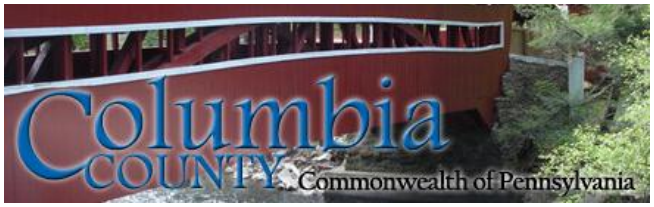
Citizen and Developer's Guide to the Permitting and Approval Process for Land Development in Stillwater Borough, Columbia County, Pennsylvania



Contact Information
Stillwater Borough
63 McHenry St.
Stillwater, Pa 17878
Phone: (570)925-2381

Borough Council Members *(Meets the first Wednesday of each month at 7:00 PM in the Borough Building, Stillwater.)*

John Kline, Jr. President	(570)952-6766
Robin Kline	(570)925-6766
Earl Weaver, Sr.	(570)925-2491
James Reed	(570)925-2381
Herold Miller	(570)925-2381
George Kline	(570)925-2381

Mayor

Dan McHenry (570)925-2381

Borough Secretary

Karen Hilley (570)925-2381

Sewage Officer

John Belles (570)256-4271
Cell: (570)760-2424

Zoning Officer

Ronald Caldwell (570)925-6280

Solicitor

Harding & Hill (570)784-6770

Zoning Board & All Borough Council Members

Gerald McMichaels (570)925-6153

Stillwater Borough (continued-page 2)

Planning Agency (Not a Commission): (The Stillwater Borough Planning Agency is a review body only. The approval of all Subdivisions and Land Development applications is the responsibility of the Columbia County Planning Commission.)

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Columbia County Planning Commission Board Members
(Meets the third Tuesday of every month at 6:30 PM.)

William Brobst, Chairman
Dr. Brian Johnson, Vice-Chair
Terry Hoover, Secretary
Edwin Lease, Treasurer
Ernest Shearer, Jr.
Michelle Bella
Edward Sidinger
Tammy Robbins
Ron Kocher

Ordinances

Columbia County SALDO
Columbia County SALDO fee schedule

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 Columbia County Subdivision and Land Development Ordinance (SALDO) and speak with the Zoning Officer.

Definitions of "Subdivision" and "Land Development"
For a COMPLETE list of definitions of Subdivision and Land Development see the SALDO, Article 8, DEFINITIONS.)

Subdivision and applications and land development applications shall be submitted as separate applications. Single applications including both subdivision and land development proposals will not be accepted.

Minor Subdivision: *any subdivision abutting an existing public street or road, cumulatively involving no more than (5) five lots, parcels of land, or other divisions of land from the same parent tract within 15 years prior to the filing of a completed application, which does not require a new street, the installations of sanitary sewers, storm sewer, water mains or pipes, or other public improvements.*

Major Subdivision: *any subdivision as defined herein involving 6 or more lots, parcels of land, or other divisions of land whether or not they involve new streets, additional utilities, or other improvements; all subdivisions not considered Minor Subdivisions for plan processing purposes.*

Land Development:

The development of property as specified below:

a. The improvement of (1) one lot or (2) two or more contiguous lots, tracts or parcels of land for any purpose involving:

1. *a group of two or more residential or nonresidential buildings or structures, whether proposed initially or cumulatively, or a single nonresidential building or structure on a lot or lots regardless of the number of occupants or tenure; or*

2. *the division or allocation of land or space, whether initially or cumulatively, between or among (2) 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; or*

b. Any subdivision of land.

(FOR EXCLUSIONS, see the definition of Land Development in the SALDO, Article 6 , DEFINITIONS, Section 600 page 84 for definitions of Types of Land Development (Industrial, Campground, etc) see SALDO, Article 6, DEFINITIONS, Section 602 page 602-608)

Sketch Plan: *an informal plan, not necessarily to exact scale, indicating salient exiting features of a tract and its surroundings and the general layout of a proposed subdivision or land development.*

Submittal and Review Process

Submittal Requirements: Preliminary Plan

Applications for the Preliminary Plan review and approval of a proposed subdivision or land development shall be submitted and processed in accordance with the following procedures.

