

ARTICLE 3
PROCEDURAL REQUIREMENTS

SECTION 301 **REVIEW AND APPROVAL PROCESS**

The submission and review process for subdivision and land development applications shall be in accordance with the following:

- A. Sketch Plan - Sketch plans are not required but are very strongly encouraged for all types of major subdivisions and land developments to facilitate the formal plan submission and review process.
- B. Preliminary Plans for Major Subdivisions/Land Developments - Major subdivisions/land developments require preliminary and final approval. Preliminary plans cannot be approved until all the requirements of this Ordinance are satisfied by detail on the plans. Preliminary plan approval authorizes the applicant to proceed to completion of the subdivision/land development as detailed on the plans.
- C. Final Plans for Major Subdivisions/Land Developments - Final plans for major subdivisions/land developments cannot be submitted until all requirements for approval have been satisfied, and lots in the subdivision cannot be sold until final plan approval is granted. The applicant has the option of completing the improvements or providing a financial guarantee for the completion.
- D. Minor Subdivisions/Land Developments - Minor subdivisions require only final plan approval.

The applicant or a duly authorized representative shall attend all meetings where any submitted plan is on the agenda. No action will be taken in the absence of the applicant or representative, and failure of appearance shall constitute grounds for denial of the application if the time for Township action is due to expire.

SECTION 302 **SKETCH PLAN REVIEW**

Prior to submitting a major subdivision application or a land development application, the applicant is encouraged, but not required, to submit a sketch plan to the Planning Commission in accordance with the process and procedures set forth in Section 401 of this Ordinance. The submission and review of a sketch plan shall not constitute the filing of an application for plan review and approval of a subdivision or land development. 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 Township.
- B. Identify the overall objectives of the applicant's development using a diagrammatic approach showing broad areas of development and broad areas of potential conservation.

- C. Assist applicants and officials to develop a better understanding of the property.
- D. Establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the Zoning Ordinance.
- E. Ensure that the plan generally conforms with the provisions of this Ordinance.
- G. Demonstrate compliance with any design parameters deemed necessary by the Township for conformance to objectives as set forth Article 1 of this Ordinance.

Planning Commission may provide advice and comment on the necessary requirements to achieve conformity to the standards and provisions of this Ordinance and other applicable related regulations.

SECTION 303 SUBMISSION OF PLANS AND APPLICATIONS

The applicant shall provide the following information to the Administrator not less than twenty-one (21) calendar days prior to the next regularly scheduled meeting of Planning Commission:

- a. Fifteen (15) prefolded copies of the plan (sketch, preliminary or final). (See Section 304.2)
- b. Fifteen (15) prefolded copies of construction plans (if applicable).
- c. A completed subdivision or land development application with original signatures and fourteen (14) copies of the same.
- d. A completed Planning Module, if applicable, as required by the Pennsylvania Department of Environmental Protection and fifteen (15) copies of the same.

SECTION 304 DISTRIBUTION OF PLANS

304.1 The Administrator shall provide each member of the Planning Commission and the Board of Supervisors with a copy of the complete set of plans (preliminary or final), a copy of the subdivision/land development application, and a copy of the DEP Planning Module.

304.2 The developer or applicant shall distribute, as applicable, and provide the Township with dated written verification of the same, copies of complete sets of plans (preliminary or final), a copy of the application and the DEP Planning Module to the following agencies and officials for review, comment and approval, as :

- a. The Luzerne County Planning Commission.
- b. The Township Engineer

- c. The Township Planning Consultant.
- d. The Township Solicitor.
- e. The Township Sewage Enforcement Officer.
- f. The Luzerne County Conservation District.
- f. The applicable Sewer Authority.
- g. The Pennsylvania Department of Transportation and/or the Luzerne County Road and Bridge Department if a proposed subdivision or land development fronts upon or is to have access to a road under its jurisdiction.
- h. The Pennsylvania Department of Environmental Protection.
- j. The Wilkes-Barre Area School District.
- k. Adjoining municipalities that have a common border with the proposed subdivision and/or land development.
- l. To any other agency as so directed by the Township.

304.4 The developer or applicant shall be responsible to insure that copies of the plan and supporting material are provided to all applicable utility companies intended to service the site.

304.5 The applicant shall pay any applicable fees related to the review and inspection of other agencies and parties provided under Section 304.2.

SECTION 305 LUZERNE COUNTY REVIEW

The Bear Creek Township Board of Supervisors shall not approve any subdivision or land development plans or application until a report, containing the comments and recommendations of the Luzerne County Planning Commission is received or until the expiration of thirty (30) days from the date said plans and application were forwarded to the Luzerne County Planning Commission. The applicant shall pay all review fees required by the Luzerne County Planning Commission.

SECTION 306 PUBLIC HEARING

The Board of Supervisors, at its discretion, may hold a public hearing prior to rendering a decision on any plan (preliminary or final).

