

**RESOLUTION NO. 2016-15**

(Duly Adopted: 5/16/16)

**NEW BRITAIN TOWNSHIP  
BUCKS COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP GRANTING PRELIMINARY/FINAL SUBDIVISION APPROVAL TO NAPLIN ONE, L.P. FOR THE SUBDIVISION PLAN, AS PREPARED BY BOHLER ENGINEERING FOR NAPLIN ONE LIMITED PARTNERSHIP, CONSISTING OF FOUR (4) SHEETS, DATED FEBRUARY 1, 2016, WHICH PROPOSES TO SUBDIVIDE PARCEL 26-005-002 INTO TWO LOTS.**

**WHEREAS**, Naplin One, L.P. (“Applicant”) has submitted an application for preliminary/final plan approval of a subdivision of a parcel of land located at 4371 County Line Road in New Britain Township, Pennsylvania and denoted as a part of Tax Map Parcel #26-005-002 (“Property”) to create a new 16.646 acre new lot; and

**WHEREAS**, this proposal is reflected on a plan entitled “Subdivision Plan”, as prepared by Bohler Engineering, consisting of four (4) sheets, dated February 1, 2016 (“Plan”); and

**WHEREAS**, the New Britain Township Planning Commission reviewed the Plan at its April 12, 2016 meeting, and having found it to be in substantial compliance with the requirements of the Township Zoning Ordinance and the Township Subdivision and Land Development Ordinance, recommended that preliminary/final approval be granted.

**NOW, THEREFORE, BE IT ADOPTED AND RESOLVED**, that the Board of Supervisors of New Britain Township hereby grants preliminary/final plan approval to this proposed subdivision subject to Applicant’s compliance with the following conditions:

1. Applicant shall comply with all recommendations of the Gilmore and Associates Review Letter of March 16, 2016 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein. (Township Code §22-403, §22-502)
2. Applicant shall comply with all recommendations of the Bucks County Planning Commission Review Letter of March 11, 2016 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein. (Township Code §22-403, §22-502)
3. Applicant shall comply with the terms and conditions set forth in the Conditional Use Adjudication for this subdivision issued on May 16, 2016. A true and correct

copy of this Adjudication is attached hereto and incorporated herein. (Township Code §22-403, §22-905.1, §27-904)

4. If the Colebrook Acquisitions, L.P. Land Development Plans finally approved by Township Resolution 2016-12 are recorded prior to Naplin's Plan, Applicant shall revise its Plan to reflect this subdivision of the Property by the Colebrook Plans. (Township Code §22-502 & §22-503).
5. Simultaneously with the recording of the Plan or of the Colebrook Plans referenced in Paragraph 4 above, whichever is later, Applicant shall provide a 100-foot wide temporary grading easement along the common property line between Cotton Park (TMP #26-005-002-001) and the Property eastward to the Colebrook property to allow the Township to install a berm to provide buffering between the two uses. All work performed within this easement shall be subject to a grading plan to be approved by both property owners before such work is commenced.
6. Applicant shall provide the Township a pedestrian path easement over the portion of the existing walkway located outside of the right-of-way on proposed Lot 2.
7. Applicant shall have removed the trucks or trailers encroaching onto the adjoining Cotton Park prior to recording of the Plan.
8. Applicant shall obtain all required approvals from various agencies having jurisdiction over the Project, including, but not limited to: Pennsylvania Department of Environmental Protection ("DEP") NPDES Permit, DEP Sewage Facilities Planning Module, Bucks County Health Department, Bucks County Conservation District E & S Permit, and Pennsylvania Department of Transportation Highway Occupancy Permit. (Township Code §22-406.1, §22-711, §22-720, §22-721, §22-905)
9. Applicant shall submit to the Township Engineer for review all necessary legal descriptions and construction cost estimates of the site improvements, if any. (Township Code §22-406.1, §22-903, §22-904)
10. If necessary, Applicant shall execute Development and Financial Security Agreements and all other development documents (including all necessary agreements, easements, deeds of dedication and declarations), all in a form and manner to be approved by the Township Solicitor; the Developer shall post sufficient financial security in a form acceptable to the Township; the Developer shall provide proof of sufficient insurance coverage to the Township. (Township Code §22-406.1)
11. Applicant shall execute all deeds of dedication, legal descriptions of rights-of-way, access easement descriptions, lot descriptions, notes, etc., all in a form and manner to be approved by the Township Solicitor. Descriptions for those areas of

land specified on the Plans for dedication to the Township shall be submitted to the Township Engineer in a form suitable to the Engineer. These deeds shall be accompanied by title insurance to the benefit of the Township indicating that title to these areas is free and clear of all liens, encumbrances and restrictions that could adversely affect the use of these dedicated for roadways and other proper purposes. (Township Code §22-406.1)

