

Citizen and Developer's Guide to the Permitting and Approval Process for Land Development in Briar Creek Borough, Columbia County, Pennsylvania



Contact Information

Briar Creek Borough
6029 Park Rd.
Berwick, PA 18603
Phone: (570)759-1566
Fax: (570)759-3595

Borough Council Members *(Meets the First Wednesday of each month at 7:30 PM in the Briar Creek Borough Building on Park Rd.)*

David R. Kershner	(570)752-7519
Edward Fenton	(570)594-4825
Emery Steely	(570)759-9346
Wm. Bruce Michael	(570)759-0627
David R. Kershner	(570)752-7519
E. James Seeley	(570)752-6552
James Long	(570-)759-1566

Mayor

Verncel Creveling	(570)441-6963
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Borough Secretary

Amy Evans	(570)759-1566
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Hours: Monday- Friday (1:30-5:30pm)

Codes/Zoning Officer

Ronald Bogart	(570)752-4053
	Cell: (570)594-5656

Sewage Enforcement Officer

William Brior	(570)384-3408
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Solicitor

John Mihalik	(570)245-6720
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Engineer

Peters Consulting (570)752-4433

Planning Commission

(Meets the Second Wednesday of each month at 7:00 PM if needed.)

Verncel Creveling (570)752-4974

(570)759-8281

E. James Seeley

(570)752-6552

Beatrice Long

Norbert O'Donnell

Joe Thomas

William Machamer

Casey Curtin



Ordinances

[Briar Creek Borough Zoning Ordinance](#)

Subdivision and Land Development

The following information is not all inclusive and is meant only to be a general guideline. For detailed requirements, applications and information consult the Briar Creek Borough Subdivision and Land Development Ordinance (SALDO) and speak with Zoning Officer

Definitions of "Subdivision" and "Land Development"

For a COMPLETE list of definitions of Subdivision and Land Development see the SALDO, Article 2, DEFINITIONS.)

Minor Subdivision: *A division of land to facilitate a lot addition or land exchange or a division of land which adjoins an existing public street and does not involve the opening, widening, extension or improvement of any street or the installation of any public utility outside of the frontage road and does not involve more than (2) lots or dwelling units (except that the subdivision of lots from a property after (2) or more lots have been subdivided is a major subdivision).*

Dedication or establishment of an unimproved right-of-way or easement shall be a minor subdivision. Replatting, resubdivision or revision of (2) lots or less shall also be considered a minor subdivision. Multi-family, commercial, industrial, non-residential and mobile home park development, shall be considered a major subdivision or land development regardless of the number of lots or units created.

Major Subdivision: *Any subdivision or land development involving more than (2) lots of dwelling units; or any subdivision or land development on a property after (2) or more lots or dwelling units have been subdivided from that property since the effective date of this Ordinance; or and subdivision or land development proposing the opening, widening, extension or improvement of streets.*

Multi-family, mobile home park, commercial and industrial development shall be considered major subdivision or land development, regardless of the number of lots or units created.

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Land Development:

The development of property as specified below:

- i. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) a group of two or more residential or nonresidential buildings whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or*
 - (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.**
- (ii) Any subdivision of land;*
- (iii) Development in accordance with section 503(1.1) of the Pennsylvania Municipalities Planning Code, as amended.*

(FOR EXCLUSIONS, see the definition of Land Development in the SALDO, Chapter 2, DEFINITIONS, Section 2.02 page 9.)

Plan, Sketch: *an informal plan, indicating existing features of a tract and the surrounding area and outlining the general layout of a proposed subdivision or land development.*

Submittal and Review Process

Submittal Requirements:

- 1. Obtain an Application from the Briar Creek Borough office for subdivision and or land development.*
- 2. Contact the Briar Creek Borough office for procedures for plan submittal.*
- 3. Submit to the Columbia County Planning Commission: One (1) copy of the application along with three (3) copies of the plan and the Required fees outlined in County SALDO, Article 9, Sec. 906, FEE SCHEDULE, page 138. The Municipalities Planning Code, Act 247-1968 requires all municipalities with adopted SALDOs to allow the County Planning Commission a thirty (30) day review and comment period, prior to final approval. After this review a County representative will sign the plans and return them to the municipality. The plans can not be recorded without the County representative's signature.*

