

RESOLUTION NO. 2024-09

**NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP GRANTING PRELIMINARY LAND DEVELOPMENT APPROVAL TO TOLL BROTHERS, INC. FOR THE PRELIMINARY SUBDIVISION OF TAX PARCEL #26-006-101, 26-006-101-003, 26-006-101-004 LOCATED AT OR NEAR COUNTY LINE ROAD, WHICH SAID PLANS WERE PREPARED BY ESE CONSULTANTS, INC., DATED OCTOBER 6, 2023, AND LAST REVISED JANUARY 19, 2024, CONSISTING OF 44 SHEETS, WHICH PROPOSE THE CONSTRUCTION OF A 44-UNIT TOWNHOUSE DEVELOPMENT

WHEREAS, Toll Brothers, Inc. ("*Applicant* ") have submitted an application for Preliminary Land Development Approval which proposes the construction of a 44- Unit Townhouse Development ("*Project*") on a parcel located at or near County Line Road, New Britain Township, Bucks County, Pennsylvania, further identified as Tax Map Parcel Nos. 26-006-101, 26-006-101-003 and 26-006-101-004 ("*Property*"); and

WHEREAS, this proposal is reflected on a plan entitled Preliminary Subdivision Plans of Birch Run at New Britain, prepared by ESE Consultants, Inc., dated October 6, 2023, last revised January 19, 2024, consisting of forty-four (44) sheets ("*Plan*"); and

WHEREAS, the New Britain Township Board of Supervisors held a Hearing on the Preliminary Subdivision Plans on March 18, 2024 and voted to approve the Preliminary Subdivision Application subject to conditions;

NOW THEREFORE, BE IT ADOPTED AND RESOLVED, that the Board of Supervisors of New Britain Township hereby grants Preliminary Land Development Approval to the Project subject to Applicant's compliance with the following conditions:

1. Applicant shall comply with all requirements and recommendations of the Gilmore and Associates Review Letter of February 21, 2024 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein as Exhibit "A".
2. Applicant shall comply with all requirements and recommendations of the Bucks County Planning Commission Review Letter dated November 22, 2023 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein as Exhibit "B".

3. Applicant shall comply with all requirements contained in Resolution 2023-16, evidencing the Adjudication of the Conditional Use Application of Toll Mid-Atlantic LP Company, Inc. A true and correct copy of this Resolution is attached hereto and incorporated herein as Exhibit “C”.
4. Applicant has requested, and the Board of Supervisors does hereby Grant waivers from the following provisions of the Subdivision and Land Development Ordinance:
 - a. §22-502.1.D.(8)(a) – From the requirement to show the location, size and species, of individual, existing trees six inches in diameter or greater within 100 feet of the tract boundary conditioned on any existing trees being shown to meet the buffer requirements as required by Section 27-2803.a. of the Zoning Ordinance.
 - b. §22-705.3.A & 706.2.A – To allow a 30-foot right-of-way and 24-foot cartway on Road ‘B’ with sidewalk along one side. The reduced right-of-way and cartway widths and sidewalk on one side will allow the roadway to be located within the existing 30-foot-wide Water Line and Access Easement. No parking shall be permitted along this street.
 - c. §22-705.3.G – From providing a mill and overlay of the existing streets that abuts the subdivision.
 - d. §22-705.4.C – To allow Road ‘A’ to be 420 feet from the intersection with the internal access road, where 500 feet is required, which is consistent with the approved Conditional Use Plan.
 - e. §22-705.13.C – From the requirement for driveways to provide a 20-foot stopping area at 3% from the edge of the cartway.
 - f. §22-705.13.D – From installing driveways in accordance with the Township’s Driveway Standard. The Applicant proposes 18-foot-wide driveways with a 2-foot Belgian block curb transition where a 12-foot driveway is required with a minimum 10-foot radius. A driveway construction detail shall be added to clarify the intent if different from the Township standards.
 - g. §22-705.13.J – From the requirement to provide a minimum 10-foot by 20-foot driveway turnaround area, which is consistent with the approved Conditional Use Plan.

