

*FEBRUARY 15, 2023*

ORDINANCE 2023 -1  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE  
NESHANNOCK TOWNSHIP



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# Article I – Title and General Provisions

## §101 – Short Title

This chapter shall be known and may be cited as the "Neshannock Township Subdivision and Land Development Ordinance (SALDO)".

## §102 Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for the protection of the public health, safety, and welfare.

## §103 Purpose

The purpose is to assure sites are suitable for building purposes and human habitation; to provide for the harmonious development of the Township; to ensure adequate open spaces for traffic, recreation, light and air; to create conditions favorable to the health, safety, and general welfare of the citizens; to support the goals set forth in the community's Comprehensive Plan, incorporated herein by reference; and to establish subdivision and land development regulations, including definitions, design standards, plan requirements, plan processing procedures, improvements and construction requirements, and conditions of acceptance of public improvements by the Township.

## §104 Scope

- A. These regulations govern subdivision, consolidation, and land development activities in the Township by providing for a uniform method for the submission of development plans, as defined herein, to ensure the proper layout or arrangement of land, the proper design of streets to accommodate projected traffic, and facilitate fire protection and the provision of adequate easements or rights-of-way, storm and sanitary drainage facilities, walkways, stormwater management and other required public facilities.
- B. These regulations shall not apply to any lot or lots forming a part of a subdivision or land development created and recorded in the office of the County Recorder prior to the enactment of these regulations, nor is it intended by these regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those inconsistent with these regulations, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Except for where these regulations impose a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of these regulations shall control.

## §105 Authority and Administration

- A. The Neshannock Township Board of Supervisors, by virtue of the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended (53 P.S. § 10101 et seq.), is authorized, subject to the holding of required public hearings, to adopt rules and regulations covering plans for subdivisions and land developments, and to approve, conditionally approve, or disapprove plans of subdivisions and land developments falling within their jurisdiction.
- B. The Neshannock Township Planning Commission is hereby designated as the reviewing authority of and for the Board of Supervisors and is charged with the duty of making investigations, reports and recommendations on the design and improvement of proposed subdivisions and land developments; and shall submit such reports and recommendations to the Board of Supervisors.

- C. Procedural Regulations.

The Board of Supervisors is authorized to publish procedural regulations to implement the procedural and substantive content of this Chapter, including, but not limited to, forms for applications for development.

- D. Reports.

All reports drafted by the Planning Commission shall be deemed recommendatory and advisory only, and shall not be binding upon the recipient, board, officer, body, or agency, nor shall any appeal lie therefrom.

## §106 Applicability of Regulations

### §106.1 Approval Required

A subdivision plan, consolidation plan, or land development plan approved in accordance with this Chapter shall be required for:

- A. Any development consisting of single-family dwellings, two-family dwellings, townhouse units or other multi-family dwellings. The subdivision plan for such a development shall show each lot occupied, or intended to be occupied, by one single-family dwelling or one (1) two-family dwelling and the lot area to be occupied by townhouse units or multi-family dwellings.
- B. Any development consisting of townhouse units or multi-family dwellings or commercial, business, or industrial structures, and/or buildings in which one or more units or areas will be under separate and independent ownership or lease, including, but not limited to, condominiums and the like. Plans, including declaration plans, required by any statute of the Commonwealth for condominium developments may qualify as a plan pursuant to this Chapter.
- C. Any development consisting of the construction or reconstruction on a site for a business, commercial or industrial use in which one or more structures will be constructed for separate ownership or for leasehold.

- D. The consolidation, as defined by this Chapter, of two or more lots, tracts, or parcels of land for the purpose of one development.
- E. The subdivision, as defined by this Chapter, of any parcel, lot, or tract of land in the Township.
- F. Any development in which the developer proposes or intends to construct streets or any other public improvement to be dedicated to the Township for public use.
- G. Any development requiring a stormwater management plan.

#### §106.2 – Compliance Required

No lot in a subdivision shall be sold, no permit to erect, alter or repair any building upon land in a subdivision or land development shall be issued, and no building shall be erected in a subdivision or land development until a final plan has been approved by the Township and properly recorded, and further, until the required improvements have been constructed or their construction guaranteed.

#### §107 Community Development Objectives

The Neshannock Township Comprehensive Plan established community development goals and objectives to enhance the Township's future. Those goals include the following and any updates to the development objectives as part of an update to the Township's Comprehensive Plan are incorporated herein by reference such that the objectives of the most recently adopted Comprehensive Plan apply:

- A. Strong local economy with consistent job growth that is an important part of the region's economy.
- B. Unique community character that instills a sense of pride in residents and welcomes visitors.
- C. Clear community identity that is communicated in a way that attracts new businesses and residents.

#### §108 Validity

Should any section, clause, provision, or portion of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect or impair the validity of any other section, clause, provision, or portion of this Ordinance.

#### §109 Neshannock Township Zoning Ordinance

Nothing herein contained shall be interpreted to permit any waiver or modification of the restrictions or requirements of the Neshannock Township Zoning Ordinance, as amended.

## Article II – Definitions

### §201 Meaning of Words

#### ALLEY

A public or private vehicular drive permanently reserved as a secondary means of access to an adjoining property.

#### APPLICANT

A landowner, subdivider, or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.

#### APPLICATION FOR DEVELOPMENT

Every application, whether preliminary, tentative, or final, required to be filed and approved prior to start of construction or development, for the approval of a subdivision plat or plan or for the approval of a land development plan.

#### BLOCK

A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad right-of-way, or parks, etc., or a combination thereof.

#### BOARD OF SUPERVISORS

The Neshannock Township Board of Supervisors.

#### BUILDING

Any fully enclosed structure having a roof supported by columns or walls, intended for the shelter, housing or enclosure of persons, animals, equipment, or belongings.

#### CARTWAY (ROADWAY)

The improved or paved portion or portions of a street available for vehicular or other traffic; the portion or portions between curbs where curbs are used.

#### CHAPTER

Reference to the Subdivision and Land Development Ordinance provisions of the Neshannock Township Code of Ordinances itself, when used generally, and to another chapter of the Township Code of Ordinances, if referenced specifically.

#### CLEAR SIGHT TRIANGLE

An area of unobstructed vision at intersections defined by lines of sight between points.

#### COMMISSION; PLANNING COMMISSION

The Neshannock Township Planning Commission, Lawrence County, Pennsylvania, as appointed by the Township Board of Supervisors.



## COMMON OPEN SPACE

A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including stormwater facilities, streets, off-street parking areas, easements, and areas set aside for public facilities.

## CONSERVATION DISTRICT

The Conservation District of Lawrence County.

## CONSOLIDATION

The combination of two or more lots, tracts, or parcels of land.

## CONSTRUCTION

The process, art, or manner of constructing something, usually a structure.

## COUNTY

Lawrence County, Pennsylvania.

## CROSSWALK

A publicly or privately-owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

## CUL-DE-SAC

A dead-end street with a vehicular turnaround at the dead end.

## CUT

The material removed in excavation.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)

The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such Department or Departments as may in the future succeed it.

## DESIGN STORM

The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a five-year storm) and duration (e.g., 24 hours) used in the design and evaluation of stormwater management systems.

## DETENTION BASIN

An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins are designed to drain completely in a designed period after a rainfall event, and to become dry until the next rainfall event.

## DEVELOPER

Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to affect a subdivision or development of land hereunder for himself or for another. The term may be used interchangeably with "applicant".

#### DEVELOPMENT AGREEMENT

An agreement between the Township and the owners or developers of property that is subject to an approved land development plan, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property.

#### DEVELOPMENT PLAN

The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space, and public facilities. The phrase "provisions of the development plan", when used in this chapter, shall mean the written and graphic materials referred to in this definition.

#### DRAINAGE

The removal of surface water or groundwater from land by drains, grading, or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

#### DRAINAGE FACILITY

Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

#### DRIVEWAY

A private vehicular access route serving one (1) or more parcels or lots, maintained individually by the owner of a single lot or in common by the owners of several lots or parcels, which provides direct access to a public street.

#### DUST PALLIATIVES

Substances applied to roads or ground surfaces to reduce airborne dust and its health impacts.

#### EASEMENT

A grant by the owner of land for the use of all or a portion of such by others, including the public, for a specified purpose or purposes.

#### ENGINEER

A professional engineer licensed as such in the Commonwealth of Pennsylvania.

#### EROSION

The detachment and movement of soil or rock fragments by water, wind, ice, or gravity, including such processes as gravitational creep.

## EXCAVATION

Any act by which earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

## FILL

Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

## FINAL PLAN

The map or plan of a proposed subdivision, lot consolidation, or land development containing all the information required by this Chapter and in a form acceptable for recording in the Office of the Lawrence County Recorder of Deeds.

## FINANCIAL SECURITY

A corporate bond, letter of credit, or escrow account from a surety or a financial institution in a form acceptable to the Township, naming the Township as "obligee".

## GREEN INFRASTRUCTURE

Systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated.

## GOVERNING BODY

The Neshannock Township Board of Supervisors, Lawrence County, Pennsylvania.

## GRADE

The elevation of the existing or proposed ground surface at the location of any proposed excavation or fill.

## GRADING

Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

## GROUNDWATER

Water beneath the earth's surface that supplies wells and springs and is within the saturated zone of soil and rock.

## GROUNDWATER RECHARGE

The replenishment of existing natural underground water supplies from precipitation or overland flow.

## IMPERVIOUS SURFACE (IMPERVIOUS AREA)

Any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking and driveway areas, graveled areas, sidewalks, paved recreation areas, golf courses, swimming pools, and the like.

## IMPROVEMENTS

Those physical changes to the land necessary to produce usable and desirable lots from raw acreage, including, but not limited to, grading, pavement, curb, storm and sanitary sewers, gutter, drains, and betterments to existing watercourses, sidewalks, street signs, crosswalks, shade trees, sodding or seeding, street name signs, and monuments.

## IMPROVEMENTS TO LAND

A construction or installation including, but not limited to, any of the following: streets, gutters, culverts, sidewalks, storm sewers, fiber optic cable, water drainage facilities, utilities (gas, electric, telephone services), water system, fire hydrants, sanitary sewers, septic tanks, street signs, streetlights and including cuts and/or fills.

## INFILTRATION

Movement of surface water into the soil, where it is absorbed by plant roots, evaporated into the atmosphere, or percolated downward to recharge groundwater.

## LANDOWNER

The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

## LOT

A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a single principal use.

## LOT AREA

The total area within the lot, excluding the area within the ultimate right-of-way.

## LOT CONSOLIDATION

See CONSOLIDATION.

## LOT, CORNER

Any lot situated adjacent to the intersection of two (2) or more streets having an angle of intersection of not more than 135 degrees. A corner lot shall maintain front yard requirements along the street upon which the principal building faces.

## LOT, FRONTAGE

That part of a lot (a lot line) adjoining on a street or way; except at the ends of incomplete streets, or streets without a turning circle, shall not be considered frontage.

#### LOT, INTERIOR

A lot, other than a corner lot.

#### LOT, NONCONFORMING

A lot of record, at the time of the adoption of this Ordinance, which by reason of area or dimension, does not conform to the requirements of this Ordinance.

#### LOT OF RECORD

An area of land designated as a lot by a plan, which has been recorded in the Lawrence County Assessment Office, or its designated equivalent.

#### MARKER

A metal pipe or pin of at least 1/2 inch diameter (preferred 3/4 inch or 7/8 inch and at least 24 inches in length (preferred 30 inches to 36 inches), which shall be used for survey purposes.

#### MEDIATION

A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement, which the parties themselves create and consider acceptable.

#### MONUMENT

A stone or concrete monument with a flat top, at least four inches in diameter or square, containing a copper or brass dowel (plug), and at least 24 inches in length (preferred 30 inches to 36 inches). The bottom, sides, or radius shall be at least two inches greater than the top, to minimize movements caused by a front, which shall be used for survey purposes.

#### MPC

The Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. 10101 et seq., and as it may be amended.

#### NONRESIDENTIAL

Uses or areas, which do not include or provide a place for people to live, but containing areas suitable for commercial premises rather than private houses.

#### PARCEL

See LOT

#### PRIVATE IMPROVEMENTS

Any of the following improvements for which plans must comply with the minimum requirements of this chapter: streets, walkways, parking areas, gutters, curbs, waterlines, sewers, stormwater management facilities, landscaping, or other facilities to be owned, maintained, or operated by a

private entity, such as an individual, corporation, or homeowners' association, including temporary erosion and sedimentation control or stormwater management control methods undertaken during construction.

#### PUBLIC

Owned, operated, or controlled by a government agency, federal, state, or local.

