EAST SIDE BOROUGH

SUBDIVISION ORDINANCE

ARTICLE I

AUTHORITY AND PURPOSE

Section 101:

East Side Borough Council, as governing body of East Side Borough, a municipality incorporated under the Laws of the Commonwealth of Pennsylvania, enacts the following ordinance regulating Subdivision pursuant to the authority granted to East Side Borough Council by the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Section 102:

This subdivision ordinance establishes rules and standards governing the subdivision of land within the Borough of East Side, setting forth the procedure to be followed by the Planning Committee and the Borough Council in applying and administering these rules and standards, and setting forth the penalties for the violation thereof.

Section 103:

This ordinance shall be entitled "The East Side Borough Subdivision Ordinance" and shall hereafter be referred to herein as "subdivision ordinance."

The Ordinance is adopted:

1. To obtain orderly, efficient and integrated land use in the Borough.

2. To coordinate new or proposed streets with existing streets and to expand and extend public facilities and services at optimal cost and convenience.

3. To promote the health, safety, and general welfare of residents of East Side Borough.
ARTICLE I

DEFINITIONS

Section 201:

As used in these regulations, words expressed in the singular include their plural meanings, and words expressed in the plural include their singular meanings. The word "person" includes a corporation, unincorporated association, and a partnership, as well as an individual. The words "building" and "street" are used generally and shall be construed as if followed by the phrase "or part thereof." The word "may" is permissive; the words "shall" and "will" are mandatory subject to hardship as hereinafter provided.

Section 202:

The following words or phrases, when used in these regulations, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

AGENT: Any person, other than the subdivider, who, acting for the subdivider, submits to the commission subdivision plans for the purpose of obtaining approval thereof.

ALLEY: A right-of-way providing secondary vehicular access to the side or rear of two or more properties. (Special permission only.)

APPLICANT: Any person or municipality who submits to the commission subdivision plans for the purpose of obtaining approval thereof.

BLOCK: An area bounded by streets.

BUILDING SET-BACK LINE: A line within a property defining the required minimum distance between any structure and the adjacent right-of-way line.

CARTWAY: The hard surface portion of a street or alley intended for vehicular use. Does not include shoulders.

CLEAR-SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by the right-of-way lines, of the streets and by a line of sight between points on their right-of-way lines at a given distance from the intersection of the right-of-way lines.

COMMITTEE: The East Side Borough Planning Committee unless otherwise noted.

CROSSWALK OR INTERIOR WALK: A right-of-way or easement for pedestrian travel across or within a block.

CUL-DE-SAC: A street intersecting another street in one end and terminating at the other in a vehicular turn-around.

DEVELOPER: Same as subdivider.
DRAINAGE FACILITY: Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of diverting surface waters from, or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

DRIVEWAY: A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

DWELLING UNIT: Any structure or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

FUTURE RIGHT-OF-WAY: (1) the right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads. (2) A right-of-way established to provide future access to or through undeveloped land. (Required on all cul-de-sac or dead-end streets unless waived.)

HALF OR PARTIAL STREET: A street parallel and adjacent to a property line having a lesser right-of-way width than required for satisfactory improvement and use of the street.

IMPROVEMENTS: Those physical additions, installations and changes required to render land suitable for the use proposed.

LOT: A plot or parcel of land which is, or in the future may be offered for sale, conveyance, transfer or improvement as one parcel, regardless of the method or methods in which title was acquired.

LOT AREA: The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding any area within a street right-of-way, or easement.

MULTIPLE DWELLING BUILDINGS: A building providing separate living quarters for two (2) or more families.

OWNER: The owner of record of a parcel of land.

PERCOLATION TESTS: Water seepage tests as defined and regulated by the Pennsylvania Department of Environmental Resources.

PLAN: A subdivision plan, prepared for official recording in accordance with the requirements set out in this Subdivision Ordinance, to define property and street boundaries and other improvements.

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES: A Commonwealth agency having legislative mandate to regulate sewage treatment facilities.
SUBDIVISION APPLICATION: The physical submission and receipt by the Borough Secretary of all the following:

a. A subdivision plan substantially in compliance with Section 403.1 herein.

b. All supporting documents described by Section 403.2 or an explanation of their failure to be presented.

c. The appropriate fee as set out by Section 802 herein. No subdivision application shall be accepted without the appropriate fee.

REVERSE FRONTAGE LOT: Lots which front on one public street and back on another with vehicular access solely from one street.

RIGHT-OF-WAY: Land set aside for use as a street, alley or other public purpose.

SEWAGE FACILITY: Any sewage disposal system or sewage treatment works as defined and regulated by the Pennsylvania Department of Environmental Resources.

a. On-lot: A sewage treatment system located entirely within the confines of the lot which it serves.

b. Private, Centralized: A sewage treatment system which collects sewage from one or more households or industries and treats the sewage at one central privately owned and operated treatment plant which shall be regulated and supervised by the Pennsylvania Department of Environmental Resources.

c. Public, Centralized: A centralized sewer treatment system which is publically owned and operated.

SIGHT DISTANCE: The length of street, measured along the centerline, which is continuously visible from any point three feet above the centerline.

