

UPPER SAUCON TOWNSHIP
DEPARTMENT OF COMMUNITY DEVELOPMENT
SUBDIVISION AND LAND DEVELOPMENT
POST-APPROVAL PROCESS

I. PLAN APPROVAL

- A. The Planning Commission recommends conditional Plan approval of Preliminary and Final Subdivision and Land Development plans and Conditional Use applications; the Planning Commission's action is memorialized in a Letter of Recommendation sent to the applicant.
 - B. Plans are generally not required to be cleaned up prior to action by Board of Supervisors, as the conditions of approval contained in the Planning Commission's Letter of Recommendation will most likely be incorporated into the resolution of approval acted on by the Board; however, the applicant may start working on the conditions of plan approval prior to action by the Board if desired.
 - A. The Board of Supervisors conditionally approves Plan; action is memorialized in Resolution of Approval.
 - B. A Developer's Acknowledgement and Acceptance form indicating acceptance of conditions of approval is sent to the applicant with a copy of the Resolution of Approval. The applicant must sign the Acknowledgement and Acceptance form and return it to the Township with original signature(s) within the time specified; failure to do so results in denial of the Plan.
-

II. IMPROVEMENTS AGREEMENT

NOTE: YOU ARE WELCOME TO TRANSMIT CLEAN UP PLANS AND OTHER DOCUMENTS DURING THE POST-APPROVAL PERIOD DIRECTLY TO TOWNSHIP PROFESSIONAL CONSULTANTS; HOWEVER, A COPY OF ALL TRANSMITTALS MADE DIRECTLY TO TOWNSHIP CONSULTANTS SHALL BE PROVIDED TO THE TOWNSHIP. FAILURE TO DO SO MAY RESULT IN DELAYS TO YOUR PROJECT.

- A. If there are public improvements and/or common amenities associated with the project and the Developer desires approval of the Final Plan prior to completion of the improvements/amenities, financial security must be deposited with the Township in an amount sufficient to cover the costs of such improvements/amenities, plus 10%, per Section 509 of the Municipalities Planning Code. In addition to the posting of the financial security required by the MPC, a condition of Final Plan approval will be execution of an Improvements Agreement. **Financial security will be posted and the Improvements Agreement will be signed before the Record Plan will be released to the Developer for recording. This is a requirement of the MPC and no exceptions will be made.**

B. The Township Solicitor drafts the Subdivision and Land Development Improvements Agreement, as well as any other applicable agreements between the Township and the Developer (for example, an Ordinance 108 Stormwater Best Management Practices Operation, Maintenance and Indemnity Agreement. To facilitate the drafting and execution of the Improvements Agreement, the following need to be accomplished:

1. The Developer provides to the Township Solicitor the full legal name of the Developer and the name(s) of the person(s) executing the Improvements Agreement on behalf of the Developer.
2. To facilitate preparation of the Agreement, the Developer provides the Solicitor with a list of current Preliminary and Final plan revision dates.

Concurrent with preparation of the Improvements Agreement:

1. The Developer's engineer prepares cost estimate for public improvements and/or common amenities and transmits estimate to the Township Engineer (Ron Gawlik at The Pidcock Company) for review and approval. If the project includes PUBLIC SANITARY SEWER, the cost estimate must also be transmitted to the Township Sewer Engineer (Karl Schreiter at Schreiter Engineering Associates) for review and approval.
2. If a non-cash form of financial security - Letter of Credit (LOC) - is being provided, the Developer provides to the Township Solicitor a draft of the LOC for review and approval. The LOC must be irrevocable for the term thereof and must state as much within the body of the document. The term of the LOC must be at least the duration of the Improvements Agreement plus ninety (90) days unless otherwise specified by the Agreement.
3. The Township requires that the Developer shall secure and maintain in effect insurance coverage as prescribed, and therefore must provide to the Township Solicitor a Certificate of Insurance providing proof of insurance and satisfying the following requirements:
 - a. Comprehensive Commercial General Liability Insurance coverage including "premises operations" coverage in the amount of \$2,000,000.00 and "products and completed operations" coverage in the amount of \$2,000,000.00, and with respect to both, naming as additional insureds "Upper Saucon Township and its Boards, Commissions and Authorities (including the individual Members thereof) and their elected and appointed officers, officials, employees, professional consultants and agents" for any and all claims arising out of or relating to the performance of this agreement;¹
 - b. Commercial Motor Vehicle Insurance coverage; and

¹ Each policy of insurance to be obtained pursuant to this section shall apply solely to the Plan and the Premises. A general policy applicable to other operations of the Developer shall not be deemed to comply with the requirements of this section.