#### PUBLIC HEARING

A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

#### PUBLIC IMPROVEMENTS

Any improvements (parks, streets, buildings, public utilities) made, owned, and/operated by federal, state, county, or local government.

#### PUBLIC MEETING

A forum held pursuant to notice under the Act of October 15, 1998, P.L. 729, No. 93, (65 Pa.C.S.A. § 701 et seq.), known as the "Sunshine Act".

#### PUBLIC NOTICE

A notice published once a week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing.

#### RESIDENTIAL

Used as a residence for human habitation.

#### RIGHT-OF-WAY

The total width of land reserved or dedicated for streets, sidewalks, alleys, or any other public purpose.

#### RUNOFF

The surface water discharge or rate of discharge of a given area or watershed after a fall of rain or snow, that does not enter the soil but runs off the surface of the land.

#### SANITARY SEWAGE DISPOSAL, ONSITE

Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot, or tract of lots.

#### SANITARY SEWAGE DISPOSAL, PRIVATE

A sanitary sewage collection system managed and operated under private auspices, in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a neighborhood area.

#### SANITARY SEWAGE DISPOSAL, PUBLIC

A sanitary sewage collection system managed and operated by the Township, in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

#### SANITARY SEWER

Any public or privately-owned sewer system in which sewage is collected from more than one lot and piped to an approved sewage disposal plant or approved community treatment system, including capped sewers, which are installed to Township specifications.

#### SECRETARY/TREASURER; TOWNSHIP SECRETARY/TREASURER

The Secretary/Treasurer of Neshannock Township, Lawrence County, Pennsylvania.

#### SEDIMENTATION

The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is considered sediment.

#### SEPTIC TANK

A covered watertight settling tank in which raw sewage is biochemically changed into solid, liquid, and gaseous states to facilitate further treatment and final disposal.

#### SEWAGE TREATMENT

The treatment of human or animal waste, either public or private, by an approved process as permitted by the Pennsylvania Department of Environmental Protection.

#### SEWAGE TREATMENT PLANT

A place where sewage is cleaned and treated so that it is not harmful or dangerous to the environment.

#### SHOULDER

The portion of a roadway (cart way) between the curb or gutter and the travel way intended for emergency and parking use.

#### SIGHT DISTANCE

The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street. The safe stopping sight distance for the vertical curves on roadway pavement shall be calculated with an eye height of 3.5 feet above the pavement and a height of an object of 0.5 foot above the pavement.

#### SLOPE

The angle of the existing or proposed ground surface plane to the horizontal expressed as the ratio of the horizontal to the vertical, or in percentage of slope (rise or fall per 100 feet).

#### SLOPE, STEEP OR EXCESSIVE

Shall be defined as either of the following: those slopes as identified on the soil group map as steep slopes of 25% or more; or any virgin area where, in a one-hundred-foot horizontal distance, the average slope exceeds 25%.

#### SOIL PERCOLATION TEST

A field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

#### SOLICITOR; TOWNSHIP SOLICITOR

The Solicitor or Legal Advisor of Neshannock Township, Lawrence County, Pennsylvania.

#### STORM SEWER

Any public or privately-owned sewer system in which non-sanitary rain or ground water is collected from streets, on lot impervious areas, roof drains, parking lots, driveways, and groundwater sump pumps, including capped sewers, which are installed to Township specifications.

#### STORMWATER

Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

#### STORMWATER BEST MANAGEMENT PRACTICES (BMPs)

Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Chapter. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "structural" or "non-structural". In this Chapter, nonstructural BMPs, or measures, refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff, whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

#### STORMWATER MANAGEMENT FACILITY

Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration facilities.



## STORMWATER MANAGEMENT SITE PLAN

The plan prepared by the developer or the developer's representative indicating how stormwater runoff will be managed at the development site in accordance with this Chapter.

### STREET

A way for vehicular traffic, whether designated as a street, arterial highway, collector, cul-de-sac, parkway, throughway, road, avenue, boulevard, lane, place, alley, or however otherwise designated and whether public or private.

#### STREET, ARTERIAL

A principal or heavy traffic street of considerable continuity and used primarily as a through traffic route for intercommunity travel (Example - Route 18).

#### STREET, COLLECTOR

A street which carries traffic from local streets to arterial highways, including the principal entrance streets of a residential development and streets for circulation within such a development (Example - Mitchell Road and Mercer Road).

#### STREET, LOCAL

Any street, including cul-de-sac and marginal access streets used primarily for access to the abutting properties.

#### STREET, PAPER

A road, street, way, lane, or drive in Neshannock Township, which has never been opened to vehicular or pedestrian traffic nor dedicated to and/or accepted for public use by the Township.

#### STREET, PRIVATE

A street, including the entire right-of-way, which is privately owned and maintained through private agreement, intended for private use, and not adopted or otherwise determined to be a public street by the Township, or not having otherwise been adopted as a county, state, or Township street. A private street typically provides access to several lots or parcels, which do not have access to a public street or right-of-way.

#### STREET, PUBLIC

A street, including the entire right-of-way, which has been dedicated to and accepted by the Township, county, or state, and has been devoted to public use by legal mapping or use of other means.

### STRUCTURE

Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

### SUBDIVIDER

Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to affect a subdivision or development of land hereunder for himself or for another. The term may be used interchangeably with "applicant".

#### SUBDIVISION

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts or parcels of land including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partitioned by the court for distribution to heirs or devisees, transfer of ownership of building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

#### SUBDIVISION, MAJOR

The consolidation, division or redivision of one or more lots, tracts, or parcels of land by any means into two or more lots, tracts or parcels of land.

#### SUBDIVISION, MINOR

- A. A subdivision of land into two lots, not involving any new street or easement of access or extension of public or private improvements.
- B. Consolidation of lot lines.

#### SUBSTANTIALLY COMPLETED

Where, in the judgment of the Township Engineer, at least 90 percent (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Ordinance), of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

#### SURVEYOR

A surveyor registered by the Commonwealth of Pennsylvania.

#### SWALE

A low-lying stretch of land which gathers, or carries, surface water runoff.

#### TOWNSHIP

Neshannock Township, Lawrence County, Pennsylvania.

#### TOWNSHIP ENGINEER

A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Board of Supervisors as the Engineer of Neshannock Township.

#### TRACT

See LOT.

## UTILITIES

Services (such as those which provide light, power, or water) provided to commercial or residential users by a public utility or municipality, including any equipment or a piece of equipment utilized to provide such service or a comparable service.

## WATERCOURSE

A permanent stream, intermittent stream, river, brook, creek, or a channel or ditch for water whether natural or manmade.

## WATER DISTRIBUTION SYSTEM, ONSITE

A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

## WATER LINE

Any public or privately-owned pipe system in which potable water is distributed to more than one lot and piped from an approved water treatment plant or approved community water source, which are installed to Township and water company specifications.

## WATER MAIN

A pipe or conduit for conveying water.

## ZONING HEARING BOARD

The Zoning Hearing Board of the Township.

# Article III – Application Types and Procedures

## §301 Application Types

### §301.1 Major Subdivision

- A. The consolidation, division or redivision of one or more lots, tracts, or parcels of land by any means into two or more lots, tracts, or parcels of land.

### §301.2 Minor Subdivision

- A. A subdivision of land into two lots, not involving any new street or easement of access or extension of public or private improvements.
- B. Consolidation of lot lines.

### §301.3 Land Development

- A. Any of the following activities:
  - 1) 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.
  - 2) A subdivision of land.
- B. Land development shall not include:
  - 1) The addition of an accessory building to a residential principal use.
  - 2) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are to be a condominium.
  - 3) Improvements to a residential principal use, which may include and may not be limited to decks, porches, residential additions, no greater in size than 25% of the existing principal structure's footprint, outdoor recreation space, and other similar improvements.
  - 4) The expansion of an existing non-residential building footprint such that the expansion footprint is 1,000 square feet or less and no greater than 10% of the existing building footprint.

## §302 Concurrent Applications

When both a subdivision application and a land development application may be required for the same parcel, applicants are encouraged to submit both applications to the Township at the same time, whereby the Township shall review the applications concurrently. This best practice allows for a more efficient use of municipal resources and expeditious decision on the proposed project. All applicable application requirements and deadlines for each application type must be met.

## §303 Application Procedures

### §303.1 Recommended Pre-Application Conference (Optional)

Before submission of any application for any subdivision or land development, the applicant is encouraged to meet with Township staff to determine the feasibility, suitability, and timing of the application. The intent of the pre-application conference is for the applicant to obtain information and guidance from the Township with regard to the proposed preliminary plan, prior to entering into any commitments or incurring substantial expenses with regard to the site and the plan preparation. The pre-application conference is voluntary, and no formal application or fee is required.

- A. All pre-application conferences shall be scheduled with Township staff.
- B. The submission of a pre-application conference request and any plans, documents, or information related thereto that are presented at the conference shall not be deemed by the Township to be the submission or filing of an application for subdivision or land development approval with the Township, nor shall it be the start of any statutorily prescribed Township review period. The pre-application conference shall not protect the application from subsequent amendments to any applicable Township ordinance provision made prior to the date of the filing of a complete application. The pre-application conferences are intended to be advisory only and shall not bind the Township to take any action on any application subsequently submitted.

### §303.2 Application for Approval

- A. Applications and required application materials for approval of subdivision and land development plans in the Township shall be submitted to the Township for review and consideration of approval or denial.
- B. Applications shall be submitted to the Township no later than 14 days before the next scheduled Planning Commission meeting.
- C. The application shall not be considered complete and properly filed unless and until all items required by this Ordinance, including the application filing fee and the application form, are received by the Township prior to the required submittal deadline.
- D. Authority for approval or denial for all applications is vested in the Board of Supervisors. However, prior to action by the Board of Supervisors, all such plans shall be referred to the Planning Commission for review and recommendation. The failure to make such referral and/or the failure of the Planning Commission to review and/or

make a recommendation with respect to any such plan shall not affect the validity of any action taken by the Board of Supervisors with respect to any such application.

- E. All applications shall be submitted to the Lawrence County Department of Planning and Community Development.
- F. The Board of Supervisors shall take action on the application and advise the applicant of such action in the manner as prescribed by the Pennsylvania Municipalities Planning Code.
  - 1) The Board of Supervisors shall render a decision on the application for approval no later than 90 days after the date of the next regularly scheduled Planning Commission meeting following the filing of the application. However, if the next scheduled meeting of the Planning Commission occurs more than 30 days after the application is filed, the 90-day decision period shall be measured from the 30th day following the date the application is filed.
    - a) An application is considered filed pursuant to the application requirements of this Ordinance.
    - b) Before action is taken on an application, the Board of Supervisors may hold a public hearing thereon after public notice.
  - 2) The Board of Supervisors shall render its decision during a public meeting.
  - 3) The Board's decision shall be in writing and shall be communicated to the applicant personally or mailed not later than 15 days following the decision.
  - 4) When the application is not approved in terms as filed, the Board's decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.
  - 5) As a condition of approval, the applicant shall enter into improvement and maintenance agreements with the Township when applicable, as determined at the sole discretion of the Township. No Township permits shall be issued until said agreements are executed and secured to the satisfaction of the Township and until the approved final plan has been recorded in the County Recorder of Deeds Office.

Figure 1: Subdivision or Land Development Approval Process



### §303.3 Recording of Plan

- A. Upon the approval of a final plan, the developer shall, within 90 days of such final approval or 90 days after the date of delivery of an approved plan signed by the Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, record such plan in the office of the Recorder of Deeds of Lawrence County.
- B. No final plan that has been approved by the Board of Supervisors shall be signed and sealed by Township officials and released for recordation until all required permits specified in the approval resolution have been approved by county, state and/or federal agencies, as applicable. The developer shall be responsible for the submission of approved permits to the Township.
- C. No certificate of use, occupancy and compliance under the Neshannock Township Zoning Ordinance shall be issued for any proposed land development or subdivision until the final plan is recorded and two (2) copies – one (1) electronic CAD copy and one (1) copy of the final plan, as recorded by the Recorder of Deeds – are submitted to the Township and all required fees are paid. For land development applications, the following sheets from the final plan are required for recording:
  - 1) Cover/Title Sheet; and
  - 2) Site Plan.
- D. The Township may provide specific guidance and drawing sheet numbers from the approved plan set, if needed, on a case-by-case basis.
- E. The plans for recording shall be a clear and legible print of a type and material required by the Lawrence County Recorder of Deeds and shall include the following signature blocks:

- 1) In accordance with Section 513 of the Pennsylvania Municipalities Planning Code, all conditions of approval are satisfied, and this fully executed plat is released for recording this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Township Secretary

- 2) Board of Supervisors
- 3) Neshannock Township Planning Commission
- 4) Lawrence County Planning Commission
- 5) Survey Accuracy Certification
- 6) Certificate of Ownership

#### §303.4 Expiration of Final Approval

In the case of a land development plan that is not recorded in the Office of the Lawrence County Recorder of Deeds, failure to obtain a grading permit or building permit to undertake the construction described in the approved plan within five (5) years of the date that final approval is granted by the Board of Supervisors shall result in the automatic expiration of final approval.