1. *Application. Submit to the Columbia County Secretary:*
   a. *(8) eight copies of the Preliminary Plat*

   b. *(2) two copies of all data required to be submitted with the said plat. Additional copies of the plat and supporting information may be required by the Planning Commission. Consideration of any application filed less than 21 days prior to a regularly scheduled meeting of the commission shall be deferred until the next regularly scheduled Commission meeting.*

   c. *Appropriate filing fee in the form of a check or money order made payable to the Township of South Centre for an amount established by a fee schedule adopted by resolution of the Board of Supervisors, which is available from the Township Administrator*

2. *<u>Referrals.</u> Upon request of the said application, The Planning Commission Staff shall refer one (1) copy of the Final Plat and any related documentation to the following officials and such others, as appropriate, for their review and report. Referrals shall be distributed to the appropriate agencies and officials within seven (7) working days of the date of submittal to the Planning Commission.*

    a. *Local municipal governing bodies will be allotted thirty (30) days for review and comment. If no written comments are received within the aforementioned thirty (30) day review and comment period the municipality forfeits its right to comment. However, at the discretion of the Planning Commission a time extension may be considered.*

    b. *Local Officials must acknowledge receipt of plans by returning the signed acknowledgement form, which shall provide by the Planning Commission (See Appendix A.)*

    c. *Planning Commission Engineer, at the discretion of the Planning Commission. Site inspections may also be requested.*

    d. *Pennsylvania Department of Transportation when the subdivision or land development will front on an existing or proposed State Route or will have a proposed street requiring access to such a route.*

    e. *Pennsylvania Department of Environmental Protection for any necessary report with respect to sewer and water facilities.*

    f. *Columbia County Conservation District for review with respect to drainage and erosion consideration and proposed stormwater management facilities.*

    g. *Any additional agencies and/ or officials as deemed necessary by the Planning Commission including but not limited to emergency management agencies and school districts.*

Review Process:

1. *<u>Review and Action.</u> The Planning Commission shall review the Preliminary Plan for conformance with the provisions of this Ordinance and shall render its decision and communicate the same to the applicant not later than 90 days following the date of the regularly scheduled Planning Commission meeting next following the date the application was deemed complete, provided that, should the next regular meeting occur more than 30 days following the filing of the completed application, the said 90-day period shall be measured from the 30th day following the date the application was deemed complete. A plan will be deemed complete upon receipt by the Planning Commission of all required plans and supporting data, including plan review and processing fees. The applicant shall be notified in writing of the decision of the Planning Commission not later than 15 days following the decision. These provisions shall apply in accordance with the Pennsylvania Municipalities Planning Code, Section 508 as amended.*

a. *<u>No Action.</u> If no decision is rendered on an application at the regularly scheduled monthly meeting of the Planning Commission the Planning Commission, as a courtesy to the applicant, may issue to the applicant written comments outlining the known deficiencies of the submittal. Such communication shall not be considered all-inclusive. As per the Pennsylvania Municipalities Planning Code a ninety (90) day review period is allotted. All deficiencies discovered with the said ninety (90) day review period will be relevant to any action taken on the plan.*

b. *<u>Time Extension.</u> In the event an applicant may require additional time to address and/or correct deficiencies concerning a submittal, and in order to allow the Planning Commission to defer its decision on the application beyond the original ninety (90) day review period, an applicant may grant a waiver of the said review period and request that a decision be delayed in order to enable the applicant to correct deficiencies in the plan submittal before a decision is made. The waiver shall be made in writing, signed by the applicant, and shall state the length of the time by which the original review period shall be extended as a result of the waiver. The signed waiver shall be presented to the Planning Commission prior to the expiration of the original review period.*

c. *<u>Preliminary Plan Conditional Approval.</u> The Planning Commission may conditionally approve the Preliminary Plan in which case it shall specify all additional information and/ or changes that shall be required. Any conditional approval is contingent upon the applicant's written acceptance of the conditions specified by the Planning Commission. The applicant shall respond as to acceptance of all conditions within 15 days of the date of receipt of the Planning Commission's written correspondence specifying said conditions. If written acceptance is received within the 15-day period, the approval shall be deemed complete, contingent upon the acceptable completion of all required items, when applicable. If written refection is received within the 15-day period, or the applicant fails to respond within the 15-day period, the approval shall be nullified. Plans shall not be signed by the Planning Commission until receipt of the written acceptance from the applicant and until all applicable requirements of the approval have been adequately addressed.*

d. *<u>Preliminary Plan Disapproval.</u> If the Preliminary Plan is disapproved, the Planning Commission shall specify the defects found and requirements that have not been met, citing in each case, the provisions of the Ordinance relied upon.*

e. *<u>Noted Action.</u> The Planning Commission shall issue written notification of its action, in letter form, within 15 days of its action. If the Preliminary Plan is granted an approval, the Commission shall sign a minimum of six (6) copies of the Preliminary Plan. A minimum of two (2) copies shall be retained by the Planning Commission, three (3) shall be forwarded to the applicant or his agent, as appropriate, and one (1) shall be forwarded to the local municipal secretary.*

Submittal Requirements: Final Plan

Applications for the Final Plan review and approval of a proposed subdivision or land development shall be submitted and processed in accordance with the following procedures.

