

"RESIDENTIAL SUBDIVISION"

A "RESIDENTIAL SUBDIVISION" can occur only if the right to the residential subdivision has not been exhausted.

The Board has the right to request it be relocated as stated in the Deed of Easement.

MIMIMUM CRITERIA:

- BCALP Board & PA State Board have to approve the location of the structure/subdivision
- Subdivision shall not harm the economic viability of any parcel during subdivision
- Landowners will have to prove that the subdivision does not harm economic viability as stated in DOE
- Subdivision is limited to 2 ac or less if a previous landowner entered into an agreement relinquishing part of the allowed 2 acres. This must also include the driveway access.
- Subdivision must be for either the existing residence or the construction and use of a principle residence, for the landowner or an immediate family member or employee.

ADDITIONAL CONSIDERATIONS:

- The prohibitions, restrictions, and conditions of subdivision of eased land shall be recited verbatim in the deed for all subdivided and remaining parcels.
- The subdivided parcels shall continue to be subject to the terms of the original agricultural conservation easement.
- The subdivision guidelines are intended to preserve as much farmland as possible in integral parcels and to promote viable agricultural enterprises.
- All costs associated with subdivision shall be the responsibility of the landowners.

Approval of a subdivision shall be requested, in writing, of and granted by the County Board and by the State Board

STEPS REQUIRED

- ⇒ Contact BCLPB to request a modification form and aerial photography be provided.
- ⇒ Modification form shall be completed by landowner and returned with aerial photograph identifying the location of the proposed farm subdivision, the location of the new subdivision's borders, present buildings and curtilage plus buildings and identify land uses.
- ⇒ A copy of the current Conservation Plan must be submitted with the Modification Form. Submissions can be mailed, dropped off in the office, or E-mailed to DeptofAg@BerksPA.gov
- ⇒ Explain the reasons for the subdivision, including evidence that the agricultural economic viability of the resulting parcels will not be diminished as a result of the proposed subdivision. (as stated in DOE 'Procedures and Requirements of Subdivision' # 1.)
- ⇒ Include any Township and any other required entities' approval.
- ⇒ Documentation will be reviewed by staff for program compliance and notification will be sent to applicant. The BCALP Board can provide an initial concept approval, prior to the final approval if required for municipal review.
- ⇒ Final Plans shall be provided for BCALP Board approval. Staff will send a letter to applicant, and copy of the plan and approval letter to the State Agricultural Land Preservation Board for their required approval.
- ⇒ Staff will provide a letter to the applicant confirming the State Board's decision.
- ⇒ Staff can assist with review of documents to assure proper language for compliance to the Deed of Easement before recording the subdivision.
- ⇒ Three copies of the fully executed plans should be provided to the office. Digital Copies are acceptable.



BERKS COUNTY *agricultural land* PRESERVATION BOARD

Berks County Agricultural Center
1238 County Welfare Road, Suite #260
Leesport, PA 19533 - 9199
(610) 378-1844 Fax (610) 378-7983
www.berkspa.gov/departments/agriculture

EASEMENT MODIFICATION REQUEST

RESIDENTIAL SUBDIVISION-EXISTING OR PLANNED

CONCEPT INQUIRY: Aerial Photograph Required
Attached Digital

FINAL INQUIRY: Engineered Drawing Required
Attached Digital

GENERAL INFORMATION:

ACE Farm Owner(s): _____

Mailing Address : _____

Easement Address: _____ (same)

Phone : _____ Email: _____

MINIMUM REQUIREMENT CONFIRMATION:

Total farm acres: _____ :

Existing Residential Structure or Allowed Residential Structure

[Do you want to add something here about who the residence is for?](#)

MUNICIPAL INFORMATION

Municipality : _____

Was the Municipality informed that this activity is planned on an BCALP ACE Farm? YES NO

Will both parcels have road 50' road frontage? YES NO

Land Development Plan Required YES NO N/A

Date Issued: _____

Municipal Engineer/Zoning Officer: _____

Projected Start Date: _____ Completion Date: _____

Contact Information: _____

**Proof of municipal approval/acknowledgement may be required for board action. (Letter, Meeting Minutes or Signature)*

DRAWINGS AND DOCUMENTATION:

(Submit all documents, plans and drawings provided the to municipality including the following)

Drawing:

_____ Location of Structures

_____ Curtilage Area of existing residential structures. Confirm Residence, Driveway, Well, Septic, Planned Yard, Personal Use Garage/Shed not Impacted by request. (staff can assist to clarify)

_____ Identify Parcel access

Include in the Notes:

_____ Identify which parcel receives right for additional residential structure (if available)

_____ Specify if additional subdivision can/cannot occur

_____ Confirm parcels still subject to terms of the Deed of Easement

Other Documents:

_____ Current Conservation Plan *Conservation Plan must be submitted with modification form

If appropriate: Engineer : _____ Contact Info: _____

SEO/Designer : _____ Contact Info: _____

ADDITIONAL COMMENTS:

SIGNATURES— (All owners of the parcel must sign the request)

Landowner Signature

Date

Landowner Signature

Date

Easement Modification Requests to be brought before the BCALP Board shall be received by 12:00 noon two (2) weeks prior to the regular board meeting unless an exception is approved by the Executive Director or board officer.

SUBMISSIONS CAN BE MAILED, DROPPED OFF IN THE OFFICE, OR E-MAILED TO DEPTOFAG@BERKSPA.GOV