

Conditional Use Application Packet

Application Under Article 6, Section 6.2-6.4 of the Zoning Ordinance
Member of Scranton Abington's Planning Assoc. (SAPA)
Borough of Dalton, 105 W Main St., PO Box 95, Dalton, PA 18414
Phone: (570) 563-1800 | Email: office@daltonboro.com
Adopted April 8, 2021; Effective December 20, 2023



Overview

Conditional uses are those uses having some special impact or unique characteristic that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending upon consideration in each case of the public need and benefit and the local impact and all within the context of the intent and purpose of this Code.

Who May Apply

A property owner may file an application to use property for one or more of the conditional uses listed in the Table of Permitted Uses (*Table of Accessory Use Regulations for each district - Section 3.4*) for the zoning district within which the property is located.

How to Apply

Conditional Use Applications can be submitted electronically by emailing the completed packet and required attachments to office@daltonboro.com. Those unable to electronically submit the application and supporting documents may either deliver copies to the Borough Municipal Building located at 105 W Main St., Dalton, PA 18414 or mail completed application packets to Dalton Borough, PO Box 95, Dalton, PA 18414.

Required for Submittal

Applications will not be considered submitted until ALL the following have been received or scheduled:

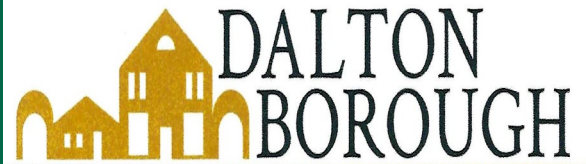
	Pre-Application Meeting (If Requested)	The Dalton Borough Planning Commission Meetings are held on the 4th Monday every month at 7:00 PM at the Borough Municipal Building, located at 105 W Main Street, Dalton, PA 18414. Applicant can address the Commission and offer a brief summary of Conditional Use Request. The Planning Commission will supply the applicant(s) with contact information of Borough Officials/Appointees to arrange a pre-application meeting.
	Application Form	The Application form is included in this packet. Where extra space is needed, please attach responses on a separate document or email to office@daltonboro.com .
\$2,750 <i>Escrow Acct. Incl.</i>	Application Fee	The application fee for <i>Conditional Use</i> is set by Borough Council. Consulting fees the Borough incurs such as engineering, legal, etc. will be paid from the application fee submitted. If charges exceed the application fee of two thousand seven hundred fifty dollars (\$2,750.00), the applicant will be charged for the difference. Balances must be paid in full within thirty (30) days of approval or the conditional use will be voided, and the applicant must re-apply.
	Site Plans	A Site Development Plan shall be submitted in conjunction with a conditional use application.

Other submittal items may be required by Borough Staff if necessary to review the application. The applicant may also furnish additional information, such as site plans, renderings, studies or other material.

Application Submittal Actions taken to submit an application to the Borough			
Action	Timeframe	What Happens	Next Steps or Remedies
Pre-Application Meeting	Scheduled at the Applicant's discretion	Discuss objectives with Planning Commission	Contact Borough Officials/Appointees to survey property location, state intentions, and answer any application questions.
Application Submittal	Submitted at the Applicant's discretion	Required application materials and fee submitted to the Borough Secretary.	Determination of Completeness & Staff Review of Application
Application Review Actions taken by the Borough to review applications prior to Public Hearings			
Determination of Completeness	Appointed Borough Official will review submitted mat'l within 5 business days.	Appointed Borough Official will consult with other designated officials and inform the Borough Solicitor that all required documents are included for Borough Council to review.	Incomplete applications shall be returned to applicant and must be resubmitted within 30 days or considered withdrawn.
Staff Review of Application	Applicant will be mailed a notification within ten (10) days indicating a tentative hearing date	Staff will review the application based on the approval criteria. In many cases, Staff can administratively approve the Site Development Plan.	Based on staff recommendations, the applicant may elect to proceed, modify, or withdraw the application.
Public Notice			
Neighbor Notices	Borough Staff will send written notification to adjoining property owners	Borough Staff will send notice(s) supplied by Borough Solicitor to surrounding property owners that own parcels adjacent to the property listed on application to explain the project and tentative hearing date.	Applicant may elect to proceed, modify, or withdraw application.
Posting of Signs	Borough Staff will post signs no later than seven (7) days before the Public Hearing	The Borough Solicitor will instruct the Borough Staff member when and where to display signs on Applicant's property (if applicable).	Failure to post and/or publish required notifications will result in postponement of Public Hearing.
Public Hearing and Decision Actions by decision making bodies to review and make a decision on the application.			
Borough Planning Commission	Within 30 days from the initial Commission Meeting	The PC will review the application and consult with appropriate Borough consultants (if needed) to discuss application request and submit their recommendation(s) to Borough Council. The PC will make a recommendation of Approval, Approval with Conditions, or Denial	Written recommendations are forwarded to Borough Council Members to review.
Borough Council Public Meeting	Public Meeting scheduled within 45 days of receiving recommendation(s) from PC.	Dalton Borough Council will conduct a public hearing and review the recommendation of Borough consultants and the PC. Borough Council will either Approve, Approve with Conditions, or Deny the application.	Approved applications may require additional review prior to building permits or occupancy. Denials may be prevented from reapplying for a period of one year.