1. *Application. Submit to the Columbia County Secretary:*
    a. *(8) eight copies of the Final Plat*

    b. *(2) two copies of all data required to be submitted with the said plat. Additional copies of the plat and supporting information may be required by the Planning Commission. Consideration of any application filed less than 21 days prior to a regularly scheduled meeting of the commission shall be deferred until the next regularly scheduled Commission meeting.*

    c. *Appropriate filing fee in the form of a check or money order made payable to the Township of South Centre for an amount established by a fee schedule adopted by resolution of the Board of Supervisors, which is available from the Township Administrator*

2. *Referrals. Upon request of the said application, The Planning Commission Staff shall refer one (1) copy of the Final Plat and any related documentation to the following officials and such others, as appropriate, for their review and report. Referrals shall be distributed to the appropriate officials within seven (7) working days of the date of submittal to the Planning Commission.*

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    b. *Local Officials must acknowledge receipt of plans by returning the signed acknowledgement form, which shall provide by the Planning Commission (See Appendix A.)*

    c. *Planning Commission Engineer, at the discretion of the Planning Commission. Site inspections may also be requested.*

    d. *Pennsylvania Department of Transportation when the subdivision or land development will front on an existing or proposed State Route or will have a proposed street requiring access to such a route.*

    e. *Pennsylvania Department of Environmental Protection for any necessary report regarding sewer and water facilities.*

    f. *Columbia County Conservation District for review of required drainage or stormwater management facilities.*

    g. *Any additional agencies and/ or officials deemed necessary by the Planning Commission including but not limited to emergency management agencies and school districts.*

Review Process:

1. *Review and Action. The Planning Commission shall review the Final Plan for conformance with the provisions of this Ordinance and shall render its decision and communicate the same to the applicant not later than 90 days following the date of the regularly scheduled Planning Commission meeting next following the date the application was deemed complete, provided that, should the next regular meeting occur more than 30 days following the filing of the completed application, the said 90-day period shall be measured from the 30th day following the date the application*

   was deemed complete. A plan will be deemed complete upon receipt by the Planning Commission of all required plans and supporting data, including plan review and processing fees. The applicant shall be notified in writing of the decision of the Planning Commission not later than 15 days following the decision. These provisions shall apply in accordance with the Pennsylvania Municipalities Planning Code, Section 508 as amended.

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   c. *Final Plan Conditional Approval. The Planning Commission may conditionally approve the Final Plan in which case it shall specify all additional information and/or changes that shall be required. Any conditional approval is contingent upon the applicant's written acceptance of the conditions specified by the Planning Commission. The applicant shall respond as to acceptance of all conditions within 15 days of the date of receipt of the Planning Commission's written correspondence specifying said conditions. If written acceptance is received within the 15-day period, the approval shall be deemed complete, contingent upon the acceptable completion of all required items, when applicable. If written refection is received within the 15-day period, or the applicant fails to respond within the 15-day period, the*

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d. *Noted Action. The Planning Commission shall issue written notification of its action, in letter form, within 15 days of its action. If the Final Plan is granted an approval, the Commission shall sign a minimum of six (6) copies of the Final Plan. A minimum of two (2) copies shall be retained by the Planning Commission, three (3) shall be forwarded to the applicant or his agent, as appropriate, and one (1) shall be forwarded to the local municipal secretary.*

e. *Final Plan Disapproval. If the Final Plan is disapproved, the Planning Commission shall specify the defects found and describe the requirements, which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon.*

Zoning

For detailed requirements, applications and information consult the Stillwater Borough Zoning Ordinance 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**
    - 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 **P**ennsylvania **N**atural **D**iversity **I**nventory 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

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.

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.

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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 Berwick. It should* ***NOT*** *be considered all-inclusive. For specific details and requirements concerning land development and subdivision contact the Berwick Borough Codes Enforcement Office.*

Prepared by the Columbia County Planning Office staff.
Information contained within is relevant as of July, 2014.