

**RESOLUTION NO. 2016-18**  
(Duly Adopted: August 1, 2016)

NEW BRITAIN TOWNSHIP  
BUCKS COUNTY, PENNSYLVANIA

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP GRANTING PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL TO ANTHONY E. LEPORE, FOR THE PRELIMINARY/FINAL SUBDIVISION AND LAND DEVELOPMENT PLANS PREPARED BY WOODROW & ASSOCIATES, INC., DATED DECEMBER 20, 2007, LAST REVISED JUNE 7, 2016, CONSISTING OF 5 SHEETS, WHICH PROPOSES TO CREATE A TWO-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION.

**WHEREAS**, Anthony E. Lepore (“Applicant”) has submitted an application for preliminary/final plan approval of a two-lot single family residential subdivision (“Project”) on a parcel of land located along 37 Callowhill Road, Chalfont and denoted as a part of Tax Map Parcel #s 26-011-021 and 26-011-114 (“Property”); and

**WHEREAS**, the Project essentially proposes a lot line adjustment involving two parcels within the Township’s Watershed Zoning District: TMP #26-011-021, a 20.13-acre lot at 37 Callowhill Road (S.R. 4003) improved with a single family dwelling, and TMP #26-011-114, a 2.17-acre vacant parcel on Creek Road; and

**WHEREAS**, this proposal is reflected on a plan entitled “Subdivision – Record Plan 37 Callowhill Road”, Prepared by Woodrow & Associates, Inc., dated December 20, 2007, last revised June 7, 2016, consisting of 5 sheets (“Plan”); and

**WHEREAS**, the New Britain Township Planning Commission reviewed the Plan at its July 26, 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 the Project subject to Applicant’s compliance with the following conditions:

1. Applicant shall comply with all recommendations of the Gilmore and Associates Review Letter of July 6, 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 7, 2006 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 execute a deed of consolidation for the enlarged Creek Road property (26-011-114) and place a note on the Record Plan concerning this requirement. This deed shall be in a form and manner to be approved by the Township Solicitor.
4. Applicant shall comply with all of the conditions of the New Britain Township Zoning Hearing Board Decision concerning the Property and the Project, dated July 7, 2009.
5. 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)
6. Applicant shall submit to the Township Engineer for review all necessary legal descriptions and construction cost estimates of the site improvements. (Township Code §22-406.1, §22-903, §22-904)
7. 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)
8. 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)
9. At the Township’s discretion, Applicant shall contribute the required park and recreation improvements to the Township or pay a \$2,500.00 (\$2,500.00/dwelling unit) fee in lieu of such improvements contemporaneously with execution of Development Agreements. (Township Code §22-715)
10. Applicant shall execute the required Stormwater Maintenance Agreement in a form approved by the Township Solicitor. Applicant shall contribute the required stormwater maintenance fee of \$1,094.68 (\$2.50 per linear foot of existing and

proposed roads within the development) contemporaneously with execution of Development Agreements. (Township Code §22-712.13, §§26-151 - 164; Township Fee Resolution No. 2016-03)

11. The Developer shall be required to submit payment of 50% of the estimated cost of public improvements, as fees in lieu of the required public improvements that have been waived as set forth below. This fee will be determined once the Opinion of Probable Cost is reviewed and approved by the Township Engineer. (Township Code §22-700; Township Resolution 2007-12).
12. Applicant shall contribute the Stormwater BMP Maintenance Guarantee fee that shall apply to all proposed BMPs installed within the Township, for the timely installation, proper construction continued maintenance by the owner of the subject property. The fee is 5% of the construction costs of all the BMP, which will be determined once the Opinion of Probable Cost is reviewed and approved by the Township Engineer. (Township Code §22-712.13, §§26-151 - 164; Township Fee Resolution No. 2016-03)
13. 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)
14. All documentation shall be executed prior to recording of Record Plans. (Township Code §22-406)
15. Applicant and its professionals shall execute, notarize and seal the Final Record Plan. (Township Code §22-406.2)
16. 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. Section 502.A.1 – Allowing the plans to provide an aerial instead of being drawn at a scale not exceeding 1"=50'.
- b. Section 700 - From the requirement to pay a fee-in-lieu of uninstalled required public improvements equal to 50% of the estimated cost of such improvements for the improvements along Callowhill Road only.
- c. Section 705 and 706 – Allowing Applicant relief from widening, curbing, sidewalks, and storm sewer along existing streets.

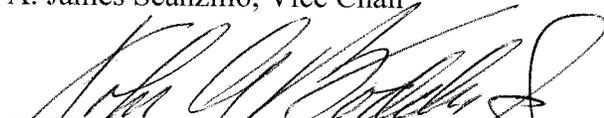
- d. Section 713.4.A. – To allow relief from the requirement to provide street trees every 30 feet along the proposed streets and existing streets when they abut or lie within the proposed subdivision and/or land development.

