant will be requested to provide a ninety- (90) day extension of the review period. The Board of Supervisors may deny applications not granting the requested time extension.

Finally, the Board of Supervisors recognizes that there are several requirements that apply to nearly all subdivision and land development proposals that are addressed most efficiently after approval of the final plan. These requirements include:

- providing reduced plans,
- establishing adequate security,
- paying recreation fees,
- placing general notes (less than 5) on plans,
- completing and signing agreements,
- notarizing plans, and
- obtaining PADOT permits/approvals.

Addressing these requirements shall not be considered when determining the number of administrative comments as referenced above.

PROCEDURE

1. PRE-PLANNING MEETING (OPTIONAL BUT RECOMMENDED)

A pre-planning meeting is recommended. At the pre-planning meeting, the Applicant should present the proposed project to the Township Staff. The Staff will provide the Applicant with advice on how best to proceed, and any potential problems with the proposed project. The Applicant should bring any conceptual sketches or drawings that may assist in the presentation of the project.

2. SKETCH PLAN (VOLUNTARY)

Sketch-plan submission is encouraged. Information supplied on the sketch plan should be detailed enough for staff and officials to make a valued judgment. Please see Article IV of the Ordinance for further details.

- a. Seven (7) days before a regular Planning Commission Meeting, Applicant submits Sketch Plan to the Planning Department.
- b. Planning Department reviews Sketch Plan with regard to all applicable Township Ordinances and prepares a list of comments and concerns.

- c. On or before the date of the regular Planning Commission meeting, Planning Department forwards comments to the Planning Commission and the Applicant.
- d. At the regular Planning Commission meeting, Applicant presents Sketch Plan and addresses Planning Department and Commission comments.
- e. At the next Board of Supervisors' planning meeting, Applicant presents Sketch Plan and addresses Board, Planning Department and Planning Commission comments.

3. CONDITIONAL USE APPLICATIONS

- a. No less than fourteen (14) days before a regular Planning Commission Meeting, Applicant submits Conditional Use Application, the required fees and all required supporting documentation to the Township.
- b. Planning Department reviews Conditional Use Application with regard to all applicable Township Ordinances and prepares a list of comments and concerns.
- c. On or before the date of the regular Planning Commission meeting, Planning Department forwards comments to the Planning Commission and the Applicant.
- d. At the regular Planning Commission meeting, Applicant presents Conditional Use Application and addresses Planning Department and Commission comments.
- e. The Planning Department schedules a public hearing with the Board of Supervisors in accordance with applicable law.
- f. Board of Supervisors holds public hearing. Applicant presents Conditional Use Application and addresses Board, Planning Department and Planning Commission comments.
- g. In accordance with law, Township Staff prepares a Conditional Use Decision for signature by the Board and the Applicant.

4. PRELIMINARY PLANS

- a. On or before the twenty-fifth (25th) day of the month prior to the scheduled Planning Commission meeting, Applicant submits a completed application for subdivision and land development approval, the required fees and all required supporting documentation to the Township.

- b. If a completed application for subdivision and land development approval, the required fees and all required supporting documentation are received, the Planning Department reviews for completeness within ten (10) days.
- c. Incomplete applications are returned to the Applicant with all fees.
- d. Complete applications are reviewed by Planning Department, the Zoning Officer, the Township Engineer, the Township Manager, the Emergency Services Coordinator, the South Middleton Township Municipal Authority and the Township Solicitor for compliance with the requirements of the Ordinance.
- e. For applications considered to be in substantial non-compliance with the Ordinance, the Planning Department requests withdrawal.
- f. Applications not withdrawn are placed on the agenda for the next Planning Commission meeting.
- g. The Planning Department notifies the Planning Commission of its comments and concerns with the application, and its recommendation for approval, denial or tabling. A copy of the comments, concerns and recommendations also is sent to the Applicant.
- h. Planning Department schedules a meeting with the Applicant/Owner/ Agent and/or Engineer/Surveyor. At the meeting with the staff, comments on the plan will be discussed informally.
- i. At the regular Planning Commission meeting, Applicant presents the Plan and addresses Planning Department and Commission comments. The Planning Commission recommends:
 - (1) approval of the application with any applicable conditions by the Board of Supervisors,
 - (2) disapproval of the application by the Board of Supervisors stating the reasons for such, or
 - (3) tabling the plan to the next regular meeting.
- j. If the Planning Commission recommends tabling the plan, "corrected" or "revised" plans must be resubmitted fourteen (14) days before the next Planning Commission meeting. Corrected or revised plans shall be accepted only if the Applicant withdraws the original application, and are subject to the same procedure beginning with item 3.d. above.