SECTION 307 INSTALLATION OR GUARANTEE OF REQUIRED IMPROVEMENTS

Prior to approving the final plan of a major subdivision or a major land development, in which based upon specific improvements, the Board of Supervisors shall require the following of the applicant:

- a. the installation of all required improvements in accordance with the design standards and specifications of this Ordinance all applicable terms and all other requirements in granting approval.

or

- b. provision of a form of financial security, acceptable by the Board of Supervisors, which assures and guarantees the subsequent installation of all required improvements in accordance with the design standards and specifications of this Ordinance and all other requirements in granting approval.

SECTION 308 PROCEDURAL METHODS IN RENDERING DECISIONS

308.1 A major subdivision plan or a major land development plan (preliminary or final) shall be submitted to the Bear Creek Township Planning Commission for its review, comments and recommendation prior to its consideration by the Board of Supervisors.

308.2 The Board of Supervisors shall approve or reject a submitted plan (preliminary or final) within ninety (90) days following the date of the Township Planning Commission's regular meeting at which said plan is first reviewed. Should the regular meeting date occur more than thirty (30) days following the date of submission of said plan, the ninety (90) day period shall be measured from the thirtieth (30th) day following the date on which the plan was properly submitted to the Township.

308.3 The Board of Supervisors be, shall communicate its decision to the applicant in writing either by delivery in person or by mail to applicant's last known address not later than fifteen (15) days following the date of the decision.

308.4 When an application and plan (preliminary or final) is not approved as submitted, the decision of the Board of Supervisors shall specify the defects found in such, and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

308.5 As prescribed by the Pennsylvania Municipalities Planning Code, Act 247, as amended, failure of the Board of Supervisors to render a decision and communicate said decision to the applicant as set forth in this section shall be deemed approval of the plan as submitted, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of communication of the decision.

SECTION 309 REVISED PLANS

309.1 Any revisions to a preliminary plan or final plan which are independently initiated by the applicant or developer that alters or changes the character, density, design, layout and/or location of any proposed structures and/or improvements on the plans as originally submitted shall be deemed to be a new submission. Such will require the applicant or developer to submit a new application, plans, supporting documentation and applicable fees. In such cases, the Township shall provide the applicant or developer with written notice of the need to submit a new plan and require the applicant to formally

withdraw the revised plan in writing. If the applicant or developer fails to do so, the Township shall act to formally disapprove the revised plan and communicate the same to the applicant or developer in accordance with Section 308 of this Ordinance.

309.2 Any revisions to a preliminary plan or final plan which are clearly undertaken by the applicant or developer for the purpose of complying with any conditions and/or additional requirements established by the Planning Commission, Board of Supervisors or agency or entity which holds jurisdiction over any aspect of the plan shall be accepted as a revised plan. A revised plan, which meets the above conditions, shall not be subject to the submission of a new application or the payment of a new application fee to Bear Creek Township.

309.3 All revised plans shall be accompanied by an itemized listing of revisions to the plans and supporting documentation along with a narrative that clearly explains the nature of the revisions. Such information shall be prepared and certified by a professional engineer.

309.4 Any revised plan, under Section 309.2 may be resubmitted to the Luzerne County Planning Commission or to any other party noted within Section 304.2 of this Ordinance, if the Board of Supervisors renders a determination that the nature of the revisions warrant any additional review. If such a determination is rendered, the applicant shall be responsible for any applicable required fees.

SECTION 310 RECORDING OF FINAL PLAN

310.1 The applicant shall record the final plan as approved by the Board of Supervisors in the Office of the Recorder of Deeds of Luzerne County within ninety (90) days of such final approval, unless an extension has been granted in writing by the Board of Supervisors. Failure by the applicant to record the final plat within the ninety (90) days, or an approved extension of the time period, will result in the approval becoming null and void. The final plan for recording shall comprise all plans submitted for final approval.

310.2 A final plan shall not be submitted for recording within the Recorder of Deeds Office unless it bears an approval signature by the Board of Supervisors, along with an appropriate signature and/or seal that it has been reviewed by the Luzerne County Planning Commission

310.3 Within thirty (30) days from the date on which the final plan is recorded, the applicant shall furnish to the Township a copy of a certificate or receipt attesting to the recording of the final plan in the Recorder of Deeds Office.

SECTION 311 PHASING MAJOR SUBDIVISION PLANS

Prior to granting final approval of a major subdivision plan, the Board of Supervisors may permit the plan to be divided into two or more sections or phases and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plan. A total of twenty-five (25%) of the proposed number of dwelling units must be included within Phase I. The Board of Supervisors may require

that the financial security be in such amount as is commensurate with the section or sections of the plan to be filed and may defer the remaining required financial security principal amount until the remaining sections of the plan are offered for filing. The developer may also file in writing irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the Board of Supervisors shall be granted concurrently with final approval of the plan.