**BE IT FINALLY RESOLVED**, that the conditions of approval have been made known to Applicant, and this preliminary/final 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/final plan approval shall be deemed denied based upon Applicant's failure to agree to and/or fulfill the said conditions.

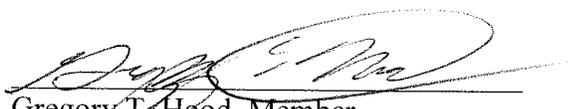
**DULY ADOPTED** this 1<sup>st</sup> day of August, 2016, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.

  
William B. Jones, III, Chair

  
A. James Scanzillo, Vice Chair

  
John A. Bodden, Sr., Member

  
Helen Haun, Member

  
Gregory T. Hood, Member

  
Attest: Eileen M. Bradley  
Township Manager/Secretary



# GILMORE & ASSOCIATES, INC.

ENGINEERING & CONSULTING SERVICES

July 6, 2016

File No. 06-03152

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

Reference: LePore Tract, TMP#s.: 26-011-021 and 26-011-114  
Subdivision Plan and Land Development Review

Dear Eileen:

Pursuant to your request, we have reviewed the Preliminary Subdivision and Land Development Plan, as prepared by Woodrow & Associates, Inc., consisting of five (5) sheets, dated December 20, 2007, last revised June 7, 2016, for the above referenced lots in accordance with the Township's Zoning, Subdivision and Land Development, and Stormwater Management Ordinance requirements. Upon review, we offer the following comments for your consideration:

I. General Information

The Applicant proposes a subdivision and conceptual land development, which is essentially a lot line adjustment involving 2 parcels within the Township's Watershed Zoning District: TMP #26-011-021, a 20.13-acre lot at 37 Callowhill Road (S.R. 4003) improved with a single family dwelling, and TMP #26-011-114, a 2.17-acre vacant parcel on Creek Road. Pending approval, the latter parcel, TMP #26-011-114, will be consolidated with a portion of TMP #26-011-021 to create Lot 1 of 13.6 acres and Lot 2 of 8.3 acres. Former plans for TMP #26-011-021 depicted two single family dwelling lots with a shared driveway to Callowhill Road while an alternate plan previously showed a cul-de-sac road with additional lots. As shown currently, access may be provided to Creek Road for Lot 2 only, where a single family dwelling is shown, conceptually. The properties contain existing natural resources including watercourses, wetlands, ponds, steep slopes, woodlands, and riparian buffer. The properties are located outside the Township's service areas for public water and sanitary sewer facilities, therefore on-lot sewage disposal systems and well are proposed. Stormwater improvements currently proposed include a seepage pit.

II. Review Comments

A. Zoning Hearing Board Order

We have no comments regarding the New Britain Township Zoning Hearing Board relief granted on July 7, 2009.

B. Zoning Ordinance

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

BUILDING ON A FOUNDATION OF EXCELLENCE

65 E. Butler Avenue | Suite 100 | New Britain, PA 18901 Phone: 215-345-4330 | Fax: 215-345-8606  
www.gilmore-assoc.com

1. §27-202. Site Area – A title report should be submitted for 26-011-021 to verify no existing easements and/or restrictions have been previously placed preventing the subdivision as shown.
2. §27-502.b.3 – A blanket easement is proposed over the preserved natural resource areas. An 11"x17" exhibit should be included showing a hatch pattern over the proposed preserved area, unless the Record Plan is revised to show a defined easement with metes and bounds. An on-site survey of the limit of disturbance should be provided at the time of building permit application for Lot 2 to demonstrate compliance with the natural resource protection requirements.
3. §27-502.b.4 & §22-715 – The Applicant should contribute a fee-in-lieu of park and recreation land in the amount of \$2,500 for the new dwelling unit.
4. §27-502.b.5 – A homeowner's disclosure statement should be prepared and signed by the future owner(s) to notify them of the preservation of natural resources, deferred Subdivision and Land Development Ordinance requirements including a potential NPDES permit from DEP, and building permit requirements.
5. §27-506 – Prior to the construction on any existing undeveloped lot, the owner should provide notice to adjacent property owners in accordance with the Township's Disclosure Ordinance.

C. Subdivision and Land Development Ordinance

The following waivers have been requested from the requirements set forth in the New Britain Township's Subdivision & Land Development Ordinance:

1. §502.1(a) – Relief from the requirement that the plans be drawn at a scale not exceeding 1"=50'. An aerial has been made a part of the plan set; therefore, we are in support of this waiver.
2. §705 & §706 – Relief from widening, curbing, sidewalks, and storm sewer along existing streets. The Township should consider if the improvements should be installed or if the Applicant will be required to contribute a fee in lieu of the improvements equal to 50% of the total cost in accordance with Resolution 2007-12. If a fee will be contributed, a cost estimate should be submitted for review.
3. §713.4.a – Relief from providing street trees along the property frontage. We are in support of this waiver, since there are existing trees on both properties that satisfy the intent of the street tree requirement.