12. Applicant shall pay all appropriate fees applicable to this Project including all outstanding bills from the Township's professional consultants. (Township Code §22-406.1)
13. All documentation shall be executed prior to recording of Record Plans. (Township Code §22-406)
14. Applicant and its professionals shall execute, notarize and seal the Final Record Plan. (Township Code §22-406.2)
15. Applicant shall comply with all other applicable Township, County, Commonwealth, and Federal rules, regulations, codes, ordinances, and statutes. (Township Code §22-905)

**BE IT FURTHER RESOLVED**, in response to Applicant's written request, the Board of Supervisors hereby grants waivers to the following sections of the Township's Subdivision and Land Development Ordinance. The grant of these waivers is conditioned upon the Applicant meeting the following requirements, where noted:

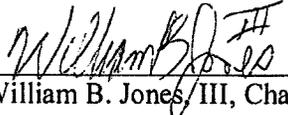
- a. Sections 705, 706, & 713 – Allowing Applicant to defer the required road improvements along County Line Road until the time of the land development application for the new lot.

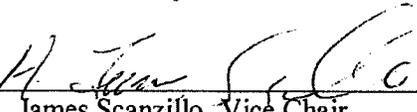
**BE IT FINALLY RESOLVED**, that the conditions of approval have been made known to Applicant, and this preliminary plan approval is to be deemed expressly contingent upon Applicant's affirmative written acceptance of the said conditions on a form prescribed by the Township within 30 days of the approval of this Resolution. If an unconditional acceptance of the conditions is not received in writing by that date, the application for preliminary plan approval shall be deemed denied based upon Applicant's failure to agree to and/or fulfill the said conditions.

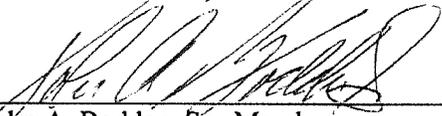
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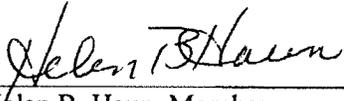
**RESOLUTION NO. 2016-15**

**DULY ADOPTED** this 16<sup>th</sup> day of May, 2016, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.

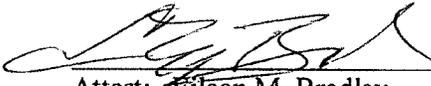
  
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William B. Jones, III, Chairman

  
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A. James Scanzillo, Vice Chair

  
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John A. Bodden, Sr., Member

  
\_\_\_\_\_  
Helen B. Haun, Member

  
\_\_\_\_\_  
Gregory T. Hood, Member

  
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Attest: Eileen M. Bradley  
Township Manager



**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

March 16, 2016

File No. 14-04074-02

Eileen Bradley, Township Manager  
New Britain Township  
207 Park Avenue  
Chalfont, PA 18914

Subject: Naplin One Limited Partnership, 4371 County Line Road  
TMP #26-005-002  
Subdivision Plan Review

Dear Eileen:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the subdivision plan for the above-referenced project. The Subdivision Plan, as prepared by Bohler Engineering for Naplin One Limited Partnership, consists of sheets 1 through 4 of 4, dated February 1, 2016. Upon review by our office, we offer the following comments for consideration by the New Britain Township Planning Commission and Board of Supervisors:

I. General Information

The project involves 100.182 gross acres of land currently owned by Quad/Graphics Marketing LLC within the Industrial Zoning District and is adjacent to the Township's Robert V. Cotton Park. This application proposes to subdivide a 16.646-gross acre portion of the parcel adjacent to County Line Road (Lot 2 (Industrial, I)) for an unknown use. As you're aware, there is another application related to this property for a 20.949-gross acre subdivision and construction of a 59-unit residential development (Colebrook) along Schoolhouse Road which was rezoned to RR – Residential District (Lot 2(RR)). The final subdivision into 3 new lots will result in a 62.587-gross acre residual lot (Lot 1). The area of the potential new Lot 2(I) along County Line Road is comprised mainly of open farmland bounded by industrial uses on all other boundaries. A tributary to the West Branch Neshaminy Creek traverses the western limits of the site and is proposed to be protected by a conservation easement. An existing 10-foot wide sanitary easement also crosses through the site. No construction is proposed as part of this application, however, in order to meet parking requirements for Lot 1, future parking is shown conceptually. Public water and sewer are available within County Line Road.