STREET: A way for motor vehicle traffic, regardless of other designation or name.

1. Arterial Streets and Highways are those which are used primarily for fast or heavy traffic. Right-of-way width - sixty (60) feet. 4,000 veh. per day - design speed 55 MPH.
2. Collector Streets are those which carry traffic from minor streets to the arterial streets and highways. Right-of-way width - sixty (60) feet. 750 to 4,000 veh. per day - design speef 45 MPH max.

3. Minor Streets are those which are used primarily for access to the abutting properties. Right-of-way width - 50 feet. 0 to 750 veh. per day - design speed 35 MPH max.

4. Alleys are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street. Right-of-way width - thirty (30) feet.

SUBDIVIDER: The Owner of equitable owner of a property to be subdivided.

SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

VARIANCE: Special Exceptions authorized by Section 804 of this Subdivision Ordinance.

WATER FACILITY: Any water works, water supply works, water distribution system or part thereof, designed, intended to constructed to provide or distribute potable water:

a. On-lot: A water supply approved by the Borough Sewage Inspector within the confines of the lot.

b. Private, Centralized: A water supply system serving two (2) or more users and approved by the Borough Sewage Inspector and constructed in accordance with applicable Commonwealth regulations.

c. Public, Centralized: A water supply system owned or operated as a public utility.

ARTICLE III

JURISDICTION

Section 301:

All applications for subdivision shall be presented to the
Planning Committee of Borough Council of East Side Borough.

ARTICLE IV

PLAN PROCESSING PROCEDURES AND PLAN REQUIREMENTS

Section 401: Plan Requirements

1. Six (6) copies of all required material shall be submitted to the Committee Secretary.

2. If plans and necessary supporting data are filed not less than ten (10) calendar days in advance of a scheduled meeting of Borough Council, plans will be considered by the Committee at the next regular meeting subsequent to filing.

3. The Committee may discuss the Final Plan and supporting material with appropriate officials of local, county, and state agencies and utility companies.

4. The Committee shall review the Final Plan at a regularly scheduled public meeting of Borough Council to determine its conformance with the requirements of these regulations. The Committee may require modifications to the plan which in the collective opinion of the Committee brings the plan into conformance with this Subdivision Ordinance.

5. Within the time set out in the Pennsylvania Municipality Planning Code, the Committee shall send written notification of its action and modifications required to the subdivider or his attorney.

6. If the Final Plan and supplementary data as submitted or when the Final Plan and data as revised complies with the requirements of these regulations, the Committee shall endorse the original of the plan and recommend the plan be approved by the Borough Council.

7. Approval of the Final Plan shall expire if no bona fide sales of lots to third persons or no construction or improvements to the land are made within two (2) years of the original approval. Extensions of time may be granted upon written request by the Subdivider and approval by the Committee and Borough Council.

8. The commission may permit submission of the Final Plan in sections, each covering a portion of the entire proposed subdivision.

Section 402: Plan Requirements

1. The subdivision plan submitted for final approval shall be a clear and legible white paperprint. Final plans shall be on sheets 18" x 22", 22" x 36", or 36" x 44". Where necessary to avoid sheets larger than the maximum size above, final plans shall be drawn
in two or more sections accompanied by a key diagram showing relative location of the sections.

2. The Final Plan for storage in the Borough records shall be a legible clear reproducible print or tracing on linen or "mylar". Three (3) blue or black line copies of the Final Plan shall be included with the storage print.

3. The Final Plan shall be at a scale of not more than one hundred (100) feet to the inch and shall show or be accompanied by the following information:

   a. Subdivision name or identifying title.
   b. Municipality in which the subdivision is located.
   c. North point, graphic scale and date.
   d. Name and address of the subdivider.
   e. Name and seal of the registered professional engineer or surveyor responsible for the plan.
   f. Total acreage of the tract and number of lots.
   g. A location map for the purpose of locating the site to be subdivided at a scale of not less than eight hundred (800) feet to the inch, showing the relation of the tract to adjoining property and to all streets, roads and municipal boundaries existing within 1,000 feet of any part of the property proposed to be subdivided.
   h. The names of the adjoining subdivisions, if any, and the names of all owners of all adjacent unplotted land.
   i. Boundaries of the tract.
   j. Street lines, lot lines, rights-of-way, easements, cul-de-sacs, and areas dedicated or proposed to be dedicated to public use.
   k. Sufficient data to determine readily the location, bearing and length of every street, lot, and boundary line and to reproduce such lines upon the ground.
   l. The length of all straight lines, radii, lengths of curves and tangent bearings for each street.
   m. All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
   n. The proposed building setback line for each street, or the proposed placement of each building.
   o. The point of access of driveways on corner lots, where proposed.
   p. Location and size of all sanitary and storm sewers and location of all manholes, inlets and culverts.
   q. All dimensions shall be shown in feet and hundredths of a foot.
   r. Lots within a subdivision shall be numbered.
   s. Names of streets within the adjacent to the subdivision shall be shown.
   t. Location and station number of PennDOT stations where applicable.
u. Permanent reference monuments shall be shown on the plan.

v. A statement to the effect that the applicant is the owner of the land proposed to be subdivided and that the subdivision shown on the Final Plan is made with his or their free consent, and that it is desired to record the same.

