

Article III – PLAT PROCEDURES AND SPECIFICATIONS

SECTION 301 – Pre-Application Procedures

1. Copies of this ordinance shall be available for use by any person seeking information concerning land development and/or subdivision standards and procedures in effect within Somerset Borough. Any prospective developer or subdivider may meet with the Borough Planning Commission to discuss and review tentative plans and/or any provisions of this ordinance.
2. Prior to the final plan submission, the prospective developer must have complied with the planning requirements of the Pennsylvania Sewage Facilities Act as administered by the Pennsylvania Department of Environment Resources. It is suggested that the prospective developer consult the Somerset Borough Sewage Enforcement Officer or the Somerset County Office of the Pennsylvania Department of Environmental Resources as to the requirements of that act.
3. Prospective developers shall consult the Somerset County Conservation District Representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development. Land that is subject to flooding shall not be platted for residential occupancy or for any other use that may endanger health, life, or property. Such land within a subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional flooding and shall not produce unsatisfactory living conditions.

SECTION 302 – Sketch Plan

Prior to the submission of a preliminary plan, developers are encouraged to submit a sketch plan to the Borough Planning Commission. This sketch plan will enable the Planning Commission to review the proposal and to make any suggestions or inform the developer of any proposed plans or factors that may affect his development. Such review and discussion shall be informal and advisory only.

It is desired that a sketch plan contain the following information:

- a. Location Map.

- b. General information concerning any community facilities and/or other significant man-made natural features that will affect the proposal.
- c. A property map showing the specific parcel of land or site involved.
- d. A sketch of the proposed subdivision or land development on a map at a suggested scale of one (1) inch equals forty (40) feet showing the proposed layout of streets and lots, and other features.

SECTION 303– Minor Subdivision

When a single lot which has not been previously included in any act of subdivision is proposed to be divided into three lots or less, or where land is being transferred to be combined with an existing lot, the Borough Council may waive the requirement of the preliminary plat and the applicant may proceed with the requirements for final plat approval.

SECTION 304– Re-Subdivisions

In cases involving only a replatting or a re-subdivision of land limited to a change in lot lines on an approved final plan (or a recorded plan), the requirement calling for submission of a preliminary plan may be waived. All other applicable requirement and specifications shall remain the same.

SECTION 305 – Preliminary Plan Procedures

- 1. Submission of the preliminary plan
 - a. Preliminary plans and all required accompanying documentation shall be submitted by the developer or his authorized representative to the Somerset Borough Secretary.
 - b. Submission shall consist of the following:
 - i. Seven (7) blue-line or black-line paper prints of the preliminary plan showing all the information required in Section 306.
 - ii. Five (5) copies of all other required documentation.
- 2. Distribution of preliminary plan for review and comment.

Seven (7) copies of the preliminary plan and accompanying documentation shall be immediately distributed by the Somerset Borough Secretary as follows:

- a. One (1) copy of the plan and accompanying documentation to the Somerset Borough Engineer.
 - b. One (1) copy of the plan and accompanying documentation to the Somerset County Planning Commission.
 - c. One (1) copy of the plan and accompanying documentation to the Somerset Borough Zoning Officer.
 - d. One (1) copy of the plan to the Somerset County Soil Conservation District Office.
 - e. One (1) copy of the plan to the District Office of the Pennsylvania Department of Transportation when a proposed subdivision or land development fronts, abuts, or is traversed by a state road.
 - f. One (1) copy of the plan to the Somerset Borough Sewage Enforcement Officer (SEO) for its review with respect to any proposed water and sewer facilities.
 - g. The remaining copies of the plan and accompanying documentation to the Somerset Borough Planning Commission.
3. Action on preliminary plan by the Planning Commission.
- a. Action on a preliminary plan shall be taken by the Planning Commission not later than ninety (90) days following receipt by the Borough of a complete submission.
 - b. No decision or action shall be taken by the Planning Commission until the reports are received from the Somerset County Planning Commission and other individuals and agencies to whom the plan was sent for review and comment, or until the expiration of forty-five (45) days from the date the plans were forwarded to such individuals and agencies.
 - c. All actions on the plan by the Planning Commission shall be taken at a public meeting whether it be a regularly schedules or special meeting. In addition, the Planning Commission may also schedule a public hearing before taking any action on the plan. The developer shall be notified of the time and place of all such meetings and hearings.