- c. Workmen's Compensation coverage, as required by state law.
 - d. Cause each of said insurance policies to include an endorsement which provides that the policy(ies) shall not be cancelable or subject to any amendment reducing the amount or breadth of coverage without fifteen (15) days advance written notice to the Township and Authority, via certified mail, 5500 Camp Meeting Road, Center Valley, Pennsylvania 18034.
 - e. Furnish to the Township a copy of each policy and all endorsements thereto and proof of prepayment of the annual premium therefore, and thereafter at least annually, provide a Certificate of Insurance evidencing continuing compliance with this requirement.
 - f. Require of all contractors and subcontractors installing, constructing, erecting or completing the improvements before commencing any work in connection with the Plan to provide to the Developer and the Township certificate of insurance evidencing that each such contractor or subcontractor has in force at least the insurance coverages identified in paragraphs a through c above, including the endorsements identified in paragraph d and g.
 - g. Each policy of insurance required to be obtained issued pursuant to paragraph a above shall contain an endorsement which provides that with respect to such additional insureds, the additional insurance provided hereunder shall be primary over all other applicable policies of insurance maintained by said additional insureds.
- C. Once the Improvements Agreement (and any other agreements such as the Ordinance 108-A Stormwater Management Operation, Maintenance & Indemnity Agreement) has been drafted by the Township Solicitor, it will be forwarded to the Developer's attorney for review. The necessary number of original copies of the final version will be executed and notarized at the Township building by the Developer and the Township. **This is done by appointment to ensure that all parties necessary are available.** At that time, the Developer will need to provide the following, if applicable:
1. Original insurance certificate, as approved by the Township Solicitor
 2. Approved Letter(s) of Credit or cash financial security.
 3. Recreation fee (residential projects only).
 4. Transportation impact fee (non-residential projects only; the TIF for residential projects is paid on a per-unit basis at the time of building permit issuance).
 5. Developer's expense escrow account deposit (amount set forth in Improvements Agreement).

- D. The Township will record the Improvements Agreement and the Ordinance 108-A Stormwater Management Operation, Maintenance & Indemnity Agreement (if applicable) once executed by all parties and notarized.
-

III. PLAN RECORDING

- A. Upon confirmation that all conditions of Plan approval have been satisfied (including payment of all review fees incurred by the Township), Record Plans will be signed by Township officials and all copies released to Developer for recording.
- B. The Developer must provide signed and sealed mylars and paper prints of Record Plans to the Township for signature by Township officials; the number of each shall be sufficient to ensure that upon recording the Township will be provided with one (1) mylar and one (1) paper print/set of the Record Plan with original signatures. Note that the Lehigh County Recorder of Deeds requires one (1) MYLAR of the Plan for recording while the Lehigh Valley Planning Commission requires one (1) PAPER print/set with original signatures of the Record Plan. ***PLEASE NOTE: Effective December 1, 2008, the Lehigh County Recorder of Deeds will not accept plans that are larger than thirty-six (36) inches in width.***
- C. It is the Developer's responsibility to obtain the signature of the Lehigh Valley Planning Commission official and to record the Plan at the Lehigh County Government Center):
1. Lehigh Valley Planning Commission
961 Marcon Boulevard, Suite 310
Allentown PA 18109
David Berryman
610-264-4544
(Near the Lehigh Valley International Airport)
 2. Recorder of Deeds
Lehigh County Government Center
17 S. 7th Street Room 350
Allentown PA 18101-2400
610-782-3162
(Center city Allentown)
- D. Developer returns one (1) mylar and one (1) paper set of Record Plan to the Township along with a copy of the recording receipt.
-

IV. PRECONSTRUCTION

- A. A preconstruction conference with the Township Engineer(s) and staff must be held prior to commencement of work on projects involving any public improvements; representatives from outside agencies (ie PennDOT, Lehigh County Conservation District) will likely also attend.

- B. Upon execution of the required Improvements Agreement, recording of the Plan, payment of all fees due including the developer's expense escrow account deposit, the Developer shall contact the Township Engineer to schedule the preconstruction conference.
- C. If an insurance certificate meeting the requirements of the Improvements Agreement (as outlined above) has not already been submitted to the Township and approved by the Township Solicitor, it will be necessary to do so before the preconstruction conference will be scheduled.
- D. If site preparation involves tree removal, note that a tree cutting permit is required in accordance with the Township Zoning Ordinance.