Section 403: The Final Plan shall include thereon, or be accompanied by:

a. A copy of such private deed restrictions, and such that may be imposed upon the property as a condition of sale by the present owner.

b. Typical cross sections and street profiles for all streets where required by the commission. Such profiles shall show at least the following: Existing (natural) and Proposed Grades along the proposed street center line; culvert locations and sizes.

c. Certification of water and sewer facilities as required in Article IV, Section 406 of these regulations.

The final plan shall have the following printed on it:

a. The seal of the licensed engineer or surveyor who prepared the plan.

b. The corporation seal, if the subdivider is a corporation.

c. The signatures of the owner or owners of the land, and if the owner of the land is a corporation, the signatures of the president and secretary of the corporation shall appear.

d. The signatures of the licensed engineer of surveyor who prepared the plan.

e. The signatures of a majority of the Borough Council and their secretary.

f. The stamp of review of the Carbon County Planning Commission.

The above requirements for plans and for supporting data may be waived by the Committee as warranted by special circumstances. Any requirements waived or modified must be done by majority vote at a
regular meeting of the Planning Committee, and the subdivider must be notified, in writing, by the Secretary of the Committee of any such changes granted.

Section 404: Recording

Recording of the Final Plan with the County Recorder of Deeds shall be made within ninety (90) days after the endorsement by the Borough Council.

No subdivision plan may be legally recorded unless it bears the endorsement of the East Side Borough Council and the stamp of review by the Carbon County Planning Commission.

In the event that the subdivider does not file the endorsed plan within the ninety (90) day time limit, the action of the Borough becomes null and void unless an extension of time has been granted, in writing, by the Planning Committee upon the request, in writing, by the subdivider. In such case, the Planning Committee shall determine the procedure to follow considering any changes in neighboring tracts, land use policies, etc. that may have occurred in the Borough in the elapsed time.

Section 405:

Failure by the Borough Planning Committee to act on any plan within the time limit prescribed by the Pennsylvania Municipalities Planning Code shall be deemed an approval of the plan as set out in the said Pennsylvania Municipalities Planning Code.

Section 406:

1. When connection to public water and/or sewer facilities is proposed, assurance of the availability of such service must be presented to the Committee before approval of the Plan. This assurance may be in the form of a letter or a statement on the Plan, signed by a responsible officer of the company or authority concerned, indicating their ability and willingness to make such service available.

2. A Pennsylvania Department of Environmental Resources report for on-lot sewage facilities should be available to the Committee before approval of the Plan.

3. A Pennsylvania Department of Transportation report should be available if any part of the subdivision abuts a State highway.

4. Percolation tests and soil profiles shall be made as required by Pennsylvania Department of Environmental Resources, under the direction of the Borough Sewage Enforcement Officer.


**ARTICLE V**

**DESIGN STANDARDS**

Section 501:

1. The following land subdivision principles, standards and requirements will be applied by the Committee in evaluating plans for proposed subdivisions.

2. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, and general welfare.

Section 502:

1. Land shall be suited to the purposes for which it is to be subdivided. Land subject to flooding or other hazards to life, health or property, and land deemed to be topographically unsuitable for sewage shall not be plotted for residential occupancy, or for such other uses as may increase danger to health, life or property, or sewage contamination of private water supply due to high topographical contours allowing seepage into water table, or aggravate erosion or flood hazard until all such hazards have been eliminated, or unless adequate safeguards against such hazards are provided by the subdivision plans. Such land within the subdivision shall be set aside on the plat for uses as shall not produce unsatisfactory living conditions.

2. All portions of a tract being subdivided shall be taken up in lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall not be created.

3. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited. Wherever possible, subdividers shall preserve trees, groves, waterways, scenic points, historic spots and other community assets and landmarks. Subdivisions shall be laid out so as to avoid the necessity for excessive cut or fill.

4. Where flooding is known to have occurred within the area shown on the plan, such area shall be clearly marked "subject to periodic flooding" and shall not be plotted in streets. If plotted as parts of lots, the area involved shall be clearly marked not suitable for water supply, sewage disposal or permanent structures.

5. In reviewing subdivision plans, the Committee shall consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision.

6. Subdividers shall give consideration to the desirability of providing for reserved areas for open space facilities in residential...
sections, including, without limitation, parks, playgrounds and playfields.

Section 503:

1. Streets shall be related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites. Residential streets shall be so laid out as to discourage through traffic; however, the arrangement of streets shall provide for continuation of existing or plotted streets and for proper access to adjoining undeveloped tracts suitable for future subdivision.

2. If lots resulting from original subdivision are large enough to permit re-subdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary.

3. Dead end streets shall be prohibited, except as studs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs. Stud streets greater than one (1) lot length shall be provided with a temporary turn-around to the standards required for cul-de-sacs.

4. Streets that are extensions of existing streets shall bear the names of the existing streets. Street names shall not be repeated within the municipality and all street names shall be subject to the approval of the Borough Council.