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

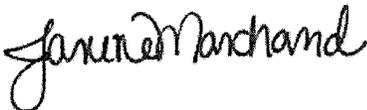
1. The following notes should be added to the Record plan that states the Applicant developing Lot 2 is responsible for the following at the time of building permit application:
  - a. An on-site survey of the limit of disturbance should be provided.
  - b. The owner is required to design stormwater facilities for the maximum impervious for the site or 8% of the developable area of the lot. The SCS method must be used for drainage areas greater than 1 acre. Additionally, stormwater runoff volume and rate control should be provided in accordance with the Township's current stormwater ordinance.

- c. Plans should be submitted for the review of the grading, stormwater management, and erosion and sediment at the time of building permit application.
  - d. A note should be added to the plan that the proposed driveway must provide a 20 foot stopping area from the edge of the cartway at a maximum of 3% grade. (§22-705.13.B)
  - e. An E&S Plan Approval will be required for the on-lot septic for Lot 1 if disturbance exceeds 1,000 square feet. (§22-711.7.C)
  - f. An Erosion & Sediment Control Permit must be obtained from the Bucks County Conservation District and a copy provided to the Township. An NPDES permit will also be required if the disturbance is proposed to be greater than 1 acre for Lot 2 (§22-711.7.D)
  - g. Infiltration testing should be performed by double-ring infiltrometer and BMPs should be constructed on soils meeting criteria per (§26-214.2.C(5)).
  - h. A stormwater operation and maintenance agreement, prepared by the Township Solicitor, shall be executed with the future owner responsible for the maintenance of the stormwater facilities. (§26-229/231)
  - i. In accordance with New Britain Township Resolution No. 2016-03, the applicant should contribute the Stormwater BMP Maintenance Guarantee based on 5% of the construction cost of any proposed facilities, as determined by the Applicant's professional and approved by our office.
2. §22-406.1.I – The Applicant should prepare and submit legal descriptions for the proposed lots, ultimate rights-of-way, conservation easement, clear sight triangles, and reserve septic system easements. A deed of consolidation should be approved by the Solicitor. These should be submitted and reviewed for consistency with the Record plans.
  3. §22-500.3 – Any waivers should be formally requested from the Township in letter format unless the plans are revised to address all comments of the Subdivision and Land Development Ordinance requirements. The Record Plan should list the date granted, as applicable.
  4. §22-705.6 – The site plan should show the proposed site line distances for the conceptual driveway to insure a driveway can meet PA code, Title 67 Chapter 441. Further, the clear sight triangle should be revised to 50 feet as measured from the intersection of the driveway with the road. Easements should be provided, and defined by metes and bounds, to allow the Township the right to enter the area for required maintenance if deemed critical to public welfare.
  5. §22-712.12.A – Depending on the road improvements approved to be installed along the frontages, at a minimum, a fifteen-inch RCP culvert, or equivalent size, should be provided for the proposed driveway. The minimum culvert length should be 24 feet, with flared end sections and end walls. The culvert should be shown and designed to convey the design flows to under the driveway.
  6. §22-712.13.D – The Applicant should contribute the required stormwater maintenance fee prior to recording the final plans. Based on \$2.50 per linear foot of existing street frontage, we calculate the fee to be \$1,094.68.
  7. §22-716 – Monumentation should be set at 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.

8. §22-721 – The Bucks County Health Department approval should be submitted for the on-lot sewage disposal system prior to recording. Grading and elevation details should be provided for the areas around both proposed septic systems. In addition to the proposed systems, a suitable replacement area should be provided for both lots. Easements are required deed-restricting the sewage area from being built upon. The replacement area should not be located directly down slope of the primary system and must be at least 10 feet from the property line. In addition, the reserve septic area must be located a minimum of 25 feet from the primary system. Finally, the percolation testing locations should be shown on the plans.
9. §22-721.9 – When required by the BCDH or DEP, an O&M Agreement should be executed with the Township and/or submit a maintenance escrow, in order for the owner/operator to guarantee the proper care, operation, maintenance, repair, and replacement of the sewage systems. This should be noted on the plans.
10. Verification should be provided that there are no off-site wells within 100 feet of the proposed septic systems.
11. The distances along the common Northern property line of Lots 1 and 2 should be verified and revised to add up correctly ( $321.55 + 742.02 = 1063.57$ ). Additionally, the Northern property line of TMP # 26-11-113 should be verified and revised to add up correctly ( $270.36+30.06=400.42$ ).