- d. The decision of the Planning Commission concerning the plan shall be in writing and shall be forwarded to the developer within five (5) days following their decision. If a plan is not approved, or approves subject to certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this ordinance. Copies of the decision shall be sent to the Borough Council, Borough Engineer, and Zoning Officer.
- e. Failure of the Planning Commission to render a decision and communicate it to the developer within ninety (90) days shall be deemed an approval of the plan in terms as presented unless the developer has agreed to an extension of time.
- f. Approval of the preliminary plan shall not constitute approval of the final plan for any purpose or reason, but shall constitute conditional approval of the proposed development as to its general character and layout.
- g. Then a preliminary plan has been approved or approved subject to certain conditions acceptable to the developer, no subsequent change or amendment in this or any other applicable ordinances shall be applied to affect adversely the right of the developer to commence and to complete any aspect of the approved development in accordance with the terms of such approval within three (3) years from such approval. Where final approval is preceded by preliminary approval, the three (3) year period shall be counted from the date of preliminary approval.
- h. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the applicable ordinances or plans as they stood at the time when the plan for such approval was duly submitted to the Borough.

SECTION 306 – Preliminary Plan Specifications

The preliminary plan shall consist of the following:

- 1. The plan, drawn at a scale of one (1) inch equals forty (40) feet on a maximum sheet size of thirty (30) inches by forty-three (43) inches, showing the following:
 - a. Name and address of subdivider.
 - b. Proposed name of the subdivision.

- c. North arrow, scale, and date.
- d. Name of engineer, surveyor, or other qualified person responsible for the plan.
- e. Location map showing the vicinity in which the proposed development is located.
- f. Topography showing existing and proposed contours at intervals of two (2) or five (5) feet, depending upon the slope of the land.
- g. Tract boundaries and the name of all abutting submissions or property owners.
- h. Number of acres in the tract, number of lots, the zoning classification, and the type of proposed development.
- i. Existing and proposed property lot and boundary lines, including building setback lines, and information concerning lot dimensions, lot areas, and the location of any easements.
- j. The location of all existing and proposed streets, with information concerning right-of-way widths, types of paving, and street names.
- k. The location of any parcels of land either existing or proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes.
- l. The location of any existing bodies of water or watercourses, tree masses, buildings or structures, public facilities, and any other man-made or natural features within or near the proposed subdivision.
- m. A map showing the location of the proposed development with respect to the Borough's flood-prone areas, including information on the regulatory flood elevation, the boundaries of the flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special ordinance restrictions.
- n. Where the development lies partially or completely in any flood-prone area, or where the development borders on any flood-prone area, the preliminary plan map shall include detailed information giving the location and elevation of building sites. All such maps shall also identify accurately the boundaries of the flood-prone area.

2. Accompanying Data

- a. Tentative cross-section drawings for all proposed streets showing rights-of-way, cartway widths, location of sidewalks, and planting strips.
- b. Profile drawings of all proposed streets showing existing and proposed grades.
- c. Plans and profiles of proposed sanitary and storm sewers including grades and pipe sizes, and the plans for any proposed water distribution system showing pipe sizes and location valves and fire hydrants.
- d. Preliminary designs for any bridges, culverts, etc., which may be required.
- e. The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development" to meet the requirements of the Pennsylvania Sewage Facilities Act and the Clean Streams Act. This component is encouraged to be initiated by the developer prior to the submission of the preliminary plan (See, also, section 404.4 – Permits for Individual Sewage Systems.)
- f. Where any excavation or grading is proposed, the developer shall submit a plan to implement and maintain erosion and sedimentation control measures as required by the Pennsylvania Clean Streams Act.
- g. A preliminary storm water management plan.

SECTION 307 – Final Plan Procedures

1. Submission of a final plan for approval by the Borough Council shall occur not more than three (3) years following the date of approval of the preliminary plan. Failure to submit the final plan within this period of time shall make the approval of the preliminary plan null and void unless an extension of time has been requested in writing by the applicant with good reason and has been granted by the Borough Council.
2. The final plan shall basically conform to the approved preliminary plan except for any modification or changes required by the Planning Commission. Where, in the opinion of the Planning Commission,

there have been significant modifications or changes to the approved preliminary plan other than those required by the Borough, the plan shall be submitted again as a preliminary plan.

3. A final plan may be prepared in sections or stages involving portions of the approved preliminary plan if so desired by the developer.
4. Submission of the final plan shall be governed as follows:
 - a. The final plan or plans and all accompanying documents shall be submitted by the developer or his authorized representative to the Borough Secretary.
 - b. Submission shall consist of the following:
 - i. Four (4) blue-line or black-line paper prints and the original record plan drawn on tracing cloth or linen showing all the information required in Section 308.
 - ii. Three (3) copies of all other documentation required in Section 308.
 - iii. A filing fee established by resolution of Borough Council; reference Appendix to this ordinance.
5. Distribution of the final plan by Borough Secretary shall be as follows:
 - a. One (1) copy of the plan and accompanying documentation to the Borough Engineer.
 - b. One (1) copy of the plan and accompanying documentation to the Borough Zoning Officer.
 - c. The remaining copies of the plan and documentation to the Borough Planning Commission. In addition, the record plan shall also be forwarded to the Borough Planning Commission.
6. Advisory action on the final plan by the Borough Planning Commission shall be taken in the same manner as for preliminary plans, Section 305.3, except subsection (b). In addition, if a final plan is approved, the Planning Commission Chairman shall sign the record plan and all prints for forwarding to the Borough Council along with a copy of their written decision. One print shall be retained by the Commission for file.
7. Borough Council action on final plan shall be governed as follows:

- a. Following receipt of the written decision from the Planning Commission, Borough Council shall consider the final plan at their next regularly scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be so notified, and in addition, Borough Council may also schedule a public hearing before taking any action on the plan.
- b. Action on a final plan shall be taken by Borough Council and communicated to the developer not later than ninety (90) days following the receipt of a complete submission by the Borough. In their review, Borough Council shall consider the reports and recommendations of the Borough Planning Commission and the various other individuals and agencies to whom the plan was sent for review and comment. As a result of their review, Borough Council may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.
- c. The decision of Borough Council concerning the plan shall be in writing and shall be communicated to the developer not later than five (5) days following the meeting of which the decision is made, but still within the ninety (90) day limit. If a plan is not approved, or approved subject to certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this ordinance. Copies of the decision shall be sent to the Borough Planning Commission and Zoning Officer.
- d. Failure of Borough Council to render a decision and communicate it to the developer within the time and in the manner required by this ordinance shall be deemed an approval of the plan in terms as presented unless the developer has agreed in writing to an extension of time.
- e. Before any final plan is approved, the developer shall either install all the required improvements or shall provide for deposit with the Borough a corporate bond or other security acceptable to the Borough pursuant to the provisions of Section 309 of this ordinance.
- f. Failure to initiate the installation of improvements and demonstrate tangible evidence of construction other than earth moving work within three (3) years following approval of a final plan shall constitute grounds for Borough Council to consider the plan null and void unless an extension of time has been

requested in writing by the developer and a written approval granted by the Borough Council.

8. Recording of Plan

- a. Upon approval of the final plan by the Borough council, the developer shall within ninety (90) days of such final approval, record such plat in the office of the Somerset County Recorder of Deeds. No plan shall be recorded unless it has been given official final plan approval by the Borough Council.
- b. If the plan is not recorded within ninety (90) days, the approval by the Borough Council shall be null and void.

SECTION 308 – Final Plan Specifications

1. The final plans shall be drawn on tracing cloth or linen with blue-line or black-line prints at a scale of forty (40) feet to the inch. The sheet size shall be a minimum of fifteen (15) inches x twenty-four (24) inches or a maximum of thirty (30) inches x forty-two (42) inches. If the final plans are drawn in two (2) or more sections, it shall be accompanied by a key map showing the location of the sections.
2. The final plan shall show the following:
 - a. Name and address of developer.
 - b. Proposed name of development.
 - c. North arrow, scale, and date.
 - d. Name of registered engineer or surveyor responsible for the plan.
 - e. A location map showing the vicinity in which the proposed subdivision is located.
 - f. Primary control points approved by the Borough Engineer or description and “ties” to such control points, to which all dimensions, angles, bearings, and similar data on the plan shall be referred.
 - g. Tract boundary lines, rights-of-way lines of streets, easements, and other rights-of-way, and all property lines, with accurate dimensions, bearing the deflection angles, and radii, arcs, and central angles of all curves.

- h. Name and right-of-way width of each street or other right-of-way.
 - i. Location, dimensions, and purpose of all easements.
 - j. Number to identify each lot or site and street numbers of lots.
 - k. Purpose for which sites other than residential lots are dedicated or reserved.
 - l. Building setback lines on all lots and other sites.
 - m. Names of record owners of adjoining unplatted land.
 - n. Reference to recorded subdivision plats of adjoining platted land by record name, date, and number.
 - o. Certification by registered engineer or surveyor attesting to the accuracy of the survey and plan.
 - p. Certification of title showing that the developer is the owner of the land or agent of the land owner.
 - q. Statement by owner dedicating streets, rights-of-way, and any sites for public use which are to be dedicated.
 - r. Proposed protective covenants running with the land, if any.
 - s. The location and types of erosion and sedimentation control, if any.
3. Accompanying Data
- a. All information required for the submission of the preliminary plan incorporating any changes requested by Borough Council.
 - b. Cross-connection drawings for all proposed streets, showing rights-of way, cartway widths, and location of sidewalks and planting strips.
 - c. Profile drawings of all proposed streets, showing existing and proposed grades.
 - d. Final approval by the Department of Environmental Resources of the appropriate component of the “Planning Module for Development” to meet the requirements of the Pennsylvania Sewage Facilities Act and the Clean Streams Act.