STREET CONSTRUCTION STANDARDS

1. Shoulders - Where curbs are not provided, shoulders shall be made mud free and treated with a dust inhibitor. All shoulders shall be constructed of crushed shale or equivalent to a depth of four (4) inches and six (6) feet wide on each side.

2. Right-of-Way Grading - The entire right-of-way shall be graded to the specifications set out on Section 503 herein. All trees, stumps and other materials deemed unsuitable by the Borough Road Supervisor or Borough Engineer shall be removed to a depth of two (2) feet below subgrade and excavation shall be backfilled and suitably compacted to the satisfaction of the Borough Road Supervisor or Borough Engineer. The finished road surface both tangent and curve shall be crowned at 3/8" per foot away from the center line. A proper super elevation shall be required on arterial streets and collector streets when the curve radii are less than 1200 feet and on minor local streets when the circle radii are less than 600 feet.

3. Subbase, Base and Surface Course - As a minimum pavement structure shall consist of the following:

   - 4" of crushed shale base or equivalent
   - 2" of FB-1 binder course
   - 1" of FB-1 wearing course
SECTION 503 - ILLUSTRATIVE STREET CROSS SECTION

PAVED STREET WITH CONCRETE CURBS
(not to scale)

PAVED STREET AND SHOULDERS
(not to scale)

Refer to subdivision regulations - Article V, Section 503, Street Construction Standards for dimensions and thicknesses of pavement.

11(a)
All specifications shall conform with the latest edition of the Pennsylvania Department of Transportation Manual form 408.

Section 504:

1. Cul-de-sac streets shall not exceed 600 feet in length and shall furnish access to not more than 15 dwelling units. Cul-de-sacs shall have at the closed end a turn-around with a right-of-way having a minimum outside radius of not less than 50 feet, and shall be paved to a radius of not less than 40 feet. Drainage of cul-de-sacs shall be toward the open end unless other drainage shall be superior in performance.

2. Special permission for cul-de-sacs in excess of 600 feet but not more than 15 dwelling units may be granted where lots of more than three (3) acres of area are served and where deed restrictions prevent further subdivision of the lots.

Section 505:

1. Minimum street widths shall be as follows:

<table>
<thead>
<tr>
<th>CLASSIFICATION</th>
<th>MINIMUM REQUIRED RIGHT-OF-WAY IN FEET</th>
<th>MINIMUM REQUIRED CARTWAY WIDTH IN FEET</th>
<th>SHALE BASE SHOULDER (EACH SIDE) IN FEET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial streets</td>
<td>60</td>
<td>24</td>
<td>8</td>
</tr>
<tr>
<td>and highways</td>
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<td></td>
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<tr>
<td>Collector streets</td>
<td>60</td>
<td>24</td>
<td>8</td>
</tr>
<tr>
<td>Minor streets</td>
<td>50</td>
<td>20</td>
<td>6</td>
</tr>
<tr>
<td>Alleys</td>
<td>30</td>
<td>18</td>
<td>4</td>
</tr>
</tbody>
</table>

2. Additional rights-of-way and cartway widths may be required by the Committee in order to lessen traffic congestion, to secure safety from fire, panic and other dangers, to facilitate the adequate provisions for transportation and other public requirements and to promote the general welfare.

3. Short extension of existing streets with lesser right-of-way and/or cartway widths than prescribed by Section 505 herein may be permitted, provided, however, that no section of new right-of-way be of less than 50 feet in width. Where a subdivision abuts or contains an existing street or inadequate right-of-way width, additional
right-of-way shall be dedicated to conform to the standards as set by the commission study of future rights-of-way, or if not shown thereon, to be to the above standards.

4. New half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations, and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.

Section 506:

1. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows: (a) Minor streets - 125 feet; (b) Primary streets - 300 feet. Except on minor streets, a minimum tangent of 100 feet shall be required between curves. A long radius curve shall be preferred in all cases to a series of curves and tangents. The approaches to an intersection shall follow a straight course.

Section 507:

1. Center line grades shall not be less than one-half (1/2) of one (1%) per cent. Center line grades shall not exceed the following: (a) Minor streets - 14%; (b) Primary streets - 10%. Vertical curves shall be used at changes of grade exceeding 1% and shall be designed in relation to the extent of the grade change to provide the following minimum sight distances: (a) for over crests (summits), each 4% difference in gradients use 125 foot length of curve; (b) for under crests (sage) each 4% difference in gradients use 100 feet lengths of curve.

2. Where the grade of any street at the approach to an intersection exceeds 7%, a leveling area shall be provided having not greater than 4% grades. Maximum grade within any intersection shall not exceed 1%.

Section 508:

1. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 60 degrees. Multiple intersections involving junction of more than two (2) streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.

2. Clear sight triangles of fifty (50) feet measured along street right-of-way lines from their points of junction shall be provided at all intersections and no building, structure, grade or plotting higher than 2 feet above the center line of the street shall be permitted within such sight triangles. Intersection with major
traffic streets shall be located no less than 800 feet apart, and streets entering opposite sides of another street shall be laid out either directly opposite one another or within a minimum offset of 125 feet between their center lines. Minimum radii at street intersections shall be 15 feet measured at the property line intersections.