### §304 Application Requirements

#### §304.1 Filing of Application

An application for subdivision or land development plan approval shall be considered filed with the Township on the date of submission of an application that meets the following application content requirements, as determined by the Zoning Officer or other staff as shall be designated by the Township. The Township shall make such determination as to the administrative completeness of the application within five (5) business days of the application submittal date, and if the following application content requirements are met, the application will be considered filed as of the date the application was submitted to the Township.

- A. Required application form, fully completed and executed by a person with authority to do so, including such information as may be necessary to verify said authority;
- B. Application fee, in the correct amount, as set by Township resolution, and as may be amended from time to time;
- C. Three (3) complete sets of application materials, as well as digital copies of all application materials, as required by this Section;
- D. Application drawings shall be clearly and legibly drawn to a scale of one (1) inch equals 50 feet or larger;
- E. All submitted plan drawings should be on sheets a minimum of 18 inches by 24 inches in size; and

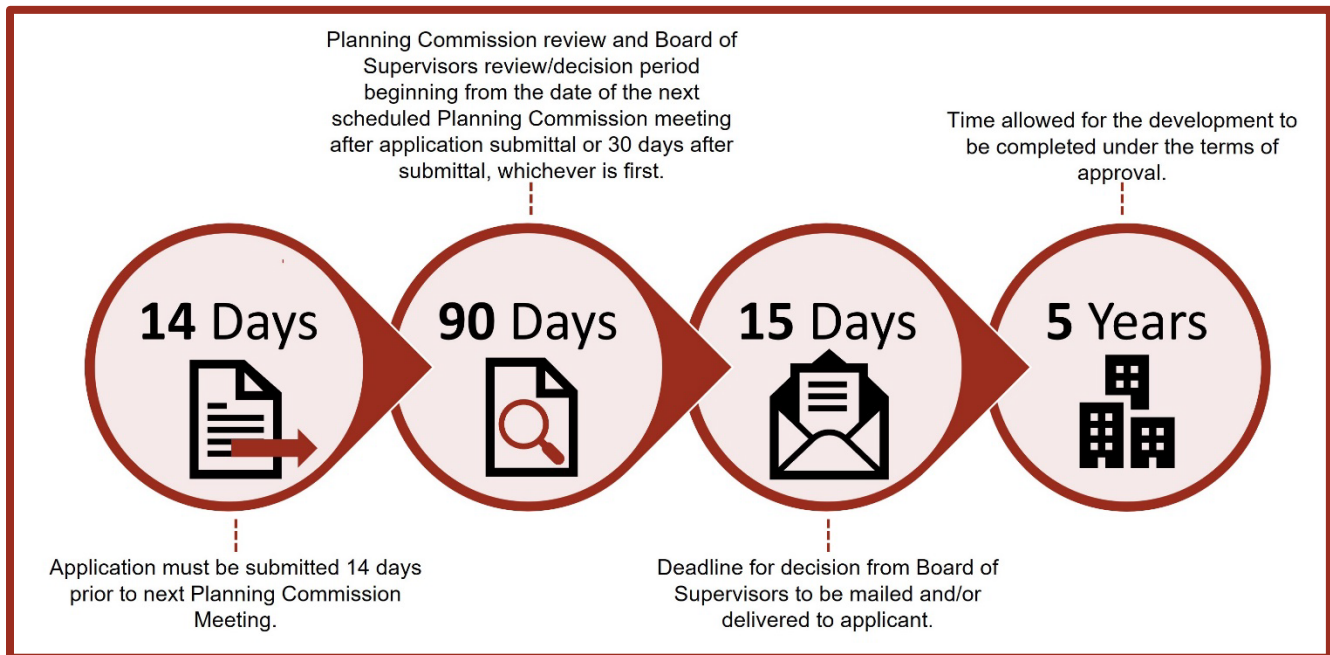


- F. Applicant shall be required to provide large-scale plan drawings at each Board of Supervisors and/or Planning Commission meeting where the application shall be reviewed.

### §304.2 Application Review Timeline

Land Development and Major Subdivision application reviews shall proceed using the following timeline, as outlined by the MPC:

**Figure 2: Application Review Timeline**



### §304.3 Application Contents

- A. All Major Subdivision and Land Development Plan drawings shall include the following information, and if more than one (1) plan sheet is required, a key diagram illustrating the relative location of the several sections shall be drawn on each sheet.

1) Application Information and Plan Sheet Information:

- a) Name, address, and phone number of record owner;
- b) Name, address, and phone number of developer, if different than owner;
- c) Name of the proposed subdivision or development plan;
- d) Name of the municipality or municipalities within which plan is proposed;
- e) Names of all adjoining properties and recorded subdivision or land development plans;

- f) Name, address, license number, and seal of a registered engineer or surveyor responsible for the application plans;
- g) North point, graphic scale, written scale, and date including the month, day, and year that the original drawing was completed and the month, day, and year that the original drawing was revised for each revision;
- h) A location map, for the purpose of locating the property being subdivided or developed, drawn at a scale not smaller than one (1) inch equals 2,000 feet and showing the relation of the property to adjoining property and to all streets, roads, and Township boundaries, within one (1) mile of any part of the property;
- i) The current total tract boundary lines of the parent lot, parcel of land and/or property (tract) being subdivided or developed boundaries of the adjacent parcels which intersect the boundaries of the plan or subdivision shall be shown but are not required to be field surveyed;
- j) In the case of a subdivided parcel, a statement of the total area of the resulting tract(s) shall also be on the plat or plan;
- k) Tax map sheet, block, and lot numbers within the proposed subdivision or land development;
- l) The zoning district or districts within which the proposed subdivision or development is located;
- m) The latest source of title to the land as shown by the deed, page number and book of the County Recorder of Deeds;
- n) The current total tract boundary lines of the parent lot, parcel of land and/or property (tract) being subdivided or developed with accurate distances to thousandths of a foot and bearings to one quarter (1/4) of a second. The length and bearing of all the parent parcel boundary lines shall be determined by an accurate field survey performed by a Professional Surveyor licensed in the Commonwealth of Pennsylvania. The field survey shall be balanced and closed with an error of closure not less than one (1) foot (1') in ten thousand feet (10,000'). The Licensed Professional Surveyor shall certify to the accuracy of the survey and the drawn plat. The drawn plat shall clearly show all surveyed distances and bearings and any other information required to accurately define the parcel. A statement of the total surveyed areas of the parent parcel shall be on the plan. Boundaries of the adjacent parcels, which intersect the boundaries of the plan or subdivision, shall be shown but are not required to be field surveyed;
- o) Lot closures sealed by a Professional Surveyor licensed in the Commonwealth of Pennsylvania shall accompany the survey. In the case of a subdivided parcel, a statement of the total area of the resulting tract(s) shall also be on the plat or plan; the resulting tract(s) shall be

defined by accurate bearings and distances and closed with an Error of Closure not less than one (1) foot (1') in ten thousand feet (10,000'). Also, in the case of a subdivision, the Licensed Professional Surveyor shall certify to the accuracy of the bearings and distances and Error of Closure, as well as the location and elevation of the Plan Monuments;

- p) All lot lines shall be completely dimensioned in feet, if straight, and by designating length of arc and radius (in feet) and central angle (in degrees, minutes, and seconds), if curved. All internal angles within the lots shall be designated to within fifteen (15) seconds;
- q) The proposed building setback and the proposed placement of each building; and
- r) Where applicable, a highway occupancy permit or review and written approval by the PA DOT. No plat, which will require access to a highway under the jurisdiction of the PA DOT, shall be finally approved unless the plat contains a notice stating that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law" before driveway access to a state highway is permitted.

## 2) Existing Features:

- a) All existing buildings or other structures;
- b) All existing streets, including streets recorded, but not constructed, on or adjoining the subject property, including street names, rights-of-way widths, pavement widths and approximate grades;
- c) All existing sewer lines, stormwater lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railways, or other man-made features within the proposed subdivision or development and those features within 100 feet of the boundaries of the proposed subdivision or development; and
- d) Location, width, and purpose of existing easements and utility rights-of-way within 100 feet of the boundaries of the proposed subdivision or development.

## 3) Proposed Features:

- a) Location and width of all streets and rights-of-way, with a statement of any conditions governing their use;
- b) Proposed street names;
- c) Utility easement locations;

- d) Yard and setback lines along each street and property line, as required by the Neshannock Township Zoning Ordinance;
- e) Lot lines, with approximate dimensions;
- f) A statement of the intended use of all lots and parcels;
- g) Lot numbers, a statement of total number of lots and parcels, and lot size in square feet and acres for each lot;
- h) Sanitary and stormwater facilities with the size and material of each indicated, and any proposed connections to existing facilities;
- i) Location, width and purpose of proposed easements and utility rights-of-way; and
- j) Copies of any proposed deed restrictions and protective and restrictive covenants or rights-of-way.

**B. Additional Materials:**

- 1) Contour intervals, except for subdivision applications, of not more than two (2) feet for land with average natural slope of twenty (20%) percent or less, and at intervals of not more than five (5) feet for land with average natural slope exceeding twenty (20%) percent;
- 2) Preliminary profiles, typical cross-sections, and specifications for proposed street, sanitary sewer, water system improvements, and storm drainage;
- 3) A completed Pennsylvania Department of Environmental Protection Sewage Facilities Planning module or exemption for all subdivisions that create a lot/lots and all land development, including soil and representative percolation tests, where applicable, and information necessary for the Township to make a determination as to revising or supplementing the plan for sewage facilities;
- 4) A stormwater management plan that conforms to the Township design requirements as outlined in the Stormwater Management Ordinance;
- 5) A landscape plan, where necessary, to illustrate requirements of the Stormwater Management Ordinance and the Zoning Ordinance;
- 6) Building elevations, in color, for all sides of proposed buildings.
- 7) Preliminary designs of any bridges or culverts that may be required. Such designs shall meet all applicable federal, state, and local requirements; and
- 8) Written statement requesting any modifications or waivers to any applicable ordinance provision.
- 9) Data clearly showing all distances and bearings and any other information required to accurately describe the subdivision.

- 10) All easements or rights-of-way, where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan. Easements shall either be shown or specifically described on the plan. Easements shall be located in cooperation with the appropriate utility companies;
- 11) Such private deed restrictions, including covenants, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed that may affect the title to the land being subdivided or developed;
- 12) If the plan includes a proposed new access point to a state legislative route, the application for highway occupancy permit and associated materials shall be submitted;
- 13) A certification of ownership, acknowledgement of plan and offer of dedication shall be lettered on the plan, and shall be duly acknowledged and signed by the owner of the property and notarized;
- 14) Location, size, and invert elevation of all sanitary sewer, water distribution, and storm drainage systems and the location of all manholes, inlets, and culverts;
- 15) Final profiles, cross sections, and specifications for proposed streets, sanitary sewers, water distribution systems, and storm drainage systems shall be shown;
- 16) Evidence of a sewage planning module approval or exemption from the Pennsylvania Department of Environmental Protection;
- 17) Homeowner Association By-Laws and management plan, if applicable;
- 18) For proposed plans with earth disturbance over 5,000 square feet, an erosion and sedimentation control plan developed in accordance with the Pennsylvania Department of Environmental Protection Standards shall be provided to the Township. For proposed plans with earth disturbance over one (1) acre, an erosion and sedimentation control plan developed in accordance with Pennsylvania Department of Environmental Protection Standards and approved by the Lawrence County Conservation District shall be provided to the Township;
- 19) Parks, playgrounds, and other areas to be dedicated or reserved for public or common use, with any conditions governing such use;
- 20) Evidence of a NPDES permit approval by the PADEP, if required;
- 21) A legal description of all areas offered for dedication; and
- 22) In the case of subdivision or land development plans to be developed in stages, sections, or phases, over a period of time, a map delineating each phase of the proposed subdivision of land development, consecutively numbered so as

to illustrate phasing and a schedule indicating the approximate time for which the application for final approval of each phase is intended to be filed.

- C. The Township may request additional documentation based upon the unique circumstances of a particular proposed plan.

## §305 Modified Application Requirements for Minor Subdivisions

### A. Application Contents

All Minor Subdivision Plan drawings shall include the following information, and if more than one (1) plan sheet is required, a key diagram illustrating the relative location of the several sections shall be drawn on each sheet.