- h. §22-706.2.B – From the requirement to install sidewalk along the frontage of County Line Road conditioned on providing a walkway to County Line Road and a public access easement along County Line Road over TMP 26-006-101-004 for future sidewalk.
 - i. §22-712.4.E – From the requirement that basins return to normal conditions within 12 hours after the storm. The Stormwater Report indicates the volume in the basin will be infiltrated between 48 and 72 hours as required for Managed Release basins. This waiver is conditioned upon approval of the design by PADEP.
 - j. §22-712.4.J – From the requirement that detention basins be sloped towards the outlet structure a minimum slope of 2%.The plan is designed using the managed release concept recommended by PADEP and uses a flat basin with an underdrain. This waiver is conditioned upon approval of the design by PADEP.
 - k. §22-722.4.C.(7) – To allow substitutions for certain buffering and landscaping as approved by the Township Engineer.
 - l. §22-722.4.E. – To allow a substitution for the proposed street light standard as approved by the Township Engineer.
5. Applicant has requested, and the Board of Supervisors does hereby Grant a waiver from the following provision of the Stormwater Management Ordinance:
- a. §26-121.11 – From the requirement that storage facilities drain both the volume and rate control capacity over not more than 72 hours from the end of the design storm. A managed release concept is proposed which slowly releases the runoff over an extended period to mimic infiltration may be used so long as the design is approved by PADEP.
6. Applicant shall construct the modern architectural option for the proposed buildings.
7. Applicant shall consult with the Township Fire Marshal on the naming of the internal roadways.
8. Upon Final Subdivision Approval, Applicant shall construct all public improvements shown on the approved Final Plan, including, but not limited to, water and sewer facilities, stormwater facilities, street trees, roadway widening, installation of curbs and sidewalks, and roadway milling and overlay.
9. Upon Final Subdivision Approval, Applicant shall execute the required

Stormwater Maintenance Agreement in a form approved by the Township Solicitor. Applicant shall pay a required stormwater fee to be based on \$0.25 per every square foot of net increase of impervious area proposed.

9. Upon Final Subdivision Approval, 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.
10. Upon Final Subdivision Approval, Applicant shall submit to the Township Engineer for review all necessary legal descriptions and construction cost estimates of the site improvements.
11. Upon Final Subdivision Approval, Applicant shall execute Development and Financial Security Agreements and all other development documents (including all necessary guarantees, agreements, easements, deeds, and declarations), all in a form and manner to be approved by the Township Solicitor; Applicant shall post sufficient financial security in a form acceptable to the Township; Applicant shall provide proof of sufficient insurance coverage to the Township.
12. 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. 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.
13. Applicant shall pay all appropriate fees applicable to this Project including all outstanding bills from the Township's professional consultants.
14. All documentation shall be executed prior to recording of Record Plans.
15. Applicant and its professionals shall execute, notarize and seal the Final Record Plan.
16. Applicant shall comply with all other applicable Township, County, State, and Federal rules, regulations, codes, ordinances, and statutes.
17. The plans shall be ADA compliant, if applicable.

BE IT FINALLY RESOLVED that the conditions of approval have been made known to Applicant, and this Preliminary Land Development 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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NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA
RESOLUTION NO. 2024-

DULY ADOPTED, this ____ day of _____, 2024, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.

ATTEST:

John Granger, Interim Township Manager

Cynthia M. Jones, Chair

MaryBeth McCabe, Esquire, Vice-Chair

Stephanie Shortall, Esquire, Supervisor

William Jones, III, Supervisor

Bridget Kunakorn, Supervisor

APPLICANT'S ACCEPTANCE OF THE RESOLUTION'S CONDITIONS

Applicant agrees to the above terms and conditions contained in Resolution 2024-_____ this the ____ day of _____, 2024.

APPLICANT:
TOLL BROTHERS, INC.

Name: _____
Title: _____