Section 509:

1. Where a subdivision abuts or contains an existing or proposed major traffic street, the commission may require marginal access streets, reverse frontage lots or such other treatment as will provide protection for abutting properties and for reduction in the number of intersections with the major street, and separation of local and through traffic.

2. Access to parking areas on commercial and industrial sites shall be controlled and shall be so located as to provide a minimum of 200 feet between points of access. Access drives to parking areas shall not be less than 20 feet or more than 40 feet wide. Private driveways, where provided, shall be located not less than 50 feet from the intersection corner of corner lots.

Section 510:

1. Lots shall be laid out and graded to provide positive drainage away from buildings. Drainage facilities shall be provided: (a) to permit unimpeded flow of natural water courses; (b) to ensure adequate drainage of all low points along the line for streets; (c) to intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area drained. In the design of drainage facilities, special consideration shall be given to problems which may arise from concentration of storm water run-off over adjacent properties.

Section 511:

1. The length, width and shape of blocks shall be determined with due regard to the following: (a) Provision of adequate sites for type of buildings proposed; (b) topography; (c) requirements for safe and convenient vehicular and pedestrian circulation. In the design of blocks longer than 1100 feet, special consideration shall be given to the requirements of satisfactory fire protection.

2. Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering a major traffic street are used. Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. Such cross-walks shall have an easement width of not less than 10 feet.
Section 512:

1. Lot dimensions and areas exclusive of easements shall contain no less than the following: (See Table II, below)

2. Depth and width of parcels laid out or reserved for non-residential use shall be adequate for the use proposed and sufficient to provide satisfactory space for off-street parking and unloading.

3. Residential lots shall front on an existing or proposed street. Reverse frontage lots are prohibited, except where employed to prevent vehicular access to major streets.

4. Side lot lines shall be substantially at right angles or radial to street lines. If remnants of land exist after subdividing, they shall be incorporated into existing or proposed lots or dedicated to public use accepted by the Borough Council.

Section 513:

1. Easements with a minimum width of 10 feet shall be provided as necessary for utilities. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.

| TABLE II |
| LOT STANDARDS FOR RESIDENTIAL SUBDIVISION |
| Lot Area and Dimensions | LOTS SERVED WITH PUBLIC WATER AND SEWER | LOTS SERVED WITH EITHER PUBLIC WATER OR SEWER | LOTS NOT WITH PUBLIC WATER OR SEWER |
| Minimum Area | 20,000 sq. feet | 43,560 sq. feet | 130,000 sq. feet |

ARTICLE VI

MI$CELLANEOUS REQUIREMENTS

Section 601:

All streets shall be cleared and graded the full extent of the right-of-way to the grades shown on the street profiles and cross-section plan submitted and approved with the Plan.

Section 602:

All drainage facilities shall be installed and the land graded for adequate drainage as shown on the Plan. A detailed plan of storm drainage culverts, drains and inlets shall be required when deemed necessary by the commission.
Section 603:

All pavement, including pavement of streets and sidewalks, shall be installed as shown on the Final Plan as approved by the Committee. All curbs where required shall be installed as shown on the Final Plan.

Section 604:

1. Facilities shall be provided for the connection of each lot with a public water supply system and a public sanitary sewer system if such systems are available for service to the subject lots. Where the sewer is not yet available but is planned for extension to the subdivision, the subdivider shall install sewer lines, including lateral connections, as may be necessary to provide adequate service to each lot when each connection with the sewer system is made. The sewer lines shall be suitably capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided.

2. A sewer shall be considered to be planned for extension to a given area any time after engineering and related studies have been completed, and the construction of facilities adequate to service the area containing the subdivision has been programmed for completion within a reasonable time.

Section 605: SPECIFICATIONS

All improvements shall be constructed in accordance with the specifications of the Commonwealth of Pennsylvania agency having jurisdiction. Where there are no specifications required by the Commonwealth of Pennsylvania, improvements shall be constructed in accordance with specifications furnished by a registered professional engineer. Commonwealth specifications shall supersede any conflicting specifications set out herein.

Section 606: Large Scale Developments

The standards and requirements of these regulations may be modified by the Committee in the case of plans for complete communities or neighborhood units, or other large scale developments, which in the judgment of the Committee achieve substantially the objectives of these regulations and which are further protected by such covenants or other legal provisions as will assure conformity to an achievement of the Plan.
ARTICLE VII
ADMINISTRATION, FEES, PENALTIES, VARIANCE BOND and MISCELLANEOUS

Section 701: Administration

The Borough Council may, from time to time, revise, modify and amend these regulations by appropriate action taken at or following a public hearing on the proposed changes. Notice of the date, time and place of such public hearing, together with a brief summary setting forth the principal provisions of the proposed revisions, modifications or amendments, and a statement of the place or places within the county where copies of the proposed revisions, modifications, and amendments may be examined, shall be published in the local paper and a paper of general circulation in the county once a week for two (2) consecutive weeks; provided, however, that the last publication shall be not less than seven (7) days before the proposed public meeting.