#### 1) Application Information and Plan Sheet Information:

- a) Name, address, and phone number of record owner;
- b) Name, address, and phone number of developer, if different than owner;
- c) Name of the proposed subdivision or development plan;
- d) Name of the municipality or municipalities within which plan is proposed;
- e) Names of all adjoining properties and recorded subdivision or land development plans;
- f) Name, address, license number, and seal of a registered engineer or surveyor responsible for the application plans;
- g) North point, graphic scale, written scale, and date including the month, day, and year that the original drawing was completed and the month, day, and year that the original drawing was revised for each revision;
- h) A location map, for the purpose of locating the property being subdivided or developed, drawn at a scale not smaller than one (1) inch equals 2,000 feet and showing the relation of the property to adjoining property and to all streets, roads, and Township boundaries, within one (1) mile of any part of the property;
- i) The current total tract boundary lines of the parent lot, parcel of land and/or property (tract) being subdivided or developed boundaries of the adjacent parcels, which intersect the boundaries of the plan or subdivision shall be shown but are not required to be field surveyed;
- j) A statement of the total area of the resulting tract(s) shall also be on the plan;
- k) Tax map sheet, block, and lot numbers within the proposed subdivision or land development;

- l) The zoning district or districts within which the proposed subdivision or development is located;
- m) The latest source of title to the land as shown by the deed, page number and book of the County Recorder of Deeds;
- n) The current total tract boundary lines of the parent lot, parcel of land and/or property (tract) being subdivided or developed with accurate distances to thousandths of a foot and bearings to one quarter (1/4) of a second. The length and bearing of all the parent parcel boundary lines shall be determined by an accurate field survey performed by a Professional Surveyor licensed in the Commonwealth of Pennsylvania. The field survey shall be balanced and closed with an error of closure not less than one (1) foot (1') in ten thousand feet (10,000'). The Licensed Professional Surveyor shall certify to the accuracy of the survey and the drawn plan. The drawn plan shall clearly show all surveyed distances and bearings and any other information required to accurately define the parcel. A statement of the total surveyed areas of the parent parcel shall be on the plan. Boundaries of the adjacent parcels, which intersect the boundaries of the plan or subdivision, shall be shown but are not required to be field surveyed;
- o) Lot closures sealed by a Professional Surveyor licensed in the Commonwealth of Pennsylvania shall accompany the survey. In the case of a subdivided parcel, a statement of the total area of the resulting tract(s) shall also be on the plat or plan; the resulting tract(s) shall be defined by accurate bearings and distances and closed with an Error of Closure not less than one (1) foot (1') in ten thousand feet (10,000'). Also, in the case of a subdivision, the Licensed Professional Surveyor shall certify to the accuracy of the bearings and distances and Error of Closure, as well as the location and elevation of the Plan Monuments;
- p) All lot lines shall be completely dimensioned in feet, if straight, and by designating length of arc and radius (in feet) and central angle (in degrees, minutes, and seconds), if curved. All internal angles within the lots shall be designated to within fifteen seconds;
- q) The proposed building setback and the proposed placement of each building; and
- r) Where applicable, a highway occupancy permit or review and written approval by the PA DOT. No plat, which will require access to a highway under the jurisdiction of the PA DOT, shall be finally approved unless the plat contains a notice stating that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law" before driveway access to a state highway is permitted.



2) Existing Features:

- a) All existing buildings or other structures;
- b) All existing streets, including streets recorded, but not constructed, on or adjoining the subject property, including street names, rights-of-way widths, pavement widths and approximate grades;
- c) All existing sewer lines, stormwater lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railways, or other man-made features within the proposed subdivision or development and those features within 100 feet of the boundaries of the proposed subdivision or development; and
- d) Location, width, and purpose of existing easements and utility rights-of-way within 100 feet of the boundaries of the proposed subdivision or development.

3) Proposed Features:

- a) Utility easement locations;
- b) Yard and setback lines along each street and property line, as required by the Neshannock Township Zoning Ordinance;
- c) Lot lines, with approximate dimensions;
- d) A statement of the intended use of all lots and parcels;
- e) Lot numbers, a statement of total number of lots and parcels, and lot size in square feet and acres for each lot;
- f) Sanitary and stormwater facilities with the size and material of each indicated, and any proposed connections to existing facilities;
- g) Location, width and purpose of proposed easements and utility rights-of-way; and
- h) Copies of any proposed deed restrictions and protective and restrictive covenants or rights-of-way.

## §306 Revised Application Materials

Revised application materials for applications that are already under consideration by the Neshannock Township Planning Commission or Board of Supervisors must be submitted at least seven (7) days prior to the Planning Commission or Board of Supervisors meeting, at which the revised application materials are to be considered.



## Article IV – Financial Security

### §401 Financial Security

- A. No plan shall be given final approval by the Board of Supervisors unless the public improvements (streets, stormwater systems, sanitary sewer) required by this Ordinance have been installed in accordance with the standards set forth in Article 600 – Design Standards of this Ordinance. In lieu of the completion of any improvements(s) required prior to, and as a condition for final approval, the applicant shall provide for the deposit, in a form acceptable with the Township and as specified in the MPC, financial security in an amount sufficient to the Township to cover the costs of such improvement(s) or common amenities.
- B. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvement(s) which have been completed and the estimated cost for the completion of the remaining improvement(s) as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals but does not exceed said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
- C. The amount of the financial security required shall be based upon an estimate of the cost of completion of the required improvement(s), submitted by the applicant and prepared by a professional engineer licensed as such on the Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township Engineer shall review the proposed estimate and make a recommendation to the Board of Supervisors as to acceptance and may provide an estimate, if deemed unacceptable.
  - 1) If the applicant and the Township cannot agree upon an estimate, then the estimate shall be recalculated and recertified by another registered professional engineer chosen mutually by the applicant and the Township. The estimate by the third engineer shall be deemed as the final estimate.
  - 2) If a third engineer is selected, the fees for services shall be evenly divided between the applicant and the Township.
- D. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvement(s), the amount of financial security may be increased by an additional 10 percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount equal to 110 percent of the revised cost of completing the improvement(s) as reestablished on or about the one-year anniversary of the original

posting. The revised costs shall be determined by using the same manner as described for the initial financial security.

## §402 Release from Financial Security

### §402.1 Final Release from Financial Security

- A. When the applicant has completed all of the necessary and appropriate improvements, the applicant shall notify the Township, in writing, by certified or registered mail, of the completion of said improvements, and shall also send a copy to the Township Engineer. The Township shall, within 10 days after receipt of such notice, direct the Township Engineer to inspect all of the installed improvements.
- B. Within 30 days of authorization by the Board of Supervisors, the Township Engineer shall file a report, in writing, of the result of the inspection. A copy shall also be forwarded to the applicant by certified or registered mail. The report shall detail the improvements and shall indicate approval or rejection, in whole, or in part of the improvement(s). Rejection, in whole, or in part of the improvement(s) shall contain a statement of reasons for such recommendation.
- C. The Township shall notify the applicant within 15 days of receipt of the engineer's recommendation, in writing, by certified or registered mail, of the action by the Board of Supervisors.
- D. If any portion of the said improvement(s) shall not be approved, or shall be rejected by the Township, the applicant shall proceed to complete the same, and upon completion, the same procedure of notification as identified above shall be followed.
- E. The applicant shall reimburse the Township for the reasonable and necessary fees based upon a schedule established by ordinance or resolution. Such fees shall be those customarily paid for engineering or consulting work performed in the Township.

### §402.2 Partial Release from Financial Security

- A. As the work of installing the required improvements proceeds, the developer may request the Township to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work.
- B. Any such requests must be in writing and describe the portion of the work claimed to be completed and the amount of security requested to be released.
- C. The Township shall have 45 days from receipt of such request to have the Township Engineer certify in writing to the Township that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the Township shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed, or if the Township fails to act within the said 45-day period, the release of funds shall be deemed approved.

- D. Notwithstanding anything to the contrary, the Township may, prior to final release at the time of completion and certification by its engineer, retain 10 percent of the original amount of the posted financial security for the aforesaid estimated cost of the remaining improvements.
- E. If any portion of the said improvement(s) shall not be approved, or shall be rejected by the Township, the applicant shall proceed to complete the same, and upon completion, the same procedure of notification as identified above shall be followed.
- F. The applicant shall reimburse the Township for the reasonable and necessary fees based upon a schedule established by ordinance or resolution. Such fees shall be those customarily paid for engineering or consulting work performed in the Township.

### §403 As-Built Plans

The subdivider or developer will furnish Neshannock Township with as-built plans for sanitary sewer systems and storm sewer systems within the subdivision or land development.

### §404 Maintenance Guarantee

When the Township accepts dedication of all or some of the required public improvement(s) following completion, the Board of Supervisors require the posting of a maintenance guarantee to secure the structural integrity of the dedicated improvement(s) in accordance with the design and specifications as depicted on the final plan. The term for financial security for the maintenance of the improvement(s) shall be 18 months, and the amount shall not exceed 15 percent of the actual cost of installation.

# Article V – Installation of Improvements

## §501 Installation of Improvements

- A. No improvements, as defined in Article 200, shall be installed, or work begun, unless the following has been accomplished:
  - 1) All necessary plans, profiles and specifications for the improvements have been submitted to, and approved by, the Township.
  - 2) The performance guarantee has been provided.
  - 3) A fully executed developer's agreement has been submitted.
  - 4) All required permits have been obtained.
  - 5) Utility lines have been marked using the PA One-Call system.
- B. The developer shall notify the Township at least 48 hours prior to beginning any installation of public improvements in an approved plan.

## §502 Required Improvements

The following improvements, as shown on the land development plans, shall be provided by the developer in accordance with the details and/or specifications cited in Article 500 – Design Standards of this Ordinance. Developer/owner shall include the appropriate Design Standards into the final plan:

- A. Cartway paving.
- B. Curbs.
- C. Sidewalks and crosswalks.
- D. Monuments.
- E. Street signs.
- F. Sanitary sewage disposal.
- G. Water supply and fire hydrants. (By PA American Water)
- H. Storm sewers and stormwater management best management practices (BMPs).
- I. Erosion and sedimentation control measures.
- J. Street trees.
- K. Streetlights.
- L. Proposed trail and recreation connections.

## §503 Inspections

- A. Following approval of improvement installation, in accordance with the Final Release from Improvement Guarantee section of this Ordinance while work is in progress, the developer shall notify the Township at least 48 hours prior to the time that the following required progress inspections are warranted:
  - 1) Inspection of sub-grade of streets prior to laying of base.
  - 2) Inspection of base prior to final paving of streets.
- B. The inspector shall prepare a written report of all inspections, with a copy being submitted to the Township for its files.
- C. The inspection of sanitary sewer installations shall be in accordance with the Township's procedures with a copy of any notices or reports being submitted to the Township.
- D. When it is evident that any street in a partially completed plan of lots may be extensively used by construction vehicles hauling building materials and equipment, and where such street, if completed, may be damaged during the course of construction of houses on lots abutting the right-of-way within which the street is centered, the Township shall require the developer to complete 80 percent of the dwelling units prior to the final paving of the street, or otherwise be responsible for damage through the posting of an additional bond including, but not limited to, streets and other required improvements.

## §504 Notice of Completion

When the developer has completed the required public improvements in a plan, in accordance with the Final Release from the Financial Security section of this Ordinance, the developer shall notify the Township, in writing, by certified or registered mail. Within 10 days of the receipt of the notification, the Board of Supervisors shall authorize the Township Engineer to inspect the public improvements in the plan to determine compliance with the design standards specified in the Design Standards section of this Ordinance or as required by the Township's Construction Standards.

## §505 Final Inspection

Upon authorization by the Board of Supervisors, the Township Engineer shall perform a final inspection of the public improvements. The procedures and timing of such inspection notifications and action shall follow that identified in the "Inspections" section of this Ordinance.

## §506 Acceptance of Improvements

- A. Every street, sewer, drainage facility, stormwater management BMPs, or other required improvement shown on the recorded plan shall remain as a private improvement, and the Township shall have no responsibility with respect to maintenance, repair, or replacement until such a time as the improvement has been

offered for dedication to the Township, inspected, approved, and Township has chosen to accept by resolution or ordinance.

