

BUFFALO TOWNSHIP

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SUBDIVISION / LOT LINE REVISION APPLICATION & REVIEW PROCEDURES

1. **APPLICATIONS:** No applicant may proceed with any grading or improvement of streets or installation of public utilities until a final plan application has been approved by the Governing Body.

No applicant shall sell, transfer, lease or otherwise convey any lot, parcel or tract in a subdivision, or construct or commence the construction of a structure in a subdivision until the final plan has been approved by the Governing Body and recorded as required herein.

2. **Preliminary Application:** The preliminary application shall include a Location Map, a Site Map, a Subdivision or Land Development Site Plan, an Engineering Report, and such application forms as required by the Township. The application shall be submitted to the Township Secretary at least ten (10) business days prior to the regular scheduled meeting of the Planning Commission and shall include an original copy of each, together with no less than twelve (12) copies and shall be accompanied by an application fee which shall be as noted on the Application Form.
3. **The Location Map** shall clearly show the location, area and zoning of the tract proposed for development with relation to the area and zoning of adjacent properties and the location relative distance to existing related streets and meet all other requirements herein set forth. Each lot proposed for approval must abut a public road by at least a twenty-five (25) foot wide strip which remains at least twenty-five (25) feet wide the whole distance to the frontage of the proposed lot.
4. **The Site Map shall cover the entire tract and all lands within five hundred (500) feet of its boundaries and shall clearly and accurately show the following data:**
 - a. The topography with vertical contour intervals of five (5) feet or less.
 - b. The natural features and existing culture such as woods, streams, embankments, retaining walls, structures and existing land use.

- c. The names of owners of properties adjacent to the tract.
 - d. Existing and proposed streets and rights-of-way including width, approximate gradients, types and widths of pavements, and curbs and sidewalks.
 - e. Existing and proposed easements, including widths and purposes.
 - f. Utilities, including size, capacity, and location of sanitary sewers, storm sewers, drainage facilities, water lines, gas mains, and power lines.
 - g. Areas subject to periodic overflow of flood or stormwaters.
 - h. Sub-surface conditions, including data on past or possible future mining activity. If mineral rights are severed from the land ownership, such data must be clearly indicated.
 - i. Tract boundary lines by calculated distances and bearings.
 - j. Title, graphic scale, north point, and date.
5. **A proposed subdivision or land development site plan** shall be drawn at a scale no smaller than one hundred (100) feet to one (1) inch or of such scale as sufficient to illustrate pertinent land features and acceptable to the Township and shall show the following:
- a. Name of the Subdivision.
 - b. Name and addresses of owner, subdivider and persons who prepared the plan.
 - c. Proposed street pattern, including the names, widths and right-of-way of streets, the width of easements, and the approximate grades of streets where they exceed eight percent (8%).
 - d. Layout of lots, including dimensions, number, and building lines.
 - e. Parcels of land to be dedicated or reserved for schools, parks, playgrounds, or other public or community use.
 - f. Key plan, legends, notes, graphic scale, north point, and date.
 - g. A draft of any proposed deed covenants.

- h. Land development site plans shall also include the location of any proposed improvements including, but not limited to, lighting, parking, pedestrian access, landscaping, and buildings. The proposed or possible use of any new building shall be stated.
- 6. An Engineering Report shall include the following data whenever pertinent.**
- a. Profiles, cross sections, and specifications for proposed street improvements.
 - b. Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewers.
 - c. A report on the feasibility of connection to existing sewage system, including distances to the nearest public sewer, service load of the subdivision and the capacity of the treatment plant.
 - d. If connection to a public sewage system is not feasible, a report on the feasibility of a separate sewage system, and treatment works including the design population, type and location of the treatment plant and receiving stream shall be required.
 - e. If connection to a public or private sewage system is not feasible, a report on the feasibility of an on-lot sewage disposal, including a detailed map of the physical conditions of the site, contours, finish grades, watercourses, groundwater table evaluations, and the results of soil absorption tests for each individual lot conducted in accordance with the recommended practices of Pennsylvania Act 537 as amended shall be required.
- 7. Preliminary Approval:** The Governing Body shall, after receiving the recommendation of the Planning Commission, render its decision and communicate it to the applicant not later than ninety (90) days following the date of the next regular monthly meeting of the Planning Commission following the filing of the application.
- 8. The Applicant** shall forward one (1) copy each of the Preliminary Application to the County Planning Commission and the Municipal Authority and the Butler County Conservation District. The Planning Commission shall not forward its recommendation on the Preliminary Application to the Governing Body until reports from each of these agencies have been received, or until the expiration of thirty (30) days from the date the copies of the Preliminary Application were forwarded to said agencies.
- 9. The decision of the Governing Body** shall be in writing and shall be communicated to the applicant personally or mailed to him/her at their last known address not later than five (5) days following the decision.