Review Process:

- 1. The "Filing Date" is considered the date the Borough receives the plan for review. The Borough has ninety (90) days from this date to make a decision on the application. However, a "Time Extension" may be requested by the applicant if the ninety (90) day*

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review period is not sufficient. (See Appendix C of the Subdivision and Land Development Ordinance for a Time Extension Request Form)

- 2. During the ninety (90) day review process various agencies, officials and the local Planning Commission will review the plan and all pertinent information. The Municipalities Planning Code, Act 247-1968 requires all municipalities with adopted SALDOs to allow the County Planning Commission a thirty (30) day review and comment period, prior to final approval. After this review a County representative will sign the plans and return them to the municipality. The plans can not be recorded without the County representative's signature.*
- 3. During the ninety (90) day review process the Borough may if it so wishes, conduct a public hearing pursuant to public notice in order to inform the public and obtain comment prior to taking action on the plan.*
- 4. The Planning Commission shall review the plan and official comments and reports received thereon and shall render its recommendation to the Borough Council in writing. The Planning Commission may recommend disapproval, conditional approval or approval of the plan.*
- 5. Before the end of the ninety (90) day review period the Borough must render a decision (take an action) on the plan at a public meeting. If no action is taken within the ninety (90) day review period the plan is automatically approved by default.*
- 5. The Borough may approve, conditionally approve, grant the applicant a time extension or disapprove the plan. This decision must be communicated to the applicant no later than fifteen (15) days following the decision.*

Zoning

For detailed requirements, applications and information consult the Briar Creek Borough Zoning Ordinance (at the web address given above) and speak with the Zoning Officer.

State and Federal Requirements Associated With Subdivision and Land Development

State Contact Information

Department of Environmental Protection (DEP)

PA Dept of Environmental Protection
NC Regional Office
Office Hours 8 a.m. - 4 p.m.
Phone: 570 327-3636 (24 hours)



Department of Conservation and Natural Resources (DCNR)

State Park Region 4 (East)
Kevin Fazzini, Regional Park Manager
Phone - 215-453-5000

Department of Community and Economic Development (DCED)

Email: ra-dcedcs@pa.gov
Phone: 866-GO-NEWPA (866-466-3972)



Pennsylvania Department of Transportation (PennDOT)

PennDOT Engineering District 3-0
Jim Krise, Permit Manager
Telephone: 570-368-4277



Department of Labor and Industry

General information: 717-787-5279



Public Utility Commission (PUC)

General Information: 800-692-7380



Farm Bureau

General Information: 717-761-2740



State Approval and Permits

1. NPDES Permits for Discharge of Stormwater Associated with Construction Activities

- Columbia County Conservation District (570-784-1310) should be contacted at any time that you are going to be causing Earth Disturbance to check to see if a permit is required.

2. Water Obstruction and Encroachment Permits

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- Columbia County Conservation District (570-784-1310) should be contacted if you are to be doing anything involving waters of the Commonwealth, *Chapter 105 regulations define this as any watercourse, stream or bodies of waters and their floodway.*

3. Sewage (Act 537) Approvals

- Any subdivisions or land developments should involve contacting the local municipal Sewage Enforcement Officer to determine if sewage planning is needed for what you are proposing. For general information a person could also contact DEP Sewage Office at 570-327-3668

4. Public Water Supply Permits

- When a involves the creation of a public water facility which is intended to distribute water to individuals a Public water supply permit is needed from DEP. Any questions can be referred to the DEP Northcentral Water Supply Offices at 570-327-3490.