- B. No public improvement(s) required by this Ordinance shall be accepted by ordinance or resolution by the Board of Supervisors unless, prior thereto, the following shall be submitted to the Township:
- 1) A dedication of the installed improvements in a form acceptable to the Township Solicitor.
  - 2) Two sets of “as-built” plans and one electronic CAD copy. The “as-built” plans and profiles shall indicate all public improvements, as constructed, and shall show the top and invert elevations for all manholes, inlets, and sewer structures; the distance between all manholes, inlets, and sewer structures; wye (“y”) locations on all sanitary sewers; and significant changes to street profiles, as approved.
  - 3) A notification by the Township Engineer or other person designated by the Township, that the improvements have been constructed in accordance with the standards established by this Ordinance.
  - 4) The results of core boring tests for composition and thickness of paving, prepared by a qualified testing firm. The location and size of the borings shall be in accordance with PennDOT Form 408, or as determined by the Township Engineer.
  - 5) Maintenance Guarantee provided for a period of 18 months. The guarantee shall be in an amount of 15 percent of the original construction cost of installation of the public improvement(s).

# Article VI – Design Standards

## §601 General Provisions

- A. The following principles, standards, and requirements shall be applied by the Board of Supervisors in evaluating the plans for proposed subdivisions and land developments and shall be the minimum requirements.
- B. Any application fee for development shall conform to the standards set forth in this Article, unless a modification is granted under the provisions of this Ordinance.
  - 1) All plans shall be prepared in compliance with any applicable Municipal Ordinance, including the Neshannock Township Zoning Ordinance, in effect, and in compliance with any requirement imposed by any local, county, state, or federal entity exercising valid regulatory authority.
  - 2) When other local regulations, or county, state, federal statutes impose more restrictive standards and requirements than those contained herein, the more restrictive standards shall be observed.
- C. In reviewing any application for approval of a subdivision or land development, the Board of Supervisors shall refer the application for development to the Township Engineer for a recommendation concerning technical compliance with these design standards, this Chapter and municipal construction standards.

## §602 Land Requirements

- A. Land shall be suited to the purposes for which it is to be subdivided or developed.
- B. Land, which is unsuitable for development, because of hazards to life, safety, health, or property, shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided in the subdivision or land development plan. Land considered to have unsuitable characteristics shall include the following:
  - 1) Land subject to flooding or which has a high groundwater table;
  - 2) Land which, if developed, will create or aggravate a flooding condition upon other land;
  - 3) Land subject to subsidence;
  - 4) Land subject to underground fires;
  - 5) Land containing significant areas of slope greater than fifteen (15) percent;
  - 6) Land which, because of topography or means of access, is considered hazardous by the Board of Supervisors; and
  - 7) Land that is subject to ground pollution or contamination.

- C. Proposed subdivisions or land developments shall be coordinated with existing nearby neighborhoods so that the community, as a whole, may develop harmoniously.
- D. Proposed land uses shall conform to the uses permitted or allowed by separate approval in the district in question, as provided by the description of such districts contained in the Chapter.

## §603 Utility Easements

- A. Easements for utilities shall have a minimum width of fifteen (15) feet.
- B. To the fullest extent possible, easements for public utilities shall be centered on or adjacent to front, rear, or side lot lines.
- C. Telephone, electric, cable television and such other utilities shall be installed underground and shall be provided within the street right-of-way or easements to be dedicated for such utilities, and in accordance with plans approved by the Board of Supervisors and the applicable utility company. Underground installation of the utility distribution and service lines shall be completed prior to street paving and gutter, curbing, and sidewalk installation.

## §604 Water Supply

### A. Provision of System

The subdivision or land development shall be provided with a complete water main supply system, which shall be connected to the municipal water supply or to a community water supply, approved by the engineer of the applicable water utility company and the Department of Environmental Protection, with satisfactory provision for the maintenance thereof. When such municipal or community water supply system is not available, each lot in a subdivision shall be capable of being provided with an individual water supply system, owned, and maintained by the lot owner, in accordance with minimum standards set forth by the DEP.

### B. Plans

The plans for the installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the applicable water supply agency. A statement of service availability from the water company shall be submitted to the Planning Commission and Board of Supervisors. Upon the installation of a water supply system, one (1) copy of the as-built plans for such system shall be submitted to the Township.

### C. Fire Hydrants

- 1) Fire hydrants shall be provided as an integral part of any public water supply system. The Fire Chief shall be consulted to determine the location of proposed fire hydrants.
- 2) In no case shall a fire hydrant be located more than 1,000 feet from the next nearest fire hydrant.



- 3) Annual assessments for fire hydrant service shall be guaranteed by the developer upon the lot owners in the form of a covenant running with the land. If the developer forms a homeowners' association, the association charter and/or bylaws shall contain language that requires the association to be liable for the total assessment. If no homeowners' association is created, the developer shall be responsible for the payment of the prorated assessment for unsold lots. Individual lot owners shall be responsible for their prorated share. The prorated share shall be computed by dividing the bill by the number of lots benefiting or being serviced by said fire hydrant. In the event of non-payment, the Township may collect the assessment as permitted by law.
- 4) An annual inspection of installed fire hydrants shall be required and shall be the responsibility of the homeowners' association or, if no homeowners' association is created, the property owner. A report on inspection findings shall be submitted to the Neshannock Township Volunteer Fire Department, and such report shall include water pressure test results, as well as details regarding any maintenance items installed during the testing process.

## §605 Sanitary Sewage Disposal

### A. Public Sewer Systems

- 1) The owner or owners of each property accessible to and whose principal building, heretofore and/ or hereafter constructed, is within one hundred fifty (150) feet of the sewer line of the Sewer System, except those directly and legally connected to a public sewer line of the City of New Castle, will connect therewith at any time within sixty (60) days after notice to make such connection is served on such owner or owners by the Township Supervisors, either by personal service or by registered mail.
- 2) When the subdivision or land development is to be provided with a complete sanitary sewer system connected to a public sanitary sewer system, a statement of approval from the engineer of the sewerage system to which it will be connected shall be submitted to the Board of Supervisors. Where required, Planning Module approval from the Department of Environmental Protection shall also be obtained for final plan approval.

### B. On-Lot Sewage Disposal

In subdivisions where public sewers are not available and a complete private sanitary sewer system is not required, on-lot sewage disposal systems, subject to the PA Department of Environmental Protection, shall be provided.

## §606 Blocks, Lots, and Parcels

### A. Blocks

The length, width, shape, and design of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, the land use and/or

zoning requirements of the Township, the topography of the land being subdivided, and the requirements for safe and convenient vehicular and pedestrian circulation.

B. Lot or Parcel Numbers

Lot numbers or lettered parcels shall be assigned and approved prior to filing the final subdivision and/or land development plat.

C. Yard and setback lines on Lots and Parcels

Building lines of lots or parcels from street rights-of-way (public or private) shall not be less than those required by the appropriate zoning classification under the Neshannock Township Zoning Ordinance, as amended, for the zoning district in which they are located.

D. Frontage

All lots created by a subdivision shall front along the right-of-way of a street improved to the design standards of this Chapter. The width of the frontage shall conform to the requirements of the Neshannock Township Zoning Ordinance.

## §607 Streets

A street, whether dedicated to the Township or privately maintained, shall be defined pursuant to the definition contained in Article 200 of this Ordinance. All provisions in the Section shall be equally applicable and binding for both dedicated and privately maintained streets, where said streets serve more than one dwelling.

### §607.1 General Standards

A. Layout

Streets shall be planned to conform with the layout of existing and planned streets and so located as to allow proper development of surrounding properties. Local streets shall be laid out so as to discourage through traffic. Collector streets should be designed to provide adequate flow of traffic from local streets to major community facilities and to arterial streets. Streets in and bordering a subdivision or land development shall be coordinated and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic and facilitate fire protection.

B. Topography

Proposed streets shall be planned to conform to the contour of the land, to the fullest extent possible to provide buildable lots, to have a suitable alignment and grade and to allow proper drainage.

C. Paving

All streets intended for public use shall be paved to full cart way width. In all cases, paving materials and workmanship shall conform to any and all applicable Township

construction standards, including all Pennsylvania Department of Transportation Standards adopted by the Township. The proposed street system shall extend existing or recorded streets at the same width and be so located as to allow proper development of surrounding properties.

D. Partially Completed Streets

Partially completed streets shall not be approved in a development plan, but all streets shall be constructed as soon as feasible under the construction schedule in accordance with the designations under approved final plat.

E. Interior Circulation

The developer shall be responsible for installing traffic direction and control signs on such streets.

## §607.2 Street Widths

A. Street Classification

Three functional classifications are hereby established for the streets and roads within the Township:

1) Arterials

This classification includes highways, which provide intra-county or inter-municipal traffic of substantial volumes where the average trip lengths are either five (5) miles or greater. Generally, these highways should accommodate operating speeds of 35 to 55 miles per hour.

2) Collectors

This classification is intended to include those highways that connect local access roads to arterial highways. They may serve intra-county and intra-township traffic, and as corridors connecting residential areas with industrial, shopping, and other service. They may penetrate residential areas. Generally, these highways will accommodate operating speeds of 35 miles per hour.

3) Local

This classification is intended to include streets and roads that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances generally short. These streets and roads should be designed for operating speeds of 25 miles per hour and below.

**Table 1: Street Classifications and Widths**

Street Classification	Minimum Width Required	Feet
<b>Arterial</b>	Right of Way	80-120
	Cart Way	46
<b>Collector</b>	Right of Way	60
	Cart Way	24
<b>Local</b>	Right of Way	50
	Cart Way	22
<b>Permanent Cul-De-Sac</b>	Right of Way (radius)	50
	Cart Way (radius)	40

B. Additional right-of-way and cart way widths may be required by the Board of Supervisors for various reasons including, but not limited to:

- 1) The type of land development.
- 2) Public safety and convenience.
- 3) Allowance for anticipated traffic volume.
- 4) The size of vehicles frequenting the development.
- 5) Parking lanes.
- 6) The loading of school buses or other public transportation.

C. Where a subdivision or land development abuts an existing street of improper width or alignment, the Board of Supervisors may require the dedication of land sufficient to widen the street or correct the alignment.

### §607.3 Street Grades

Grades shall be designed for maximum visibility. There shall be a minimum centerline grade of one (1) percent. Centerline grades shall not exceed the following:

**Table 2: Street Classification and Grade**

Street Type	Grade
Arterial	7%
Collector	7%
Local/Minor Access	12%
All Intersections	4%

### §607.4 Horizontal Curves

Proper sight distance must be provided with respect to horizontal alignment. Measured along the centerline five (5) feet above grade, horizontal curves shall be provided to permit the following minimum sight distances:

**Table 3: Street Classification and Site Distance**

Street Type	Sight Distance
Arterial	300 feet
Collector	200 feet
Local/Minor	100 feet

### §607.5 Vertical Curves

Proper sight distance must be provided with respect to vertical alignment, measured along the centerline five (5) feet above minimum sight distances. A minimum rate curvature of 20 must be met at all changes of grade. Vertical curves may not overlap.

### §607.6 Intersections

- A. Streets shall intersect as nearly as possible at right angles. No more than two (2) streets shall intersect at the same point. Intersections with collector streets shall be located not closer than 1,000 feet apart, measured from the centerline of the major street.
- B. Intersections with collector streets shall be at intervals not less than 800 feet.
- C. Intersections with local/minor streets shall be at intervals not less than 500 feet.
- D. Staggered intersections shall be provided on collector streets at a minimum distance of 500 feet; on collector or local/minor streets, at not less than 200 feet as measured from centerline to centerline along the street common to both intersections.
- E. Intersections shall be rounded by a tangential arc with a minimum radius of:
  - 1) Thirty feet for all intersections involving a connector or collector street.
  - 2) Twenty-five feet for intersections involving only local/minor streets.
- F. Sight Distance at Intersections and Obstructions.
  - 1) Embankments, fences, hedges, shrubbery, walls, planting (except for trees and grass) or other obstructions including signs, shall not be located within the right-of-way and shall not obscure visibility at any intersection.
  - 2) A clear sight triangle shall be maintained at intersections, so that measured along the centerline, there shall be a clear sight triangle at a minimum, a point seventy-five (75) lineal feet from that point of said intersecting lines. Where an urban collector or arterial street or roadway is one or both of the intersecting

streets or roadways, the lineal distance from the point of intersection is extended to one hundred fifty (150) lineal feet.

- 3) No obstruction to view will be permitted in this area above the height of two and a half (2 ½) feet and below 10 feet.

#### §607.8 Alleys

Alleys provide opportunities for service and delivery and eliminate the need for curb cuts, which are conventional in more suburban-type developments. Existing alleys should be maintained where feasible or reconstructed to service new land development uses.

##### A. Width

Alleys shall be at least 12 feet wide and paved when they are one-way or in a residential development. Two-way alleys shall be at least 20 feet wide and paved. Alleys in a non-residential development shall be at least 22 feet wide and paved.

##### B. Structures

All buildings and structures shall be at least 10 feet from the edge of the pavement of the alley.