- 10. If the Governing Body** desires additional time to consider the proposed preliminary plat, the applicant should be requested to waive the ninety (90) day time limitation established by law and grant the Governing Body an additional thirty (30) day review period. This extension should be accomplished only in a signed agreement on the part of the applicant.
- 11. When the application is not approved** in terms as filed, the decision shall specify the defects found in the application and describes the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
- 12. Failure of the Governing Body** to render a decision and communicate it to the applicant within the time and the manner required shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- 13. Public Hearing:** The Governing Body may hold a public hearing prior to approval or disapproval of the Preliminary Application.
- 14. Final Application:** Final Application shall include five (5) prints and one (1) reproducible copy of the Final Plat and a Certificate of Completion of improvements as required below.
- 14.1 The Final Plat** shall be drawn at a scale no smaller than one (100) feet to one (1) inch or of such a scale as sufficient to illustrate pertinent land features and acceptable to the Township and shall show the following:
- a. The subdivision name, name and address of owner and subdivider, source of title or land as shown by the books of the Recorder of Deeds of the County, graphic scale, north point, date and certificate of approval by the Governing Body.
 - b. Survey date with certification by a registered professional engineer or land surveyor showing calculated distances and bearings of the subdivision boundaries, lots, utilities easements, streets, alleys, building lines, and parks reserved for community purposes.
 - c. Location and distances to the nearest established street corners or official monuments and the streets intersecting the boundaries of the subdivision.

- d. Location, type of material and size of monuments, complete curve data, lot numbers and street names.
 - e. Land development site plans shall also include the location of any proposed improvements including, but not limited to, lighting, parking, pedestrian access, landscaping, and buildings. The proposed or possible use of any new building shall be stated.
15. **Improvements:** No plats shall be finally approved unless all improvements required by this Ordinance have been installed in strict accordance with this Ordinance or a guarantee that the improvements will subsequently be installed by the owner, in the form of a bond or deposit of funds or securities in escrow which are acceptable to the Governing Body and are in an amount sufficient to cover the cost of the improvements which may be required. Such bonds or other security shall provide for, and secure to the public, the completion of all declared improvements within a period of one (1) year from the date of final approval of the plan.
16. **Final Review: The Applicant** shall forward one (1) copy each of the Final Application to the Municipal Authority and the County Planning Commission, and the Butler County Conservation District. The Governing Body shall not approve the Final Application until reports from each of these agencies have been received, or until the expiration of thirty (30) days from the date the copies of the Final Application were forwarded to said agencies.
17. **Final Approval: The Governing Body**, after receiving the recommendation of the Planning Commission shall render its decision and communicate it to the applicant, as required by law, no later than ninety (90) days after the next regular monthly meeting of the Planning Commission following the filing of the application. Where public improvements are proposed, the Township may request of the developer or prepare a form of a development agreement as to the nature of acceptance of said improvements and the release of any surety, as well as any other conditions agreed to.
- A. When a Preliminary Application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved Preliminary Application.
 - B. Upon final approval, the applicant may commence and shall complete the approved development in accordance with the terms of such approval within ten (10) years from such approval. Where final approval is preceded by preliminary approval, the ten (10) year period shall be counted from the date of the preliminary approval.

18. **Recording:** Upon the approval of a Final Plat, the developer shall within ninety (90) days of such final approval record such plat in the Office of the Recorder of Deeds of Butler County. The developer shall furnish the Township with a receipt of recording and one copy of the recorded plan.