Our review focused on Lot 1 and Lot 2 (Industrial), however, depending on the timing of the recording of this plan, it may be practicable to combine this subdivision proposal with the subdivision and land development plans for the Colebrook development along Schoolhouse Road. In which case, additional comments may be forthcoming upon submission of a combined plan.

II. Review Comments

A. Zoning Ordinance

We have identified the following issues with the proposed plan in regards to the requirements and provisions of the current Township Zoning Ordinance:

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www.gilmore-assoc.com

1. §27-2104 – A lane lot may serve one detached dwelling only. Because Lot 1 will only have frontage along County Line Road once the Colebrook subdivision takes place, the minimum required lot width will not be met as currently shown on the plans. The minimum lot width for an industrial property along an arterial road is 300 feet, where the lane portion is proposed to be approximately 100 feet wide at the front yard line. We recommend the plans be revised to address this issue or else a variance requested at this time.
2. §27-2111.b – A clear sight triangle easement should be provided over proposed Lot 2(I) for the existing driveway, unless the property lines are revised, in accordance with this section.
3. §27-2400 – Five conservation easements are currently shown on the plans. Two conservation easements are proposed to protect a stream corridor on Lot 2 (I). However, two additional conservation easements are required over the stream and associated riparian corridor and wetlands along the common property line of Lot 1 and Lot 2 (I). The plans should identify individual easements for both lots.
4. §27-2402 –The site capacity calculations and the natural resource protection inventory for each lot should be provided. As noted previously, no construction is proposed, therefore the potential natural resource disturbance will be reviewed as part of the land development process for Lot 2(I).
5. §27-2801 – Buffer yards are required where a non-residential zoning district adjoins a residential zoning district (CR and RR). The 75-foot buffer yard(s) should be depicted, labeled and defined by metes and bounds. There is an existing buffer along the proposed Colebrook site. Where a buffer yard exists on an adjacent property, an applicant may request by special exception that the buffer yard requirements of this Part be waived or reduced.

In addition, the buffer plantings are required along the Township parkland. However, grading easements were granted previously to allow for the installation of berms on the Quad/Graphics property as part of the park development and to help balance the park site. Therefore, we recommend that the Applicant post escrow with the Township for the cost of the required buffer plantings to be installed along the property line at a future date. A note to this effect should be added to the plan.

6. §27-2800.b – This section states that specific uses in this chapter require buffer yards for the use regardless of adjacent development. Further, the K4 Printing use regulations state that “the buffer requirements of this Chapter shall be met.” We note that Bucks County’s March 11, 2016 review letter has stated that the Township officials should determine the applicability of buffer yard requirements for the common property line of Lot 1 and Lot 2(I).
7. §27-2903.B.3 – The subdivision plan, Sheet 1 of 4, displays 333 future parking spaces. The plans should clearly indicate that the parking is not approved for construction and is subject to the land development process prior to approval. The applicant shall enter into an agreement with the Township requiring the applicant to maintain the conditionally reserved area as attractively landscaped open space and convert some or all of the conditionally reserved area to additional off-street parking if at any time the Board finds that additional parking is needed. This agreement shall be recorded as a covenant running with the land. This agreement shall include provisions for financial security and for the timing of the improvements.

B. Subdivision and Land Development Ordinance

We have identified the following issues with the proposed plan in regards to the requirements and provisions of the current Subdivision and Land Development Ordinance:

1. §22-406.1.I – New property deeds are required for the new lots. The Applicant should prepare legal descriptions of the lots and also for the rights-of-way to be offered to the Township and easements, as required. The plan should include bearings and distances so the legal descriptions can be reviewed against the plan with the new lots being described to the ultimate rights-of-way.
2. §22-502 – The existing and proposed lot areas for each proposed lots should be clearly noted, on Sheet 1. The discrepancy between what is identified as "Lot 1" and "Lot 2" on the Sheet 1 and Sheet 2 should be revised. We recommend that the plans be revised to include a "Lot 3" instead of two "Lot 2"s for clarity. The plans should also show the adjacent lands of New Britain Township zoned as CR – Conservation and Recreation District.
3. §22-502.B(12) – If the subdivisions are to be combined, a table showing the dimensional requirements of the RR zoning district and proposed criteria shall be provided on the plan.
4. §22-705, 706, & 713 – Public road improvements are required in accordance with these sections along the road or roads where access is taken. We recommend that the Applicant request a waiver to defer the required road improvements along County Line Road until the time of the land development application for the lot.
5. §22-716 – The Applicant should set the required concrete monuments at the intersections of the lot lines with the ultimate rights-of-way. Markers should be set at all property corners and all changes in directions of easements where existing monumentation does not exist. A written certification letter from a professional land surveyor should be provided prior to the recording of the subdivision plan indicating they have been installed per the plan unless a financial security is provided.
6. §22-718 – A copy of the PADEP approval of the sewage facilities Planning Module Exemption should be submitted to the Township prior to plan approval.
7. Once the final plans are approved, eight (8) paper copies of the record plan should be submitted to our office for signature. Please note: The notary stamp must be placed in an entirely blank area of the plan sheet or the Recorder of Deeds will not accept the plan. In addition, the Applicant should submit an electronic copy of the approved plans on CD ROM, in DWG format and PDF format. The information should be the same in exact detail as the final record plans.