- k. If necessary, the Applicant submits a letter granting a ninety- (90) day time extension for Township approval of the plan.
- l. If the Planning Commission recommends approval of an application, any corrections made to a plan must be submitted to the Township Office during regular office hours at least seven (7) days in advance of the Board of Supervisors' planning meeting to be scheduled for Board review. **NO PLANS WILL BE ACCEPTED AT THE MEETINGS.**
- m. At the regular planning meeting of the Board of Supervisors, the Applicant presents Plan and addresses Board, Planning Department and Planning Commission comments.
- n. The Board of Supervisors recommends:
 - (1) approval of the application with any applicable conditions,
 - (2) disapproval of the application stating the reasons for such, or
 - (3) tabling the plan to the next regular meeting.
- o. If the Board of Supervisors recommends tabling the plan, revised plans must be resubmitted seven (7) days before the next Board of Supervisors' planning meeting.

5. FINAL PLANS

- a. On or before the twenty-fifth (25th) day of the month prior to the scheduled Planning Commission meeting, Applicant submits a completed application for subdivision and land development approval, the required fees and all required supporting documentation to the Township.
- b. If a completed application for subdivision and land development approval, the required fees and all required supporting documentation are received, the Planning Department reviews for completeness within ten (10) days.
- c. Incomplete applications are returned to the Applicant with all fees.
- d. Complete applications are reviewed by the Planning Department, the Zoning Officer, the Township Engineer, the Township Manager, the Municipal Authority and possibly Township Solicitor for compliance with the requirements of the Ordinance.
- e. For applications considered to be in substantial non-compliance with the Ordinance, the Planning Department requests withdrawal.

- f. Applications not withdrawn are placed on the agenda for the next Planning Commission meeting.
- g. The Planning Department notifies the Planning Commission of its comments and concerns with the application, and its recommendation for approval, denial or tabling. A copy of the comments, concerns and recommendations also is sent to the Applicant.
- h. The Planning Department schedules a meeting with the Applicant/Owner/Agent and/or Engineer/Surveyor. At the meeting with the staff, comments on the plan will be discussed informally.
- i. At the regular Planning Commission meeting, Applicant presents the Plan and addresses Planning Department and Commission comments. The Planning Commission recommends:
 - (1) approval of the application with any applicable conditions by the Board of Supervisors,
 - (2) disapproval of the application by the Board of Supervisors stating the reasons for such, or
 - (3) tabling the plan to the next regular meeting.
- j. If the Planning Commission recommends tabling the plan, "corrected" or "revised" plans must be resubmitted fourteen (14) days before the next Planning Commission meeting. Corrected or revised plans shall be accepted only if the Applicant withdraws the original application, and are subject to the same procedure beginning with item 3.d. above.
- k. If necessary, the Applicant submits a letter granting a ninety- (90) day time extension for Township approval of the plan.
- l. If the Planning Commission recommends approving an application, any corrections made to a plan must be submitted to the Township Office during regular office hours at least seven (7) days in advance of the Board's planning meeting to be scheduled for Board review. **NO PLANS WILL BE ACCEPTED AT THE MEETINGS.**
- m. At the regular planning meeting of the Board of Supervisors, the Applicant presents Plan and addresses Board, Planning Department and Planning Commission comments.
- n. The Board of Supervisors recommends:
 - (1) approval of the application with any applicable conditions,

- (2) disapproval of the application stating the reasons for such, or
- (3) tabling the plan to the next regular meeting.
- o. If the Board of Supervisors recommends tabling the plan, revised plans must be resubmitted seven (7) days before the next Board of Supervisors' planning meeting.
- p. The Applicant addresses any conditions of plan approval. If the plan is revised at the same time as it reduced for recording, the Township will require at least two (2) copies of the plan at its originally submitted size. The Township shall require a certification statement for the consultant to sign stating that this plan is an exact copy of the plan approved by the Township. Plans shall be notarized only after the final revised plan is approved in order that the owner is aware of any changes required and made.
- q. The Applicant pays recreation fees.
- r. The Applicant provides financial security in accordance with Article XIII of the Ordinance.
- s. The Township records the plan.
- t. The Applicant applies for building permits.
- u. The Applicant begins construction.
- v. Construction completed.
- w. Applicant submits as-built drawings to the Township for review and approval.
- x. Township reviews and approves as-builts.
- y. Maintenance period and security approved by the Township.
- z. Township Engineer certifies that all improvements are complete and acceptable.
- aa. Township releases remaining security and escrow.