19. **Inspection:** When the plans of streets and other improvements have been approved as provided in this Ordinance, the subdivider shall first notify the Governing Authority of his/her intention to proceed with the construction or installation of said streets and improvements; notification shall be made at least ten (10) working days before any such construction or installation shall commence so as to give the Municipal Authority and/or Engineer an opportunity to inspect the site prior to commencement of work and to inspect installation or construction of said streets and improvements during the course of work being performed. The developer shall defray all costs incurred by the Municipality in inspecting the installation of the improvements required by this Ordinance and shall reimburse all direct costs of inspection prior to final approval.

Following inspection, the Township Secretary shall report as to the acceptance or rejection of improvements with a copy of such report forwarded by certified mail to the applicant if any improvement be rejected, the report shall specify all reasons for such rejection.

20. **Maintenance:** Prior to any street or other improvement being accepted by the Municipality as hereafter provided, the developer shall post a maintenance bond and/or other security, naming the same Municipality as Obligee in an amount deemed adequate to the Township Solicitor, to insure structural integrity, proper functioning and maintenance of said improvements for a period of at least eighteen (18) months from the date of acceptance by the Municipality.

21. **Acceptance:** After streets and improvements have been installed and constructed pursuant to the requirements contained in this Ordinance, and in the event that the developer desires to have the Municipality accept said streets and improvements, the developer shall notify the proper Municipal Officers that the construction or installation has been completed, and shall supply the Municipality with a minimum of seven (7) copies of the as-built plan on which the street or improvement in question has been constructed or installed. The seven (7) copies of the plan shall show thereon the signatures of all agencies and individuals who have approved the plan and contain a notice thereon as to where and when the plan was recorded in the Office of the Recorder of Deeds of the County. The as-built plan shall also be provided in an electronic format.

The portion of street or improvement which the developer desires to have the Municipality accept shall be shaded or colored in yellow on each of the seven (7) copies. The plan shall also clearly designate the number of linear feet of said street or improvement which the subdivider desires to be accepted by the Municipality and a legal description shall also be provided.

22. **Public Sites and Open Spaces:** In order to Implement Section 503 (11) of the Pennsylvania Municipalities Planning Code, Buffalo Township has adopted an Official Recreation Plan. This section applies to new residential subdivisions or land development that would create new residential dwelling units (including Planned Residential Developments or new Mobile Home Parks or new Mobile Home Lots) as defined and regulated by the Buffalo Township Zoning Ordinance.
- A. In order to Implement the Official Recreation Plan, the Township shall require the public dedication of land suitable for parks, playgrounds, or conservation recreational use (hereinafter also collectively referred to as “recreation use areas”) or upon agreement with the applicant or developer, the payment of fees in lieu of dedicated land, the construction of public recreation facilities, or a combination of dedicated land, facilities construction and fees. Such dedications and/or agreements or fees are to serve the future population of the Township, preserve special scenic areas, or create reserves of forestland suitable for wildlife habitat, which directly meets the recreational needs of Township residents. All such requirements shall conform to the authority conferred in the Pennsylvania Municipalities Planning Code (53 P.S. 10101 et seq.) and constitute a condition precedent to preliminary or final plan approval. The applicant and developer shall hereafter collectively be referred to as either “Applicant” or “Developer”.
- B. All developers of residential subdivisions or residential land developments shall give due consideration to the provisions of sites for recreational use areas. An applicant for preliminary plat approval on a multiphase or single-phase final plan approval of a residential land development or subdivision shall dedicate to the Township for public use a portion of such site as a recreational use area. The total amount of land to be deeded to the Township shall be equivalent to at least 2,500 square feet per dwelling unit, or ten (10%) percent of the total area proposed for the subdivision or residential land de (including any parent tract). In determining whether the amount is set at 2,500 SF per dwelling unit or 10% percent of total land area, the greater proportion shall be applied. Such land must meet all relevant criteria under Subsection C of this article.

The Township may enter into an agreement with the developer to satisfy the recreational use and open space/green area public dedication requirements prescribed in the section upon payment to the Township of the sum of not less than \$1,500.00 for each dwelling unit in a residential land development plan or not less than \$1,500.00 for each lot in a residential subdivision or mobile home park. The above noted fee may be adjusted from time to time for inflation, and the current applicable fee shall be indicated in the Township Schedule of Fees, adopted by resolution. Payment of fees shall be in accordance with Subsection D and E of this section. Alternative land, fee, facility or construction combinations shall be an agreed amount based upon the value of any land, fee, items purchased, and services provided.