- e. Plans and profiles of proposed sanitary and storm sewers including grades and pipe sizes may be required as may also the plans for any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
 - f. A storm water drainage plan.
 - g. Final plans for any bridges culverts, etc., which may be required.
 - h. Any other certificates, affidavits, endorsements, or dedications, etc. that may be required by the Planning Commission or Borough Council.
 - i. A street light plan showing the location of all lights, junction boxes, and any easements. From time to time Council will adopt by resolution standards for street light installation.
 - j. Where any excavation or grading is proposed or where any existing trees, shrubs, or other vegetative cover will be removed, the developer shall consult the County Conservation District Representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the developer shall obtain a Grading and Excavation Permit if such is required.
4. Additional Accompanying Data for Flood-Prone Areas:
- a. A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any designated flood-prone area. All such maps shall show contours at intervals of two (2) feet and identify accurately the boundaries of the flood-prone areas.
 - b. Submission of the Final Plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Resources, and any other Commonwealth agency, or local municipality where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Department of Community Affairs, and the Federal Insurance Administrator shall also be notified whenever any such activity is proposed.

SECTION 309 – Performance Bonds

1. No final plan shall be approved by Borough Council until the improvements required by this ordinance are constructed in a satisfactory manner and approved by Borough Council. In lieu of such construction, Borough Council may grant final approval prior to completion providing:
 - a. The developer enters into an agreement with Borough Council guaranteeing that the improvements will be installed in accordance with the plans, specifications, and schedules approved by Borough Council prior to plat approval. This agreement shall also guarantee that no lot will be sold or building constructed in any flood-prone area prior to completion of all protective works or measures planned for such lot and necessary access facilities.
 - b. Simultaneous with the execution of the agreement specified in (a) above, the developer offers a fiscal surety to guarantee performance of this agreement and installation of improvements by the developer/owner at their own expense in accordance with the approved plans, specifications, and schedules. The surety bond shall be for one hundred twenty-five (125) percent of the amount of the current estimated costs as determined by the Borough Engineer. The surety agreement shall be conditioned upon final approval of the plat. A corporate bond or other security acceptable to the governing body shall be offered by the developer, his agent, or an authorized bonding firm.
 - c. Such performance bond or other security shall run and be enforceable by the Borough not later than three (3) months after the date set in the bond schedule for completion of the improvements.
2. All such improvements shall be completed within two (2) years of final plan approval. An extension in time for the completion of improvements may be granted at the option of the Borough for a period not to exceed one (1) year.
3. Building permits may be issued by section for which improvements are completed and satisfactorily inspected. However, not certificate of occupancy shall be issued until all such improvements are completed, approved, and dedicated to the Borough.
4. Prior to offering any improvement to the governing body, the developer shall furnish a written guarantee (release of liens) that all

indebtedness incurred for supplies, material, labor furnished, or engineering and professional services in the construction or improvements shall have been paid in full and that there are no claims for damage or suits against the contractor involving such improvements.

SECTION 310 – Maintenance Bonds

1. The developer, prior to the dedication of any improvements, shall file a maintenance bond with the Borough. The amount of such bond shall be determined by Borough Council upon consultation with the Borough Engineer and Solicitor, and may be held for a period of twelve (12) months after final completion of such improvements for the purpose of:
 - a. Guaranteeing and securing the correction of any defect in material or workmanship not discernible at the time of final inspection or acceptance by the governing body, and;
 - b. Guaranteeing against any damage to such improvements by reason of the settling of the ground, base, or foundation thereof.
2. Such agreement shall provide that the bond may be applied by Borough Council for any amounts incurred correcting such defects. The balance of such deposit shall be returned by the governing body to the depositor, or paid to the order of the depositor without payment of interest by the governing body.

SECTION 311 – Inspection of Improvements

1. It shall be the duty of the Borough Engineer to monitor and inspect the installation of improvements during construction as well as making a formal final inspection upon notice by developer of completion as required below.
2. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the municipal governing body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The municipal governing body shall, within ten days after receipt of such notice, direct and authorize the municipal engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing, with the municipal governing body, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the municipal engineer

of the aforesaid authorization from the governing body; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the municipal engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

3. The municipal governing body shall notify the developer, in writing by certified or registered mail, of the action of said municipal governing body with relation thereto.
4. If the municipal governing body or the municipal engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security.
5. If any portion of the said improvements shall not be approved or shall be rejected by the municipal governing body, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
6. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the municipal governing body or the municipal engineer.
7. Where here reference is made to the municipal engineer, he shall be a duly registered professional engineer employed by the municipality or engaged as a consultant thereto.