##### C. Connections

All alleys shall be designed and built to be through alleys connecting to existing or proposed streets.

#### §607.9 Cul-de-sacs and Temporary Dead-end Streets

- A. Cul-de-sac streets, whether permanent or temporary, shall be provided at the closed end with a turnaround having a minimum radius to the edge of the finished street or curb line of not less than forty (40) feet.
- B. Unless future extension is clearly impractical or undesirable, and at the option of the subdivider or developer, a turnaround right-of-way may be placed at a distance from a property line and a right-of-way the same width as the street may be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.
  - 1) At such time as such a street is extended, the overage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the cul-de-sac turnaround, providing that affected property owner pays any associated costs to acquire the overage abutting their property.
  - 2) Until such time as a street is extended, the Owner/Developer shall be responsible for ownership and maintenance of this parcel, unless deeded over to an association or another individual, who shall then be responsible for ownership and maintenance.

- C. Permanent cul-de-sac streets shall be kept to a minimum. They shall not exceed sixteen hundred (1,600) feet in length and must be constructed in a teardrop design.

#### §607.10 Street Names

- A. Proposed streets, which are clearly in alignment with others already existing and named, shall bear the names of the existing streets.
- B. Street name signs shall be installed by the developer at each street intersection in accordance to type of materials, design and standards established by the Township.
- C. All new street names shall be approved by the Township, Lawrence County 911, and the post office. Names of new streets shall be sufficiently different in pronunciation and spelling from existing names of streets in the Township or in the 9-1-1 service area so as not to cause confusion.

#### §607.11 Monuments and Markers

- A. Prior to acceptance of any streets and after all road construction has been completed, the developer and/or contractor, under the direct guidance of a licensed Pennsylvania Surveyor, must install concrete monuments with a minimum size of four (4) inches in diameter, four (4) inches square and three (3) feet long, the center being marked with a half inch (1/2) inch minimum brass wire or bar plug, at all intersections and points of curvature, in order to amply mark the right-of-way before the construction of the road can be considered as complete and fully prepared for the Township to accept the maintenance responsibilities.
- B. All streets shall be monumented and monument locations shall be shown on the recorded plat. All angle points in the boundary of any subdivision shall be monumented. All lot corners and angle points shall be located by iron pins.
- C. Monuments and iron pins shall be set so their top is level with the finished grade of the surrounding area.

#### §607.12 Testing and Repair

- A. Prior to acceptance by the Township, all roads shall be core bored at locations to be determined by the Township Engineer, by a reputable firm certified to do such work. All cores shall be tested for compliance with all applicable paving regulations and shall include, as a minimum, standard test for thickness, material gradation and compaction, and the Township shall be furnished with three (3) copies of a written report setting forth the test results. All costs associated therewith are to be paid by the developer or subdivider.
- B. All paving must be in complete compliance with Pennsylvania Department of Transportation specifications, unless otherwise noted, and the Township may subject the finished road to any additional testing set forth therein.
- C. All roads shall have a smooth, uniform, finished surface.

- 1) The developer shall replace or resurface any areas which do not meet the testing requirements or do not have a smooth, uniform appearance due to patches, spalling, poorly butted joints, etc., regardless of the results of any tests.
- 2) Any replacement or resurfacing shall be made in a neat, workmanlike manner extending the entire width of the road, at right angles to the centerline, the extent of the replacement or resurfacing to be determined by the Township Engineer.

## §608 Grading and Excavating

### §608.1 General Standards for Grading and Excavating

#### A. Dust Control

During grading operations, necessary measures for dust control will be exercised. Measures shall include, but are not limited to, the use, where possible, of water or approved dust palliatives. Necessary measures for dust control must be approved by the Township Engineer.

#### B. Clean-up

All soil washed or carried onto public streets during grading operations shall be cleaned up every day. Temporary driveway or road surfaces shall be provided as soon as possible. The owner of the property being graded shall be responsible to protect and clean up lower properties of silt and debris, which have washed down onto the lower properties, as a result of the grading work on the higher property.

#### C. Fencing

At the top of all cut or fill slopes, which are to be steeper than two (2) horizontal to one (1) vertical, and ten (10) or more feet in total height, a fence not less than four (4) feet in height, and of a design meeting the approval of the Township Engineer, shall be erected prior to the commencement of grading operations.

#### D. Hazard Conditions

Whenever the Township Engineer determines that any existing excavation, embankment, or fill has become a hazard, as defined in this Chapter, the owner of the property, upon which the excavation, embankment, or fill is located, or other person or agent in control of said property, upon receipt of notice from the Township Engineer shall, within twenty four (24) hours or other reasonable period specified therein, repair, reconstruct, or remove such excavation, embankment, or fill so as to eliminate the hazard.

If, after such notification, the property owner, or his agent, has not made the necessary repairs, within the time specified, then the Supervisors may direct township employees or hired personnel to make the required repairs and the cost thereof shall be borne by the property owner, said costs to be collected in the manner provided by law, including the imposition of a lien against the property.



E. Work Days

No work covered by a Grading Permit shall be conducted on a Sunday or legal holiday without the approval of the Township.

F. Work Hours

All of the work and activity covered by a Grading Permit shall be conducted between the hours of seven o'clock AM and six o'clock PM unless these time limits are extended, excused, or otherwise modified by the Supervisors, or their designated representative.

G. Diversion of Water

Grading will not be done in such a way as to divert water onto the property of another landowner, except into a natural watercourse, without the written consent of that landowner and in accordance with the approved plan for managing storm water runoff on the grading site.

H. Environmental Protection

1) Conservation of Natural Features

In order to prevent the denuding of the landscape, large trees and other natural features constituting important physical, aesthetic, and economic assets to existing or impending development work, shall be preserved, when possible. All grading shall be kept to the absolute minimum.

2) Erosion and Sedimentation Control

Compliance with Regulations and Procedures

- a) No Regulated Earth Disturbance activities within the Township shall commence until approval by the Township of an Erosion and Sediment Control Plan for construction activities.
- b) The Pennsylvania Department of Environmental Protection (PADEP) has regulations that require an Erosion and Sediment Control Plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code § 102.4(b).
- c) In addition, under 25 Pa. Code Chapter 102.5, a PADEP "NPDES for Stormwater Discharge Associate with Construction Activities" permit is required for any earth disturbance one acre or more (hereinafter collectively referred to as "Regulated Earth Disturbance Activities"). This includes earth disturbance on any portion of, part of, or during any stage of, a larger common plan of development.
- d) Evidence of any necessary permit(s) for Regulated Earth Disturbance activities from the appropriate PADEP regional office or the Lawrence County Conservation District must be provided to the Township. The issuance of an NPDES Construction Permit (or permit coverage under

the statewide General Permit (PAG-2)) satisfies the requirements of Subsection A.

- e) A copy of the Erosion and Sediment Control plan and any required permits, as required by PADEP regulations, shall be available at the project site at all times.

#### I. Storm Water Management for Grading and Excavation

Adequate provisions shall be made to manage storm water runoff safely on the grading site. Storm water management controls shall be designed so that the peak rate of runoff (discharge) from all storm water outfalls on the site conforms to the applicable storm water management performance standards for the Storm Water Management District in which the site is located.

- 1) All Storm Water Management Plans for activities within the Township shall demonstrate post-construction compliance with State Water Quality Standards.
- 2) To control post-construction stormwater impacts from Regulated Earth Disturbance activities, State Water Quality Requirements can be met by Best Management Practices (BMPs), including site design, which provide for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction stormwater discharges do not degrade the physical, chemical, or biological characteristics of the receiving waters. As described in the DEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28, 2002), this may be achieved by the following:
  - a) Infiltration: replication of pre-construction stormwater infiltration conditions,
  - b) Treatment: use of water quality treatment BMPs to ensure filtering out of chemical and physical pollutants from the stormwater runoff;
  - c) Streambank and Stream Bed Protection: management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring and erosion);
  - d) The Best Management Practices must be designed to protect and maintain existing uses (e.g., drinking water use, cold water fishery use) and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in "Special Protection" streams, as required by statewide regulations at 25 Pa. Code Chapter 93 (collectively referred to as "State Water Quality Requirements"); and
  - e) DEP has regulations that require municipalities to ensure design, implementation, and maintenance of Best Management Practices ("BMPs") that control runoff from new development and redevelopment (hereinafter "development") after Regulated Earth Disturbance

activities are complete. These requirements include the need to implement post-construction stormwater BMPs with assurance of long-term operations and maintenance of those BMPs.

- 3) Per Stormwater Ordinance, stormwater applications may be required as applicable.

#### J. Vegetation and Revegetation

In addition to the Erosion and Sedimentation Controls required for the protection of the land during construction, the following standards shall be complied with:

- 1) Vegetation shall be removed only when absolutely necessary, e.g. for buildings, filled areas, roads.
- 2) Every effort shall be made to conserve topsoil, which is removed during construction for later use on areas requiring vegetation or landscaping, e.g. cut and fill slopes.
- 3) Vegetation sufficient to stabilize the soil shall be established on all disturbed areas as each stage of grading is completed.
- 4) Either the grading plan or a separate landscaping plan shall specify the revegetation and slope stabilization of all disturbed ground. Slopes exceeding 3:1 shall be stabilized with erosion jute matting.
- 5) All disturbed soil surfaces shall be stabilized or covered prior to the first day of November. If the planned impervious surfaces (e.g. roads, driveways, parking lots, etc.) cannot be established prior to November, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.
- 6) The property owner shall be fully responsible for any destruction of native vegetation proposed for retention. He shall carry the responsibility both of his own employees and for all subcontractors from the first day of grading until release by the ownership. The developer shall be responsible for replacing such destroyed vegetation. The use of qualified personnel experienced and knowledgeable in the practice of re-vegetation shall be required.

#### K. Maintenance

- 1) The owner of any property upon which an excavation or fill has been made shall maintain in good condition and repair the excavation or fill constructed and also all retaining walls, cribbing, drainage structures, fences, ground cover, and any other protective devices as maybe a part of the permit requirements.
- 2) If, at any time, subsequent to the completion of the grading work, the cut face or fill slope shall evidence signs of deterioration, erosion, or other evidence which might be detrimental to the properties above and below the graded sites, the Township Engineer may direct the property owner to take necessary remedial steps in accordance with sound engineering practice to restore the grading of a safe condition, and to do so in a reasonable period of time.

## §608.2 Specific Standards for Excavation

- A. Recommended maximum slope steepness of a cut shall be two (2) horizontal to one (1) vertical for minimizing erosion and landslide hazard. This maximum limitation is most desirable as it can be maintained as lawn area. However, a government review agency, professional engineer, or engineering geologist may recognize the types of soil on other sites to be graded from the Soil Survey or a more detailed professional field analysis.

Maximum slopes can then be determined as cut slopes, which are steeper than 2:1, may also be allowed under a grading permit through the utilization of retaining walls, with the approval of the Township Engineer and the Planning Commission. The developer must show that the slope-wall combination is absolutely necessary to develop the property.

- B. The top or bottom edge of slopes shall generally be set back three (3) feet from the adjacent property lines in order to permit the normal rounding of the edge.
- C. All blasting, which is conducted in the Township, shall be in conformity with State requirements and shall be in compliance with the Act of 1957, July 10, P.L. 685, 73 P.S. Section 164-168, as amended, and the Department of Labor and Industry Rules and Regulations promulgated pursuant to the aforesaid statute.
- D. General standards set forth above must also be met.

## §608.3 Specific Standards for Fill

- A. All topsoil shall be removed from the area to be graded and stockpiled and preserved for possible re-use on the site.
- B. The site shall be prepared by cutting toe benches and other keyways so as to provide a firm base on which to place the fill. No fill or embankment shall be made on landslide prone soils without adequate engineering preparation and drainage of the area to be filled.
- C. No fill shall be made which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical, except under one or more of the following conditions:
  - 1) The fill, in the judgment of the Administrator, is located so that settlement, sliding, or erosion of the fill material will not result in property damage or be a hazard to adjoining property, streets, alleys, buildings, storm drains or drainage ways.
  - 2) Soils Capability and Geological Report, signed and sealed by a professional engineer, experienced in erosion control and soils analysis, or Landscape Architect, certifying that they have inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, and that creation of a hazard will be minimal, shall be submitted to and may be approved by the Administrator.