5. Pennsylvania Historic and Museum Commission (PHMC) Review

- The role of the Pennsylvania Bureau for Historic Preservation is to advise and assist state and federal agencies in complying with their responsibilities under various legislation, such as the National Historic Preservation Act and the PA History Code, that protect historic properties. To meet this goal, the Bureau has established the Environmental Review process, through which it reviews projects for their potential to affect historic properties. Any questions should be directed to Cheryl Nagle, (Central PA) 717.772.4519

State Approval and Permits (continued)

6. Pennsylvania Natural Diversity Inventory (PNDI) Review

- PNDI stands for **Pennsylvania Natural Diversity Inventory** which is the Environmental Review (ER) function of the Pennsylvania Natural Heritage Program (PNHP). It is set up to help identify impacts to threatened, endangered or rare plants, animals, natural communities, and geologic features throughout Pennsylvania. Any questions or to conduct a PNDI search please visit: <http://www.naturalheritage.state.pa.us/HomePage.aspx>
- A PNDI search is needed for all subdivision and land developments. Additionally it is required in order to obtain several different types of permits from DEP including but not limited to a Sewage Permit.

7. Highway Occupancy Permits

- Any access, driveways or work to be done with in a State Right-of-Way requires a Highway Occupancy Permit to be obtained from The Pennsylvania Department of Transportation. Any and all questions regarding the need for a permit should be directed to the PennDOT Permit Manager Jim Krise at 570-368-4277

FEDERAL CONTACT INFORMATION

U. S. Environmental Protection Agency (EPA)

Call the Mid-Atlantic Region
(800) 438-2474 (from *within* Region 3)
(215) 814-5000 (from *outside* Region 3)



Department of Agriculture (USDA)

Bloomsburg Service Location
(570) 784-1062 ext 2



Federal Aviation Administration (FAA)

Harrisburg Region
(717) 774-8271



Army Corps of Engineers

General Questions
202-761-0011
Regulatory (Permits)
202-761-5903



U.S. Fish and Wildlife Service (USFWS)

Northeast Region- Pennsylvania's Field Office
814.234.4090



**US Army Corps
of Engineers®**

FEDERAL APPROVAL AND PERMITS

1. **Section 404 Clean Water Act Permits** – If the applicant needed a state Chapter 105 Permit from DEP (concerning Water Obstruction and Encroachment) and additional federal permit may be needed (Section 404 Permit). Section 404 Permits are issued by the U.S. Army Corps of Engineers. This permit is required for any discharge of dredged or fill material into navigable waters of the United States.

Projects that impact less than 250 feet of a stream or less than one acre of wetlands may avoid Section 404 permit review by the Corps if they determine it qualifies for a joint permit review. This means that DEP will take the lead in reviewing the permit application. If the DEP feels the permit is acceptable they will issue a state Chapter 105 Permit and a federal Section 404 Permit known as the "Pennsylvania State Programmatic General Permit".

If the proposed project does not qualify for a joint permit then DEP and the Corps will do independent permit reviews and issue separate decisions.

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2. **National Environmental Policy Act (NEPA) Review** – The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions.

To meet NEPA requirements federal agencies prepare a detailed statement known as an Environmental Impact Statement (EIS). EPA reviews and comments on EISs prepared by other federal agencies, maintain a national filing system for all EISs, and assure that its own actions comply with NEPA.

3. **Endangered Species Act**-The applicant should contact Fish and Wildlife Service if they get a “hit” on the PNDI (Pennsylvania Natural Diversity Inventory) for a federally listed threatened or endangered species.

4. **Federal Aviation Administration**- Applicant should contact FAA if:

- any construction or alteration exceeding 200 ft above ground level
- any construction or alteration:
 - within 20,000 ft of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with its longest runway more than 3,200 ft
 - within 10,000 ft of a public use or military airport which exceeds a 50:1 surface from any point on the runway of each airport with its longest runway no more than 3,200 ft
 - within 5,000 ft of a public use heliport which exceeds a 25:1 surface
- any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards
- when requested by the FAA
- any construction or alteration located on a public use airport or heliport regardless of height or location.

Disclaimer: *This guide is meant to be a general guideline for development in the Borough of Briar Creek. It should **NOT** be considered all-inclusive. For specific details and requirements concerning land development and subdivision contact the Briar Creek Borough Codes Enforcement Office.*

*Prepared by the Columbia County Planning Office staff.
Information contained within is relevant as of July, 2017.*