Section 702: Application Fee

"To defray a portion of the expense of subdivision review, fees as follows shall be payable when the subdivision plan is presented for final approval or review: Subdivision fee of $15.00 per plan, plus $1.00 per lot, or $1.00 per dwelling unit in a multiple dwelling building, or $1.00 per store in a commercial building. There shall be an additional minimum charge for on-site inspection of $25.00 per hour.

Section 703: Penalties

Any person, partnership, or corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land shall layout, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plot of such subdivision or land development or otherwise; or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this act and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation, or the agent of any of them, responsible for such violation pay a fine not less than $500.00 or more than $1,000.00. All fines collected for such violations shall be paid over to the East Side Borough Council whose ordinance has been violated. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
Section 704: Variance

If any mandatory provisions of these regulations are shown by the applicant to the satisfaction of a majority of the Committee present at a regular meeting, to be unreasonable and cause undue hardship as they apply to his proposed subdivision, the Committee may grant a variance to such applicant from such mandatory provisions, so that substantial justice may be done, and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of these regulations. In granting variances and modifications, the Committee may impose such conditions as will, in its judgment, secure substantially the objectives or the standards or requirements so varied or modified.

Section 705: Completion of Improvements or Guarantee Thereof, Prerequisite to Final Plat Approval - No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by the subdivision and land development ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and other improvements as may be required by the subdivision and land development ordinance have been installed in accordance with such ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, the subdivision and land development ordinance shall provide for the deposit with the municipality of a corporate bond, or other financial security acceptable to the governing body in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required which financial security may include among others, a lending institution letter of credit or a restrictive or escrow account in a lending institution. Without limitation as to other types of financial security which the municipality may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required within one (1) year of the date fixed in the subdivision plat for completion of such improvements. The amount of financial security shall be equal to one hundred ten (110%) percent of the cost of the required improvements for which financial security is to be posted. The cost of the improvements shall be established by submission to the
governing body or the planning agency of bona fide bid or bids from the contractor or contractors chosen by the party posting the financial security to complete the improvements or, in the absence of such bona fide bids, the costs shall be established by estimate prepared by the municipality's engineer. 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 improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure. In the case where development is projected over a period of years, the governing body or the planning agency may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development. As the work of installing the required improvements proceeds, the party posting the financial security may request the governing body 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. Any such requests shall be in writing addressed to the governing body, and the governing body shall have forty-five (45) days from receipt of such request within which to allow the municipal engineer to certify, in writing, to the governing body that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed or, if the governing body fails to act within said forty-five (45) day period, the governing body shall be deemed to have approved the release of funds as requested. The governing body may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10%) percent of the estimated cost of the aforesaid improvements. Where the governing body accepts dedication of all or some of the required improvements following completion, the governing body may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the Final Plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within
financial security as otherwise required by this section. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the municipality shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the Final Plat upon actual completion of the improvements depicted upon the approved Final Plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

Section 706: Release from Improvement Bond

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Planning Committee, 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 Planning Committee shall, within ten (10) 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 Planning Committee, 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 Planning Committee, and 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.

2. The Planning Committee shall notify the developer, in writing, by certified or registered mail of the action of said Planning Committee with relation thereto.

3. If the Planning Committee 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 agreement.

4. If any portion of the said improvements shall not be approved or shall be rejected by the Planning Committee, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
5. 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 Planning Committee or the municipal engineer.

6. Where herein 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.

Section 707: Remedies to Effect Completion of Improvements

In the event any improvements which may be required have not been installed as provided in the subdivision and land development ordinance or in accord with the approved final plat, the Planning Committee is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Planning Committee may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

Section 708: Committee Minutes

The Committee shall keep minutes of its findings, decisions and recommendations relative to all subdivision plans filed with it for review. All commission records shall be public records.

Section 709: Severance Clause

Should any section, subsection or provision of these regulations be declared illegal, invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole, or of any other parts thereof.

Section 710: Requirement of Borough Council Approval

In all provisions of this ordinance which require approval of the Planning Committee, such approval shall be construed as requiring the approval of the Borough Council.
Adopted by the Council of East Side Borough, Carbon County, Pennsylvania, on , 1981.

Edmund Oross, President

ATTEST:

Secretary

APPROVED:

FOR THE PLANNING COMMISSION:

Mayor

Chairman

ATTEST:

Secretary
in order to substitute 11 acres of ground which he owns in the borough. Since he had not been notified of a subdivision of the acreage recorded in the Carbondale County Court Books, it was necessary for him to submit such a plan to the Planning Commission, provided the land is subdivided into tracts of 1 acre or more. If the land is to be plotted into lots of less than 1 acre, the request will be submitted to the zoning planning board for a possible variance.

Dear [Name],

The Borough had not received the signed fire protection agreements from either the Edgewood Volunteer Fire Co. or the Edgewood Township supervisors. Your letter states these agreements have been forwarded to the supervisors for their approval. A model "Open Planning Ordinance" is to be adopted, due to the intention of possibly adopting such an ordinance in the Borough.