- D. The Administrator may require that an embankment or fill be constructed with an exposed surface flatter than two (2) horizontal to one (1) vertical, if they find that under the particular conditions such flatter surface is necessary for stability and safety.
- E. Fills, embankments, and finish grading shall be designed in accordance with the following:
  - 1) Where fills are located, so that earth movement may result in personal injury or damage to adjacent property, streets, alleys or buildings, the bearing value and stability of the material under proposed fills and embankments shall be determined by subsurface investigation performed by a soil engineer or engineering geologist.
  - 2) The type of fill material available in each stage of the grading operation shall be determined, in order to plan proper filling procedures.
    - a) Rock may be incorporated in fills and embankments but only in layers twenty-four (24) inches thick, maximum, as per the Specifications Publication 408, with voids filled and a blanket of compacted fill separating one layer of rock from the next. Rock fill shall not be placed near the bottom of proposed foundations, building caissons and subsurface utility installations. Suitable earth shall be reserved or provided to cover rock fill under proposed seeded or planted areas.
    - b) No unsuitable material, such as coal, boney, red-dog, expansive shale, and cinders, shall be placed in fill areas.
    - c) Wood or other solid waste material shall not be placed in fill areas.
- F. No fill of any kind shall be placed over topsoil, trees, stumps, or other material, which would create a nuisance, potential fire hazard, or sanitation problem, which would attract rodents, termites, or other pests.
- G. On major fills or embankments, a toe bench shall be constructed below mantle on bedrock under the toe of fill.
- H. Benching of the existing surface shall be required and indicated on the cross-sections.
- I. A porous drain shall be installed on the bottom and back wall of the toe bench; together with a drain pipe and suitable discharge pipe to the existing non-erosive surface beyond and below the toe of the proposed fill.
- J. Overfilling of slopes is desirable to permit final shaping of surface to proposed grade without the addition of loose fill over the surface of the slope, provided that no fill shall be higher than ten (10) feet vertically before the slope is shaped to proper grade.
- K. At the end of each workday, the horizontal surface of the fill shall be shaped, compacted, and rolled to provide for drainage.
- L. All fills shall be compacted to provide stability of materials and to prevent undesirable settlement. The fill (excepting rock) shall be spread in a series of layers, each not

exceeding twelve (12) inches in thickness and shall be compacted by a sheepsfoot roller or other approved method after each layer is spread. Fill shall be placed at the optimum moisture content for the specified degree of compaction. The Administrator may require tests or other information if, in his opinion, the conditions or materials are such that additional information is needed. Where fills are to have streets, structures, or public utilities placed in or on them, a Modified Proctor Density of ninety-five percent (95%) shall be achieved (ASTM test designation D 1557).

- M. The top or bottom edge of final slopes shall be set back five (5) feet from adjacent property lines or street right-of-way lines, in order to permit the normal rounding of the edge without encroaching on the abutting property or street and to allow for location of proper drainage facilities and protective devices.

#### §608.4 Specific Standards for Retaining Walls

- A. When the topography and natural condition of the property is such that a ground slope of two (2) horizontal to one (1) vertical is not feasible, the Township Engineer and Planning Commission may consider the submission of a grading plan showing a retaining wall and ground slope combination that would be aesthetically acceptable and will be subject to approval of the Board of Supervisors.
- B. Criteria for the acceptance of such a combination shall as a minimum provided:
  - 1) That the retaining walls do not exceed a height of four (4) feet;
  - 2) That, if the plan incorporates terracing, the gradient of the slope between retaining walls do not exceed two (2) horizontal to one (1) vertical and that the diagonal distance between walls be at least equal to the height of the retaining wall; and
  - 3) When a stable natural rock ledge is existing as established by a written statement from a soils engineer, a similar design of rock ledge and ground slope combination may be considered by the Township Engineer and Planning Commission.
- C. When a retaining wall is proposed to satisfy a requirement of this Ordinance, a wall detail must be submitted reflecting sound engineering practices bearing the seal of a professional engineer, architect, or surveyor. A permit is required unless the wall detail is shown on a site plan or similar construction plan, which has been reviewed by the Township Engineer.
- D. The backfilling of retaining walls and the insertion of subterranean drainage facilities shall be done strictly in accordance with the provisions of this Chapter and the appropriate Township specifications, if any.
- E. In general, where a wall is replacing an exposed slope, the vertical face of the wall shall be set back a minimum of three (3) feet from the adjoining property.
  - 1) An exception to this requirement may be applied for and granted by the Township Engineer, if it can be satisfactorily demonstrated that such an

exception is necessary to permit normal use of the property, i.e., for a side line driveway, or other reasonable consideration.

- 2) The requirement of this paragraph may also be set aside when the proposed retaining wall is a joint venture between adjacent property owners, and appropriate documents so stating are filed with the application permit.

#### §608.5 Grading Plans

- A. Every applicant for a grading permit shall file a written application thereof with the Township, such applicant shall describe the land on which the proposed work is to be done by lot, block, tract, or street address, or similar description which will readily identify and definitely locate the proposed work.
- B. Plans and specifications must be prepared, signed, and sealed by a professional engineer or surveyor, or Landscape Architect and include the items listed below. Applicants for Site Plan Review may incorporate their grading plan in the Site Plan with the permission of the Township Engineer. Such plans shall be at the scale of 1" = 20', except with the permission of the Township Engineer, and shall include:
  - 1) A description of the site proposed for grading.
  - 2) Accurate location by lot, block, tract, street address, a location map, or other similar information.
  - 3) A contour map showing the present contours of the land and the proposed contours of the land after completion of the proposed grading at intervals of not less than two (<2) feet or as permitted by the Township Engineer.
  - 4) A plan showing cross sections of the proposed cut or fill which show the method of benching both cut and/or fill.
  - 5) In addition, a plot plan shall show the location of the grading boundaries, lot lines, neighboring streets or ways, buildings, surface and subsurface utilities, and waterways.
  - 6) In addition, plans shall include a description of the type and classification of the soil from the Soil Survey or better.
  - 7) Details and location of any storm water management facilities or drainage control structures, pipes, walls, and cribbing.
  - 8) Seeding and/or planting locations and schedules, debris, basins, diversion channels.
  - 9) Nature of the fill material; and such other information as the Township Engineer may need to carry out the purpose of this Ordinance.
  - 10) Quantity of cut and/or fill in cubic yards.
- C. All plans shall be dated and include:



- 1) The name and seal of the professional engineer or surveyor who prepared the same.
  - 2) The name of the applicant and/or contractor, if different.
  - 3) The name of the owner of the land.
- D. Eight copies of the plan shall be submitted (except for grading on a single-family lot, one of which shall be reproducible in nature).
- E. State the estimated dates for the commencement and completion of grading work.
- F. State the purpose for which the grading application is filed.
- G. State whether excavated material is to be used as on-site fill or if it is to be removed from the site. If material is to be removed from the site, the location and quantity of such disposal must be stated in the application. A separate grading permit may be required for each such off-site fill.
- H. The Township Engineer may require from the applicant, or the applicant's engineer, information and reports from governmental agencies, and scientific and/or engineering journals, if available, and professional engineers and/or engineering geologists, if necessary. This information, and these reports, must be of sufficient detail to insure that proposed grading will not create a hazard and that there will be a minimum of soil erosion on the site to be graded.
- I. To be adequate, a geological report shall include a detailed description of the geological conditions of the site; include conclusions and recommendations that will demonstrate the relationship of the geological conditions to the proposed development, including hazardous conditions, water resources, mineral resources, and environmental impact. A soil conservation report shall include existing site description as to topography, drainage, cover, and soils, major resource problems as to soil limitations, erosion and sediment potential and surface runoff changes; and recommendations to minimize soil limitations, erosion and sediment, and surface water disposal problems.

#### §608.6 Grading Plan Review

All grading plans shall be submitted to the Code Enforcement Officer for their review, within the same time limits prescribed for the review of Site Plans. The Township Engineer shall make a written report. The storm water management plan for the grading site shall be reviewed and approved according to the provisions of this Chapter.

#### §608.7 Issuance of Grading Permit

##### A. Expiration of Permit

Every grading permit shall expire by limitation and become null and void if the work authorized by such permit has not been commenced within six (6) months or is not completed within one (1) year from the date of issuance, provided that the Township, acting upon the recommendation of the Township Engineer may, if the permit holder



presents satisfactory evidence that unusual difficulties have prevented work being started or completed within the specified time limits, grant a reasonable extension of time, and provided further that the application for the extension of time is made before the date of expiration of the permit.

**B. Denial of Permit**

1) A grading permit may be denied for the following reasons:

- a) When in the opinion of the Township Engineer, work proposed by the applicant does not comply with the provisions of this Ordinance or other Township Ordinances, or is likely to endanger any property or person, or any street or alley, or create hazardous conditions. If determining whether the proposed work is likely to endanger any property or any street or alley, or create hazardous conditions, the Township Engineer shall give due consideration to possible saturation by rains, earth movements, runoff surface waters, and sub-surface conditions, such as the stratification and faulting for rock, springs, and the nature and type of the soil or rock.
- b) When the grading plan proposes the grading of excessive slopes as defined in this Chapter.

2) The Board of Supervisors shall within forty-five (45) days consider appeals from the decision of the Code Enforcement Officer, and shall consider alternate methods, standards or materials proposed by the developer when, in their opinion, strict compliance with the provisions of this Ordinance is unwarranted or creates a hardship. Any modifications of the applicable storm water management standards, particularly the standards governing allowable peak rate of runoff, shall be determined to be consistent with the overall storm water Ordinance. Any applicant or permit holder shall have the right to appeal to any court of competent Jurisdiction from any decision of the Board of Supervisors within thirty (30) days of their decision.

**§608.8 Fees and Performance Guarantee**

- A. The Administrator shall receive the applications and shall collect all fees, escrows and required bonds.
- B. Grading fees will be based on the volume of materials to be graded in accordance with the Schedule of Fees as adopted by the Board of Supervisors by resolution. The applicant shall also be responsible for engineering and legal fees, costs and expenses associated with additional review for the determination as to adherence to the provisions of this Ordinance and for enforcement of this Ordinance.
- C. Before issuance of a grading permit, the Administrator shall require the applicant to post an escrow established by an estimate from the Township Engineer to cover inspection costs in cash, plus a performance bond, corporate surety, or other approved security in the amount of twenty percent (20%) of the estimated cost of grading work and other control facilities proposed, to guarantee that said work and facilities will be

completed in a satisfactory manner and meet the requirements this Chapter. No bond shall be required if another bond or other approved security is posted for construction and/or site improvements which covers the cost of the grading and other control facilities. When all requirements of this permit have been met and the work has been completed in a satisfactory manner, the security shall be replaced with a maintenance bond guaranteeing the work for a period of two (2) years after completion thereof.

- D. No grading permit shall be issued for the filling of materials, other than clean soil or earth, until a faithful performance bond, in the amount of at least twenty percent (20%) more than the Township Engineer's estimated cost of adequately covering such fill with clean soil or earth, has been furnished to the Township. Such bond shall be executed by a corporate surety, as well as by the principal, and shall be subject to the approval of the Township Solicitor as to form. The bond shall inure to the benefit of the Township and be conditioned upon the faithful performance of the work required under the terms and conditions of the grading permit to the satisfaction of the Township Engineer. In lieu of such bond, a cash deposit or a certified check in the same amount may be made with the Township Treasurer.

#### §608.9 Inspections

- A. Plans for grading work and other control facilities, bearing the stamp of approval of the Township Engineer, and a copy of the approved permit, shall be maintained at the site during the progress of the grading work and until the work has been completed.
- B. Grading work at the various stages, or at any other time, will be subject to spot inspections at the discretion of the Township Engineer, to determine that work is being performed in compliance with this section. The permit holder shall notify the Township Engineer forty-eight (48) hours prior to the following schedule of required inspections.
  - 1) Initial inspection - when work on the excavation or fill is to be commenced.
  - 2) Rough Grading - when all the rough grading has been completed.
  - 3) Drainage Facilities - when drainage facilities are to be installed and before such facilities are backfilled.
  - 4) Special Structures - when excavations are complete for retaining and crib walls and when reinforcing steel is in place and before concrete is poured.
  - 5) Final Inspection - when all work, including the installation of all drainage facilities and other structures as described in the application has been completed.
- C. Any physical changes in the site, such as surface water drainage, soil and bedrock dislocations, alteration of ground water discharge, or any other natural or manmade modification, which would cause a doubt to be cast upon the feasibility of the contents of the original permit approval, must be reported to the Township Engineer within twenty-four (24) hours of discovery of such condition. Failure to do so is deemed as just reason for revocation of permit and forfeiture of security.

- D. In special cases when grading occurs in areas of landslide prone soil as recognized by the Soil Survey or better, the Township Engineer may require special precautions and/or soil tests from the owner. The results of all soil tests and core borings made relating to the site being graded shall be submitted to the Township Engineer, cost of such tests and reports to be borne by the permittee.