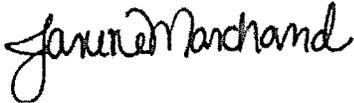
C. General Comments

1. The Township previously received a 100-foot wide temporary grading easement over Lot 1 to allow for the future grading of the Township's parkland (TMP #26-005-002-001). Furthermore, as the Township has received additional land, we recommend that the Township extend or pursue an additional temporary 100-foot wide grading easement at this time along the common property line to the Colebrook property. This will allow the Township to install a berm to provide buffering between the two uses and to help balance the site grading. All work performed in the easement(s) may be subject to a grading plan to be approved by both property owners before work is completed within these easements.
2. If approved, the lane portion of Lot 1 should be proposed to be parallel to the side property line.
3. There is a portion of an existing walkway outside of the right-of-way on proposed Lot 2(I). The plans should show an easement to benefit the Township.

4. Based on an aerial of the site, there appear to be trucks or trailers for the Quad/Graphics use encroaching onto the adjoining Township property. Proof of removal and associated pavement should be submitted to the Township. We recommend these be removed prior to recording of the plan.
5. Sheet 2 references Flood Map number 42017C0288J, effective date March 16, 2015. We note that this flood map does not show the Flood Hazard Zone 'A' which is depicted in the vicinity of Lot 2 (RR) and the plan should be revised accordingly.

We recommend the plan be revised to address the above comments and resubmitted for review. If you have any questions regarding the above, please contact this office.

Sincerely,



Janene Fonda-Marchand P.E.  
Project Engineer  
Gilmore & Associates, Inc.

JM/jr/sl

cc: Devan Ambron, Zoning Officer  
Angela Benner, Assistant Manager  
Peter Nelson, Esq, Grim, Biehn & Thatcher  
Quad/Graphics Marketting, LLC  
Allen Nappen, Naplin One Limited Partnership  
Marc D. Jonas, Esq. Eastburn and Gray, PC  
Ron E. Klos, Jr., Bohler Engineering  
Erik Garton, P.E., Vice President, Gilmore & Associates, Inc.



# BUCKS COUNTY PLANNING COMMISSION

The Almshouse Neshaminy Manor Center 1260 Almshouse Road  
Doylestown, Pennsylvania 18901 215.345.3400 FAX 215.345.3886  
E-mail: [bcpc@buckscounty.org](mailto:bcpc@buckscounty.org)

## PLANNING COMMISSION:

Walter S. Wydro, *Chairman*  
Evan J. Stone, *Vice Chairman*  
Edward Kisselback, *Secretary*  
James J. Dowling  
Raymond W. Goodnoe  
David R. Nyman  
Robert M. Pellegrino  
Carol A. Pierce  
R. Tyler Tomlinson  
  
Lynn T. Bush  
*Executive Director*

## COUNTY COMMISSIONERS:

Robert G. Loughery, *Chairman*  
Charles H. Martin, *Vice Chairman*  
Diane M. Ellis-Marseglia, *1st SW*

March 11, 2016  
BCPC # 11112-E

## MEMORANDUM

**TO:** New Britain Township Board of Supervisors  
New Britain Township Planning Commission

**FROM:** Staff of the Bucks County Planning Commission

**SUBJECT:** Preliminary Plan of Subdivision for Quad/Graphics  
TMP #26-5-2  
Applicant: Naplin One Limited Partnership  
Owner: Quad/Graph Marketing, LLC  
Plan Dated: February 1, 2016  
Date Received: February 23, 2016

This proposal has been reviewed by the Bucks County Planning Commission professional staff, which has prepared the following comments in accordance with the Pennsylvania Municipalities Planning Code (Section 502).

## GENERAL INFORMATION

**Proposal:** Subdivide a 16.646-gross-acre lot (Lot 2) from a tract of 100.182 acres (Lot 1). No development is proposed at this time. Public water and sewer service the site.