We recommend the Applicant revise the site plan to address the above comments. If you have any questions regarding this project, please do not hesitate to contact us.

Sincerely,



Janene Marchand, P.E.  
Gilmore & Associates, Inc.  
Township Engineers

JM/ve/sl

cc: Angela Benner, Assistant Township Manager  
Devan Ambron, Township Zoning Officer  
Peter Nelson, Esq., Grim, Biehn and Thatcher  
Timothy P. Woodrow, P.E., Woodrow & Associates. Inc.  
Anthony E. LePore, Applicant  
Erik Garton, P.E., V.P., Gilmore & Associates, Inc.



Lynn T. Bush, AICP Executive Director

COUNTY COMMISSIONERS:  
Chairman, JAMES F. CAWLEY, ESQ.  
CHARLES H. MARTIN  
SANDRA A. MILLER

PLANNING COMMISSION:  
Chairman, Robert H. Grunmeier  
Vice Chairman, Susanne McKeon  
Secretary, Edward Kisseback  
Kathleen M. Babb  
Darrin Hoffman  
H. Paul Kester  
Carol A. Pierce  
David H. Platt  
James J. Stoeckert

MAR - 9 2006

March 7, 2006  
BCPC #10937

### MEMORANDUM

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

FROM: Staff of the Bucks County Planning Commission

SUBJECT: Revised Sketch Plans of Subdivision—Lepore  
TMP: #26-11-21  
Applicant: Parec-Cyma Group  
Owners: Anthony Lepore  
Plan Dated: May 2005  
Date Received: February 9, 2006

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

### **GENERAL INFORMATION**

Proposal: Two different sketch plans were submitted. The site contains a detached single-family home and garage that apparently would be removed to make way for new construction.

Sketch Plan 1 would subdivide a 20.122-acre tract into 2 lots for detached single-family homes. The lot sizes are not specified on the plan. The development would be served by individual on-lot wells and individual on-lot sewage disposal systems.

Sketch Plan 2 would subdivide the 20.122-acre tract into 3 lots. No residential construction is depicted on the plan. The lot sizes would be: Lot 1, 4.5574 acres; Lot 2, 3.2919 acres; and Lot 3, 11.2421 acres. The development would be served by individual on-lot wells and individual on-lot sewage disposal systems.

Location: Northeast side of Callowhill Road, between Creek and Ferry roads.

Zoning: WS Watershed, which permits Use B1, single-family detached housing, on a lot of at least 80,000 square feet with a maximum site impervious surface ratio of 12 percent.

Present Use: Residential.

## COMMENTS

1. **Impervious surface ratio**—The site data tables in both sketch plans indicate the proposals exceed the maximum site impervious surface ratio of 12 percent permitted under Section 502.b.1(h)(3) of the zoning ordinance. This apparent editorial error should be corrected in future plan submittals.
2. **Building coverage ratio**—The site data tables in both plans indicate the proposals exceed the maximum per lot building coverage ratio of 5 percent permitted under Section 502.b.1 (g) of the zoning ordinance. This apparent editorial error should be corrected in future plan submittals.
3. **Site capacity calculations**—The plan should include site capacity calculations in compliance with Section 2400.c of the subdivision and land development ordinance, so the township can determine whether the proposed number of homes can be built within the required resource protection ratios.
4. **Street**—Sketch Plan 2 shows what appears to be a street with a 50-foot right-of-way that terminates in a dead end at Lot 2. SALDO Section 705.1.D bars dead-end streets. The street should terminate in a cul-de-sac turnaround.
5. **Clear-sight distance**—Because the roadway that would serve the subdivision is on a grade, it is important that there be adequate visibility at the Callowhill Road intersection. The plan should depict clear-sight triangles conforming to the requirements of SALDO Sections 705.5 and 705.6.
6. **Sketch plan information**
  - a. **Date**—The plan should include a date, in compliance with Section 501.1.I of the subdivision and land development ordinance.
  - b. **Labels**—Each of the two sketch plans submitted should be labeled (by number or letter) so they can be readily distinguished by reviewers.
7. **Sewage facilities**—The applicant must submit a Sewage Facilities Planning Module Application Mailer to the Pennsylvania Department of Environmental Protection (PaDEP) to determine if an Act 537 Planning Module for Land Development must be submitted for this proposed land development. We recommend that the planning module be submitted at the preliminary plan stage to coordinate the land development review with the planning module review.

This review will be included in the Bucks County Planning Commission board materials for the April 5, 2006, 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.

GF:mjw

c: Parec-Cyma Group  
Anthony Lepore  
Woodrow & Associates, Inc.  
Craig Kennard, P.E., Carroll Engineering Corporation