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Contact Information

Property Owner

Name		Phone		Email	
Address		City		State	Zip Code

Applicant ☐ Same as Property Owner

Name		Phone		Email	
Address		City		State	Zip Code

Contact Person (Optional, if different than Applicant or Property Owner)

Name		Phone		Email	
Address		City		State	Zip Code

Site Information

Address or General Location of Property:

GPN(s)¹:

Legal Description¹:

Zoning District:

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Proposed Conditional Use:

Please indicate the use identified in the Use Table (Table of Accessory Use Regulations for each district - Section 3.4). A short description of the use may be provided.

Proposed Use:

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Description of Use (optional):

¹ For properties with lengthy Legal Descriptions or large number of GPNs, please attach on a separate document OR email to office@daltonboro.com.

Property Owner(s)³ or Authorized Representative(s)⁴ Signature(s)

The Borough of Dalton requires that all titleholders of a property be informed and acceptable to the application being made. Signing this form does not commit to any conditions which may be placed on an approval.

Owner/Authorized Representative 1

Name:		Date	
Signature			

Owner/Authorized Representative 2

Name		Date	
Signature			

³ If there is a recorded contract, the contract purchaser's name(s), address and signature must also be included.

⁴ If signed by a representative of the owner, the representative must attach evidence of titleholder's authorization.

Article 6, Section 6.2-6.4 Criteria for Recommendation and Action on Conditional Use

The Dalton Borough Planning Commission shall only recommend approval and Dalton Borough Council shall only approve a proposed conditional use if they find that:

1. That the proposed conditional use will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located.
2. That the proposed conditional use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements.
3. That the proposed conditional use meets all other requirements for the zoning district in which the use is proposed.
4. That the proposed conditional use is in general conformity with the Scranton-Abington's Planning Association Comprehensive Plan, and
5. That the proposed conditional use will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Dalton Borough Council shall consider at a minimum the impact of noise, dust, light, odor, and adequacy of parking.

Required Supplemental Documentation & Additional Instructions & Requirements

- ☐ A completed application approved by the Council shall be submitted by the applicant for a conditional use permit along with a fee in an amount as established from time to time by resolution of the Dalton Borough Council.
- ☐ The applicant shall submit **seven (7) paper copies** and **one (1) digital copy** of the necessary documentation of the proposed conditional use to enable the review of such proposal by the Borough. The burden of submitting adequate data to allow for full evaluation of the proposal shall rest with the applicant. The applicant must demonstrate that the conditions listed in the previous section have been addressed to the maximum extent applicable.
- ☐ If subdivision or land development approval is required for the proposed conditional use, the application for a conditional use permit and the application for the subdivision or land development may be processed concurrently, provided that all requirements for the separate applications are met.
- ☐ The grant of approval of a conditional use permit shall not relieve the applicant from filing and having the Borough approve any zoning permit, building permit, certificate of use and occupancy, subdivision, land development, or site plan required by this Ordinance or any other Borough ordinance.
- ☐ The Dalton Borough Council may attach such reasonable conditions and safeguards as necessary to implement the purpose and goals of this Ordinance and of the Scranton-Abington's Planning Association Comprehensive Plan, except that any such conditions shall not be related to off-site transportation or road improvements, as prescribed by Section 603(c)(2) of the Pennsylvania Municipalities Planning Code (MPC).
- ☐ If a conditional use requires the processing of a subdivision or land development plan, then the grant of the conditional use permit shall **expire** if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained **within 24 months** from the date of the grant of the conditional use permit. However, the Borough Elected Body, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.
- ☐ If a subdivision or land development plan is not required, then the grant of the conditional use permit shall **expire** if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained **within 12 months** from the date of the grant of the conditional use permit. However, the Borough Elected Body, in its discretion, may grant an extension of up to 12 additional month upon written request by the applicant prior to the conditional use permit's expiration.



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CONDITIONAL USE AUTHORIZATION / CONSENT FORM & ACCEPTANCE OF CONDITIONS

I/We _____ am Titleholder(s)/Owner(s) of
(Name)

property located at : _____, Borough of
(Street Address / Physical Property Location)
Dalton, County of Lackawanna, State of Pennsylvania.

I hereby give my consent to petition the Dalton Borough Planning Commission and the Dalton Borough Council for a **Conditional Use** for the following use:

I further agree to any terms and conditions set forth by the Council of the Borough of Dalton in its approval of said petition. I specifically agree to protect, defend and hold the Borough of Dalton and its employees harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of said use. I also agree that this agreement shall be binding upon the current Titleholder(s)/Owner(s), as well as future owners, heirs, legal representatives, successors and assigns.

Dated this _____ day of ___, 20_____.

Signature of Witness

Signature of Applicant

Printed Name of Witness

Printed Name of Applicant