On another matter, White Street Bros is to be sent a letter, thanking them for their many years of providing fire protection to this side of Borough.

[Signature]

[Date]

[Paragraph about the agreement with Edgewood Volunteer Fire Co. and Edgewood Township supervisors.]

[Paragraph about the model Open Planning Ordinance being adopted.

[Paragraph about White Street Bros and their years of providing fire protection.]

[Signature]

[Date]
Aug 6, 1921

The regular monthly meeting of East Side
Borough Council was called to order by President
Clement Brown. Bill call was taken as follows:

Edward Brown, present  Charles Keller, present
Charles Keggin, present  John Marston, present
Anthony Santos, present  Earl Briggs, present
H. F. DeGroot, present

Minutes of the July meeting and July
Treasurer's Report were not read, because of
the absence of the Secretary.

On a motion by Earl Briggs, seconded by
Anthony Santos, the following bills and payrolls
were approved for payment:

<table>
<thead>
<tr>
<th>Entity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency sewer drain repairs</td>
<td>235.00</td>
</tr>
<tr>
<td>Witherbee Construction Co.</td>
<td>984.52</td>
</tr>
<tr>
<td>Thelma Journal</td>
<td>29.20</td>
</tr>
<tr>
<td>Robert E. Kostenaar</td>
<td>656.40</td>
</tr>
<tr>
<td>White's Seed Co.</td>
<td>400.40</td>
</tr>
<tr>
<td>William E. Higgins</td>
<td>19.20</td>
</tr>
</tbody>
</table>

Payroll:

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clark J. Keggin</td>
<td>165.00</td>
</tr>
<tr>
<td>Herbert Earl Jr.</td>
<td>250.00</td>
</tr>
<tr>
<td>Douglas Hooper</td>
<td>125.00</td>
</tr>
</tbody>
</table>

Adjournment

Tuberculosis Ordinance. On a motion by Charles
Keller, seconded by Earl Briggs, the Tuberculosis
ordinance was examined and approved. On roll call
Edward Brown, Charles Keggin, Anthony Santos, Charles
Wilder and Earl Briggs voted "yea". John Marston
voted "no". Charles "Scotty" Manukian asked
what procedure he will have to follow.
APPLICATION AND RECORD OF SUBDIVISION REVIEW

EAST SIDE BOROUGH

CARBON COUNTY, PENNSYLVANIA

DATE SUBMITTED: ____________________________

Name of Subdivision: ____________________________________________

Name of Owner(s): ____________________________________________

Address: ______________________________________________________

Tel: ________________ Tel: ________________

Developer or Agent: ______________________________

Address: ______________________________________________________

Tel: ________________

Engineer or Surveyor: __________________________________________

Address: ______________________________________________________

Tel: ________________

No. of lots: _____ No. of Acres: _____ (in lots)

Fee paid: $__________ Date: __________________________

Planning Commissions
County Local Borough Council

Sketch

Preliminary

Final

REPORTS:

DER Plan Revision Module
DER Comments
Erosion Control Plan
SCS Comments
PennDOT (where necess.)
P. P. & L.
### REVIEW OF PLAN

**EAST SIDE BOROUGH**

**CARBON COUNTY, PENNSYLVANIA**

**DATE SUBMITTED:**

<table>
<thead>
<tr>
<th>Name of Subdivision:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>403.1:</th>
<th>a. Subdivision name</th>
</tr>
</thead>
<tbody>
<tr>
<td>b.</td>
<td>Municipality</td>
</tr>
<tr>
<td>c.</td>
<td>North point, graphic scale, date</td>
</tr>
<tr>
<td>d.</td>
<td>Name and address of subdivider</td>
</tr>
<tr>
<td>e.</td>
<td>Name and seal of registered engineer, surveyor, architect</td>
</tr>
<tr>
<td>f.</td>
<td>Total acreage and number of lots</td>
</tr>
<tr>
<td>g.</td>
<td>Location map</td>
</tr>
<tr>
<td>h.</td>
<td>Names of adjacent owners and subdivisions</td>
</tr>
<tr>
<td>i.</td>
<td>Tract boundaries</td>
</tr>
<tr>
<td>j.</td>
<td>Street and lot lines, r/w easements, public use areas</td>
</tr>
<tr>
<td>k.</td>
<td>Data for field surveying</td>
</tr>
<tr>
<td>l.</td>
<td>Straight line and curve data</td>
</tr>
<tr>
<td>m.</td>
<td>Lot dimensions and bearings</td>
</tr>
<tr>
<td>n.</td>
<td>Setback information or building location</td>
</tr>
<tr>
<td>o.</td>
<td>Access Driveways on corner lots</td>
</tr>
<tr>
<td>p.</td>
<td>Sewer lines, manholes and culverts</td>
</tr>
<tr>
<td>q.</td>
<td>Dimensions in feet and hundredths of a foot</td>
</tr>
<tr>
<td>r.</td>
<td>Lot numbers</td>
</tr>
<tr>
<td>s.</td>
<td>Names of streets on or adjacent to the subdivision</td>
</tr>
<tr>
<td>t.</td>
<td>PennDOT stations (one for location)</td>
</tr>
<tr>
<td>u.</td>
<td>Reference monuments</td>
</tr>
</tbody>
</table>