#### §608.10 Liability

- A. Neither the issuance of a permit under the provisions of Section, nor the compliance with the provisions hereto, or with any condition imposed by the Township official hereunder, shall relieve any person from any responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the Township for damages to persons or property.
- B. Compliance with the requirements of this Chapter shall be incumbent upon the person performing any grading, presence, or absence of an Inspector notwithstanding.

#### §608.11 Violations and Penalties

- A. No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done contrary to or in violation of any provision of this Section.
- B. When notice of any violation of, or non-compliance with, the provisions of this Ordinance has been given by the Administrator, or their representative, to any person, such violation shall be discontinued immediately, or within a reasonable time limit specified in such notice. If such violation is not discontinued, or extends beyond the specified time limit, the Administrator shall revoke the grading permit and the violator shall be subject to the applicable penalty.
- C. Any person violating any of the provisions of this Ordinance shall be liable, on conviction thereof, to a penalty not exceeding three hundred dollars (\$300.00) plus engineering fees and costs associated with the enforcement of this Ordinance. Whenever such person shall have been notified by the Administrator, by service of summons in a prosecution, or in any way, that he is committing such violation of this Ordinance, each day that he shall continue such violation after such notification, shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now, by law, collected and/or by civil action and/or judgment enforcement at the discretion of the Township, which may use any or all of these manners of collection.
- D. Any violation of the provisions of this Ordinance, when certified in writing by the Administrator, shall incur the automatic forfeiture of the two hundred dollars (\$200.00) cash bond required to be deposited under the provisions of this Chapter. This automatic forfeiture is also applicable to partially satisfy costs incurred as referred to in this Chapter.
- E. In addition to the above stated violations and penalties, the Township may also seek remedies and penalties under the applicable Pennsylvania statutes or regulations of any violation relating to an erosion/sedimentation plan or permit (25 PA Code, Chapter

102) dam, water obstruction or encroachment permit granted by the Pennsylvania Department of Environmental Resources (Dam Safety and Encroachment Act, 32 P.S. S680.1 et seq).

## §608.12 Remedies

The Board shall hear requests for variances to the provisions of this Section where it is alleged that the provisions of this Section inflict unnecessary hardship upon the applicant after a review and recommendation from the Township Engineer and Planning Commission. Board's action on the request shall be by a motion.

## §609 Landscaping and Vegetation

### A. Conservation

Development shall be planned in such a way that it minimizes the removal of existing trees, shrubs, and ground cover and to minimize the amount of land covered by impervious surfaces.

### B. Noise Control

Street trees along local and collector streets in residential areas are required as a buffer.

### C. Screening

Wherever natural screening is being planted to meet a screening requirement of the Neshannock Township Zoning Ordinance, such screen shall consist of 50 percent evergreen or evergreen-type hedges, and 50 percent shrubs and deciduous trees inter-planted with a variety and size, at the time of planting, that will attain a height of at least six (6) feet within three (3) years. Subdivision and land development plans shall provide for such screening as follows:

- 1) Where nonresidential uses abut residential uses.
- 2) Where residential uses abut any railroad right-of-way or arterial highway.
- 3) Along the perimeter of any outdoor storage area, common utility yard or outdoor equipment area in multiple residential developments.
- 4) Elsewhere, as deemed necessary by the Board of Supervisors.

### D. Windbreaks

The use of planting rows to serve as windbreaks to control the drifting of snow across public and private roadways may be required.

## §610 Stormwater Management

### A. Compliance with Stormwater Management Ordinance

All development and regulated activity shall comply with provisions set forth in the Stormwater Management Ordinance.

## B. Design and Construction Standards – Collection and Conveyance Facilities.

- 1) All stormwater collection and conveyance facilities (pipes, swales, and structures) shall be designed for a 25-year design storm event. The hydraulic grade line must be a minimum of two (2) feet below the surface elevation within the pipe. Swales and channels shall provide at least one (1) foot of freeboard above the energy grade line. Backwater effects of pipes discharging under surcharge conditions shall be included.
- 2) Manholes shall not be spaced more than 350 feet apart for pipe sizes up to 24 inches in diameter and not more than 450 feet apart for larger pipe sizes.
- 3) No public stormwater pipe shall be less than 15 inches in diameter that conveys surface runoff. The minimum pipe slope shall be one percent (1.0%) grade or maintain velocity of two (2) feet.
- 4) All workmanship and materials shall conform to the Township's construction standards. In addition, all workmanship and materials shall conform to the latest edition of PennDOT Form 408 and be supplied by manufacturers or suppliers listed in PennDOT's Bulletin 15.
- 5) Manhole and inlet castings shall conform to the Pennsylvania Department of Transportation Form 408 and PennDOT Standards for Roadway Construction. Inlet grates shall be bicycle safe. Frames and grates shall be cast iron or structural steel. Concrete frames shall not be permitted.
- 6) All connections to existing storm sewer pipes shall be made by construction of a suitable junction box (inlet or manhole) to provide access for cleanout.
- 7) The discharge of stormwater runoff shall be to a well-defined drainage course, which has a defined bed and bank or is connected to a stormwater system. If stormwater runoff cannot be discharged to a defined drainage course, documentation of written permission from each downstream property owner shall be provided for all properties between the source of discharge and the defined drainage course. The use of level spreaders or similar BMPs that promote sheet flow may be permitted, if the applicant provides documentation that the peak post-development 100-year discharge is no greater than a predevelopment two (2) year discharge and a letter from the geotechnical engineer of record regarding slope stability of the downstream area is provided. Use of a level spreader requires a waiver to be granted by the Township.

## §611 Tree Planting, Watercourse Protection, and Beautification

### A. Tree Planting

The planting of trees within the street right-of-way line shall not be permitted without the consent of the Township. The planting of any trees within the private property of each residential lot shall be at the discretion of the property owner or developer.

B. Watercourse Protection

Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.

C. Landscaping

For all multi-family, apartment, office, commercial or industrial subdivisions or land developments, a landscaping plan shall be provided and shall include sufficient plantings for the required open space, planting strips, screenings, formal gardens, shade trees, and natural barriers.

## §612 Waste Storage and Disposal Areas

Waste storage and disposal areas for proposed land development shall be planned and constructed in a way that they are shielded from view from the public right-of-way or neighboring properties. Any “dumpster” shall be in a three-sided structure, enclosed with a gate to promote proper maintenance of the area preventing unsightly conditions, offensive odors, vermin, etc. All such structures shall be located to the rear of the building(s) they serve.

## §613 Development on Private Streets Discouraged

- A. It is the policy of this Township that all subdivided lands shall have immediate access to a public street. Because of unique property configuration and location, this Township recognizes the need for limited exceptions to the foregoing general policy.
- B. No subdivision will be approved on a private street or road if more than two (2) lots already front on such street or road, or if after subdivision, more than two (2) lots will front on such private street or road.

## §614 Calendar Construction Limitations

Road construction such as filling, berming, subgrade, fine-grade construction, base construction, or surface construction cannot be commenced before April 1 and must be completed before October 31 of the same year, unless special permission is granted by the Board of Supervisors. It is assumed that the weather conditions between these dates will be ideal for road construction; however, if adverse weather conditions occur between these dates, the contractor or builder must abide by the judgment of the Board of Supervisors, their agents, or assigns, in regard to permissible construction weather conditions.

# Article VII – Administration

## §701 Fees

- A. The Board of Supervisors shall establish by annual Fee Resolution, a collection procedure and schedule of fees to be paid hereunder by the developer at the time of filing an application. The fee Resolution shall establish an application fee, review fee and any other fees for subdivisions, simple subdivisions, and land development reviews.
- 1) A deposit shall be made, at the time of application, for subdivision approval or land development approval, with the Township, in order to cover the costs of engineering review and inspection of proposed improvements, legal fees, and other consultants' fees whose services are required, in order to provide a comprehensive review of the subdivision application.
  - 2) A review fee, as established by resolution of the Board of Supervisors, and fees as charged to the Township for activities related to the subdivision application, shall be deducted from the deposit as invoices are received.
  - 3) A full accounting of all expenses incurred during the review and approval of a subdivision or land development application shall be kept by the Township Secretary and made available to the applicant.
  - 4) Upon completion of all improvements to the satisfaction of the Township Engineer, and upon a full and complete release of all sureties posted relative to the improvements proposed, the remaining balance of the deposit shall be returned to the applicant upon receipt of a written request to do so.
- B. Developer shall present a check or money order, made payable to the Township, in an amount equal to twenty (20) percent of the estimated cost of the improvement(s) used in the determination of the Financial Security, as determined by the Township Engineer.
- 1) This fee is separate from and in addition to any application fees required by the Township.
  - 2) The fee shall be paid at the time of submission of the development agreement and kept in a separate account used solely for the purposes of complying with this Ordinance.
  - 3) Upon completion of all inspections and other requirements, the remainder of the funds held in this account retained by the Township shall be returned to the developer, along with an itemized statement evidencing the expenditures of the funds from the account.
  - 4) This fee shall be paid at the time of submission of the development agreement.



- C. Said schedule of fees shall be posted in the municipal offices and shall be available for inspection upon request.
- D. No final plan shall be approved unless and until all fees and charges are paid in full.

## §702 Certificates and Approvals

The format and wording of certificates and approvals to appear on the final tracing proposed for recording shall conform to the requirements of the Lawrence County Subdivision and Land Development Ordinance as now, or hereinafter, amended.

## §703 Liability for Township Streets

- A. Where any public street in the Township, including the paved area, gutters, utilities, and the right-of-way, is hereafter damaged in any manner whatsoever, the person or persons directly responsible for said damage, the subcontractor and/or general contractor for whom said persons or his superiors work, or with whom they have contracted, shall be jointly liable for any and all damage to said Township street, and shall repair said damage within 90 days of any written notification by the Township. All repairs shall meet Township standards and shall be subject to Township inspection.
- B. In certain cases where the damage to the Township street creates a hazard to public health, safety, and welfare, the Township Engineer, upon advice from the Solicitor, and direction from the Board of Supervisors, may require that the damage shall be repaired within a reasonable timeframe that is less than the 90 days provided herein or the Township, at its own discretion, may provide for the repair to address the hazard to public health, safety, and welfare at the Township's expense and thereafter pursue a lien against the contractor directly responsible for said damage.

## §704 Modifications

- A. Where the applicant shows to the satisfaction of the Township that the literal compliance with any mandatory provision of these regulations causes undue hardship to the applicant because of peculiar conditions pertaining to the particular property, the Township may grant a modification to one or more provisions of this Ordinance. Such modification, however, shall not have the effect of nullifying the intent and/or purpose of this Ordinance.
- B. All requests for modification of any standard and/or requirement contained in this Ordinance shall be made in accordance with the following procedure:
  - 1) The request shall be made in writing and shall accompany the preliminary plan application. The request shall include:
    - a) A full description of the unreasonableness or hardship on which the request is based, and any, peculiar circumstances.
    - b) A full description of the alternative standard proposed to provide equal or better results.



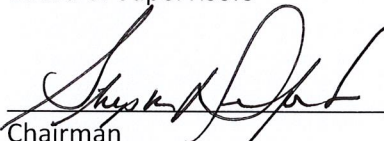
- c) The Section(s) of this Ordinance that are requested to be modified and the minimum modification necessary to relieve the hardship.
- 2) The request for modification shall be reviewed by Township staff to determine compliance with the requirements in the Modifications section of this Ordinance above and shall be recommended for action to the Board of Supervisors.
- 3) The Board of Supervisors, after receipt of staff's recommendation, shall complete its own review and shall grant or reject the required modification.
- 4) If the modification is granted, a note shall appear on the final recording plan.
- 5) The Board of Supervisors shall keep a written record of all action on all requests for modifications.

### §705 Development Agreement


- A. As a condition of granting final plan approval, the Township shall require that the developer execute a development agreement with the Township in a form acceptable to the Township Solicitor, containing provisions that are reasonably required to ensure compliance with any conditions of approval, any Ordinance or regulation of the Township and to guarantee the proper installation of onsite improvements related to the subdivision and/or land development, and provisions necessary to indemnify the Township in connection with such subdivision and/or land development.
- B. Executed development agreements shall be required for approved Subdivision and Land Development applications.

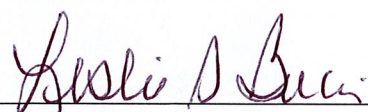
Whereas, the Neshannock Township Board of Supervisors adopted the Neshannock Township Subdivision and Land Development Ordinance (SALDO) on this 15<sup>th</sup> day of February, 2023.

Neshannock Township  
Board of Supervisors

  
Chairman

ABSENT  
Vice Chairman

  
Supervisor

Attest:   
Secretary