**Location:** County Line Road, between Walnut Street and Schoolhouse Road.

**Zoning:** I Industrial District permits manufacturing and wholesaling activities on lots of 3 acres or more. The RR Rural Residential District permits the B5 Use, single-family attached housing, within a PRD on a site of at least 20 acres, with a maximum density of five dwelling units per acre. A minimum of two dwelling types is required for proposals of 50 to 199 total dwelling units.

**Present Use:** Industrial.

## COMMENTS

1. **Surrounding zoning district**—In Ordinance No.: 2015-02-23, the Township of New Britain rezoned TMP #26-5-2-1 (including the 10.439 acre tract conveyed to TMP #26-5-2-1, recorded by the Bucks County Recorder of Deeds on September 9, 2015) from I Industrial District to CR Conservation and Recreation District. The submitted plans should be revised to reflect the correct zoning district on the adjacent tract.

2. **Previous subdivision/land development submission and lot width**—The overall tract includes an area of approximately 20.949 acres currently zoned RR Rural Residential District with frontage on School House Road. This rezoned area was subject to a subdivision/land development that proposed 59 residential units (twins and townhomes). The Board of Supervisors adopted Resolution #2015-17 on September 21, 2015, granting conditional Preliminary Subdivision and Land Development Approval for the Colebrook Subdivision Plan.

A Declaration of Covenants and Restrictions was recorded by the Bucks County Recorder of Deeds on January 23, 2015, outlining conditions, provisions, and limitations with the 20.949 acre rezoned area. It indicated that the rezoned area will be subdivided from TMP #26-5-2. If the 20.949-acre parcel is subdivided and the current submittal subdivision is approved, it appears to create a nonconforming lot width for the remainder Quad/Graphics tract (TMP #26-5-2).

Therefore, it appears that the Quad/Graphics tract will not conform to the minimum lot width requirement. Zoning ordinance, Section 27-201 defines lot width as the horizontal distance parallel to the front lot line at the minimum required building setback line. The required front yard setback (50 feet) and required minimum lot width (300 feet for an arterial highway and 200 feet for other public roads) currently comply along both County Line and School House roads. However, if both subdivisions occur, the 16.646-gross-acre lot (Lot 2) along County Line Road and the 20.949-acre tract along School House Road, an approximate 100-foot-wide access strip will be created to provide sole access to the existing Quad/Graphic industrial building. Consequently, a lane (flag) lot will be created and zoning ordinance, Section 27-2104 notes that lane lots may only serve one detached dwelling only. The Township should not take action on this plan until the issue is resolved.

3. **Buffer yard**—The K4 Printing use regulations in the zoning ordinance notes that the buffer requirements of this Chapter (Chapter 27 Zoning) shall be met, and the corresponding buffer yard requirements in Section 27-2800.b states that specific uses in this chapter require buffer yards for the use regardless of adjacent development. Zoning ordinance, Section 27-2801 requires a 75-foot-wide buffer for the Industrial District. Given the location of the proposed property boundary between Lots 1 and 2, Township officials should determine the applicability of these buffer yard requirements for this subdivision prior to approval.
4. **Future parking spaces**—The subdivision plan, Sheet 1 of 4 displays 333 future parking spaces. Previous submittals for the subject tract do not show the future spaces and any formal subsequent submission regarding construction of the spaces will be subject to land development requirements and review.
5. **Street trees**—Subdivision and land development ordinance, Section 22-713.4.A requires street trees to be planted every 30 feet along existing streets when they lie within the proposed subdivision. Therefore, the requisite street trees should be provided on Lot 2 along County Line Road.
6. **Editorial comments**—The site capacity chart on Sheet 2 of 4 should be revised to reflect the correct lots as depicted on Sheets 1 and 2 of 4. Specifically, Lot 2 should be revised to read Lot 1; Lot 1(I) should be revised to Lot 2(I); and Lot 1(RR) should be revised to Lot 2 (RR).

This review will be included in the Bucks County Planning Commission board materials for the April 6, 2016 meeting. It is not necessary for you to attend this meeting, but you are welcome to do so and to offer comments on the proposal to the BCPC board and staff.

In order that we may be more aware of your concerns, please send us a copy of all municipal decisions sent to this applicant.

JSI:dc

cc: Naplin One Limited Partnership  
Quad/Graphics Marketing, LLC  
Ronald E. Klos, Jr., P.E., Bohler Engineering  
Erik Garton, P.E., Gilmore & Associates  
Eileen Bradley, Township Manager (via e-mail)  
Montgomery Township (adjacent municipality)