C. Criteria for site selection of land for recreational use.

1. Land may be proposed for general recreation (such as parks, sports fields, or playgrounds), or conservation recreation (intended for such uses as wildlife viewing, hiking, hunting or other outdoor recreation). The land proposed shall be accessible to the residents of the development and citizens of the Township. At least one (1) side of the proposed site shall abut a public street, for a minimum distance of fifth (50) feet in width and dedicated for access to the recreational land is provided.
2. At least 75 percent (75%) of land for parks, playgrounds and sports fields shall be free of slopes greater than five percent (5%) as determined by mapping prepared for Township Comprehensive Plan. Such land shall be in tracts of no-less than five (5) acres, or readily connected to other public recreation tracts.
3. Land Proposed for Conservation Recreation uses shall be in tracts of at least ten (10) acres or immediately abutting similar publicly accessible conservation lands, such as those owned by conservation organizations, or publicly accessible trails. If at least 50 percent of lands proposed for conservation recreation are comprised of slopes greater than 15 percent (15%), statutory wetlands, or floodplains, as determined by mapping prepared for the Township Comprehensive Plan, the ratio of land dedicated under Section B shall change from 2,500 SF per dwelling unit to 6,000 SF per dwelling unit.
4. For phased plans, all land to be set aside shall be situated in the first phase, unless otherwise approved by the Township Board of Supervisors. Delivery of deed describing land proposed for dedication to the Township shall be completed prior to plan recordation.

D. Fee in lieu of required recreational land.

1. If land offered to meet the criteria of sites for parks, playgrounds or other recreational use is not consistent with the recommendations of the Parks Commission and the Planning Commission, or if the Comprehensive Plan or Recreation and Open Space Plan for the Township of Buffalo indicated that such land offered cannot be properly located in the proposed development or subdivision because the future inhabitants of the development and surrounding area are to be served by recreational land/facilities established or to be established by the Township in the subject locality, or if the conditions to render the site suitable for the use intended cannot be agreed upon, then, upon agreement with the applicant or developer, the payment of fees in lieu of the land offered or a combination of fees and land, shall be required as a condition precedent to preliminary or final plan approval.
2. The amount of the fee shall be no less than \$1,500.00 per dwelling unit in a residential land development or not less than \$1,500.00 per lot in a residential subdivision. The above noted fee may be adjusted for inflation annually, by the Township through resolution. It is intended that the amount of the fee shall be substantially equal to the anticipated costs to the township in providing for recreational use lands and facilities that have a reasonable relationship to the use thereof by future inhabitants of the development or subdivision.
3. The fee in lieu of required land shall be paid to the Township prior to release of the plan for recordation or as specified in a schedule of payment agreed upon by the Township Supervisors.
4. All fee payments received pursuant to this section shall be used solely and exclusively for the acquisition of land for parks, playgrounds or other recreational sites and the construction or improvements thereon, and for costs incidental and ancillary to such purposes including, but not necessarily limited to, site planning, engineering and design of recreational space and improvements, utility relocation, grading and site preparation, provision of pedestrian and/or vehicular access and purchase of park equipment. Unless otherwise agreed to by the Township and the developer, payments received pursuant to this section shall only be used for land or improvements specifically included in the Official Recreation Plan for the Township of Buffalo, as amended, and as supplemented by the list of needed park improvements developed by the Park Advisory Board, and the Comprehensive Plan. Such park and recreational facilities shall be accessible to the subject development or subdivision.

23. **Disposition of Fees:** All fees-in-lieu-of paid to the Township shall be placed in a capital reserve fund established as provided by law, which shall clearly identify the facility or area for which the fee was collected. Funding from fees may only be used for public improvements within Buffalo Township to ensure the accessibility of such improvements to residents of the development. Interest earned on the capital reserve fund shall become part of the capital reserve fund. Fees collected shall be expended only in proper allocable proportions of the cost incurred to construct or purchase the specific recreational facilities for which the funds were collected.