

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



Contact Information

Berwick Borough Hall
1800 North Market Street
Berwick, PA 18603
Phone: (570)752-2723
Fax: (570)752-2726

Mayor

Tim Burke (570)752-6352

Borough Council (Meets the Third Monday of each month at 7:00pm at City Hall)

Alvin Hill, President	(570)394-8931
Pete Talanca, Vice	(570)759-8137
Travis Petty	(570)752-2723
Arden Oliver	(570)759-9514
Thomas Metz	(570)759-3930
Joanne Huntington	(570)759-9545
Scott Bower	(570)759-8319

Borough Manager

Vacant (570)752-2723 Ext. 11

Codes Enforcement/Building Permit/Zoning & BOC/UCC Inspector

Greg Harkins (570)752-2723 Ext. 13
Email: greg@berwick.pa.com

Codes Enforcement and Recycling

Curt Rider (570)752-2723 Ext. 27
Email: curt@berwick.pa.com

EMA

Jim Morris, Director (570)752-2723

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Borough Engineer

Quad 3 Group, Inc.
Wilkes-Barre, PA

Planning Commission

(Meets the Second Thursday of each month at 7:00pm at City Hall)

Marc Nespoli
Ben Mike
Charles Ligosh
Richard McDermott
Guy Campbell



Berwick Joint Sewer Authority

Phone: (570)752-8477
Fax: (570)752-8479

Berwick Industrial Development Association

Phone: 570-752-3612
Website: www.bida.com

Ordinances

- [2013 NEW Landlord Ordinance](#)
- [2013 New Landlord Check List](#)
- [Zoning Map](#)
- [Zoning Ordinance](#)
- [Subdivision and Land Development Ordinance](#)
- [Pa Municipalities Planning Code](#)
- [Snow Removal Ordinance](#)

Applications and Downloads

- [Amusement License Application](#)
- [Building Permit and Plans Examination Application](#)
- [Contractor's License](#)
- [Contractor's License RENEWAL](#)
- [Demolition Permit](#)
- [Driveway Permit](#)
- [Dumpster Application](#)
- [Fee Schedule](#)

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Applications and Downloads (continued)

- [Fence Permit](#)
- [Inspection Procedures](#)
- [Landlord License Application](#)
- [Map of Borough Wards](#)
- [Sign \(Event\) Permit Application](#)
- [Sign \(Permanent\) Permit Application](#)
- [Soliciting Permit \(Hawking, Peddling\)](#)
- [Street Opening \(Street Cut\) Permit Application](#)
- [Subdivision / Land Development Review Application](#)
- [Tenant Registration](#)
- [Tree Removal Application and Approved Street Tree Planting List](#)
- [Zoning Application](#)
- [Zoning Conditional Use Application \(Zoning Hearing Board\)](#)
- [Zoning Special Exception Application \(Zoning Hearing Board\)](#)
- [Zoning Variance Application \(Zoning Hearing Board\)](#)
- [Zoning Map](#)



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 Berwick Borough Subdivision and Land Development Ordinance (SALDO) and speak with Code Enforcement officials.

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: *If you are subdividing a tract of land into no more than five (5) lots fronting on an existing street and not involving any public improvements, your subdivision shall be considered “Minor”. You will be allowed to proceed directly to the preparation and submission of a “Final Plan”. (Also, see the definition of Subdivision or Land Development, Minor in the SALDO, Article 2, DEFINITIONS, Sec. 153.202, page 17)*

Major Subdivision: *If you are subdividing a tract of land into more than five (5) lots or are subdividing a tract into fewer lots which will consist of a new street or extension of Borough facilities or the creation of public improvements, you must submit a “Preliminary Plan” for approval before submitting a “Final Plan”. (Also, see the definition of Subdivision or Land Development, Major in the SALDO, Article 2, DEFINITIONS, Sec. 153.202, page 17)*

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Land Development:

1. *The improvement of one 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 lot, 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 or tenure; or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.*
2. *A subdivision of land.*

(FOR EXCLUSIONS, see the definition of Land Development in the SALDO, Article 2, DEFINITIONS, Sec. 153.202, page 12)

Sketch Plan: *A sketch prepared prior to formal plan submittal enabling the subdivider or developer the opportunity to reach a general consensus with the Codes Enforcement Office and Planning Commission concerning the layout of the proposed project and how they intend to meet the requirements of the Subdivision and Land Development Ordinance and Zoning Ordinance. The Sketch Plan may be submitted to the Codes Enforcement Office.*

Submittal and Review Process

Submittal Requirements:

1. *Obtain a Subdivision and/or Land Development Application from the Borough Codes Office.*
2. *Submit to the Borough Codes Office: Two (2) copies of the completed application along with twelve (12) copies of the plan and the required fees outlined in the Borough SALDO, Article 9, Sec. 153.910, PAYMENT OF FEES, page 86.*
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.*

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Review Process:

1. *The “Filing Date” is considered the date the Borough Planning Commission receives the plan for review. The Planning Commission 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 review period is not sufficient.*
2. *After the filing the Borough Codes Enforcement Office has fourteen (14) days prior to the next regularly scheduled meeting of the Borough Planning Commission to refer copies of the plan and all pertinent information to various agencies and officials for their review.*
3. *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.*
4. *During the ninety (90) day review process the Borough Planning Commission may, if it so wishes, hold a public hearing on the plan before making a final decision.*
5. *Before the end of the ninety (90) day review period the Borough Planning Commission 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.*
6. *The Borough Planning Commission 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 Berwick Borough Zoning Ordinance and speak with Code Enforcement officials.

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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



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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

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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

**US Army Corps
of Engineers®**

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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.

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.

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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.*