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REVIEW OF PLAN
EAST SIDE BOROUGH
CARBON COUNTY, PENNSYLVANIA

SUBDIVISION

v. Owner's Consent Statement

Copy of Deed Restrictions
Street cross sections and profile
Water and sewage facilities report
Printed on the Final Plan:
  a. Engineer's or surveyor's seal
  b. Corporation seal if applicable
  c. Owner's signature
  d. Engineer's or surveyor's signature
  e. Signatures of Township Planning Commission
  f. Signatures of Borough Council Officials
  g. Carbon County Planning Commission Stamp of Review
Carbon County Commissioners

TO: All Municipal Secretaries/Managers and Planning Commissions
FROM: James J. Carroll, Grant Coordinator/Planner
DATE: May 23, 1991
RE: Carbon County Planning Commission's "Reverse Subdivision" Policy

Enclosed please find a copy of the Carbon County Planning Commission's new policy regarding "Reverse Subdivisions".

We have been receiving a number of requests to review subdivisions in which a developer wishes to combine two (2) smaller, previously subdivided lots into one (1) larger lot, more suitable for development purposes. The new Policy regarding this type of submission was adopted in order to facilitate the timely review and approval on the local level.

We urge you to recommend to landowners the consolidation of smaller, contiguous parcels under the same ownership, especially if the undeveloped parcel contains any or all of the developed parcel's septic system. This practice eliminates the possibility of the undeveloped lot being sold with a septic system on it. It also eliminates many of the existing, non-conforming lots which may exist within the municipality.

If you have any questions, please feel free to give me a call at (717)325-3671.

JJC.kr
Encl.
REVISED POLICY ON "REVERSE SUBDIVISIONS"

OF THE

CARBON COUNTY PLANNING COMMISSION

At the request of the Carbon County Planning Commission, the Carbon County Office of Planning & Development staff has met, discussed, and developed a Revised Policy concerning "Reverse Subdivisions".

The Carbon County Planning Commission has been receiving an increased number of "Reversed Subdivisions". A "Reversed Subdivision" exists when a developer wishes to combine two (2) existing, usually non-conforming, tax parcels into one (1) parcel for land development purposes. Many of the County's municipalities require that the "Reverse Subdivisions" go through the land development review process to make them more legally binding. In many ways, what is happening is that many of the half acre and quarter acre lots subdivided several years ago, which are unsuitable for development because of their size, are being combined to make larger lots which may be more suitable for development. These newly formed lots eliminate some problems and establish parcels which are more in tune with the Zoning and Subdivision/Land Development Standards established by the municipality.

The Carbon County Planning & Development Office Staff recognizes the importance of and the need for "Reverse Subdivision" by landowners. However, we also recognize the need for these changes in land use to be reviewed and approved in a legal manner by both the municipality and the County. There has to be a review process
whereby these larger, newly created parcels are approved and recorded.

In order to eliminate unnecessary delays in this process, the staff would like to present for your approval the following policy concerning "Reverse Subdivisions".

1. All "Reverse Subdivisions" are to be handled individually and reviewed by the Carbon County Planning Commission's (CCPC) Land Planner in the same manner as regular subdivision/land development plan submissions.

2. All "Reverse Subdivision" plan submissions must contain and conform to the standards established on the municipal level.

3. The Fee for filing such submissions shall be the same as the fee for a One (1) lot subdivision - Fifty ($50.00) Dollars General Fee, plus Twenty ($20.00) Dollars per lot = Seventy ($70.00) Dollars total.

4. All "Reverse Subdivision" submissions must include land development intentions on the plans.

5. Upon submission of the "Reverse Subdivision" plans, the CCPC Land Planner will perform the in-house review of those plans. Upon completion of the review, the CCPC Land Planner will forward all plan review comments/recommendations in DRAFT form to the affected municipality. The DRAFT form comments will be presented to the Carbon County Planning Commission for discussion and approval at the next regularly scheduled monthly meeting. The DRAFT comments issued to the municipality by the CCPC Land Planner are in no way, shape, or form Final. The comments will not be Final until acted upon by the Members of the Carbon County Planning Commission Board. In some cases, final comments/recommendations may appear somewhat different from
DRAFT comments/recommendations. The proposed procedure will assure that "Reverse Subdivisions" are properly acted upon by the County in a timely manner prior to municipal action. Many times these reviews have had to be Tabled at the local level pending County review.

The Carbon County Planning & Development Office Staff, as a sidenote, wishes to emphasize to the municipalities that all subdivision/land development plans must be submitted at least Ten (10) Days prior to the regularly scheduled monthly meeting of the Carbon County Planning Commission, which is held the Third Tuesday of each month at 2:00 p.m. Many times County reviews have had to be held to the next month because of the municipality's inability to get the plans in on time.

James J. Carroll, Planner

Michael A. Semmel, Planner

Ivan Meixell, Jr., Land Planner

Date: May 21, 1991