

RESOLUTION NO. 2024-06
(Originally Adopted: 11/20/2023
Revised: March 4, 2024)

NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP GRANTING PRELIMINARY/FINAL SUBDIVISION APPROVAL TO DAVID M. AND MELANIE D. LABROZZI FOR THE MINOR SUBDIVISION OF TAX PARCEL #26-011-005 LOCATED AT 123 CREEK ROAD, WHICH SAID PLANS WERE PREPARED BY NAVE NEWELL, INC., WERE DATED JUNE 23, 2021, AND LAST REVISED OCTOBER 2, 2023, CONSISTING OF 7 SHEETS, WHICH PROPOSE THE ESTABLISHMENT OF TWO SINGLE-FAMILY RESIDENTIAL LOTS, ONE OF WHICH IS CURRENTLY IMPROVED BY A SINGLE-FAMILY DWELLING.

WHEREAS, David M. and Melanie D. Labrozzi ("*Applicant* ") have submitted an application for preliminary/final plan approval of a minor subdivision which proposes the subdivision of Tax Map Parcel #26-011-005 into two (2) separate lots and the construction of a single-family dwelling on Lot 2, as there is already a single-family dwelling on Lot 1 ("*Project*'). Lot 1 will consist of 14.52 acres and Lot 2 will consist of 2.38 acres ("*Property*"); and

WHEREAS, this proposal is reflected on a plan entitled Minor Subdivision Plans for 123 Creek Road, prepared by Nave Newell, Inc., dated June 23, 2021, last revised October 2, 2023, consisting of seven (7) sheets ("*Plan*"); and

WHEREAS, the New Britain Township Planning Commission reviewed the Plan at its October 24, 2023 meeting, and having found it to be in substantial compliance with the requirements of the Township Zoning Ordinance, the Township Subdivision and Land Development Ordinance, and other applicable Township regulations, recommended that preliminary/final approval be granted subject to conditions.

NOW THEREFORE, BE IT ADOPTED AND RESOLVED, that the Board of Supervisors of New Britain Township hereby grants preliminary/final approval to the Project subject to Applicant's compliance with the following conditions:

1. Applicant shall grant unto the Township conservation easements over the required natural resources to be preserved and further, Applicant shall grant to the Township an additional conservation easement limiting the impervious

surface area on Lot 2 to 6,332 SF.

2. If the Lots are to be formally deed-restricted from further subdivision, a note to that effect shall be added to the Subdivision Plan.
3. Applicant shall comply with all requirements and recommendations of the Gilmore and Associates Review Letter of October 18, 2023 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein as **Exhibit "A"**. (Township Code §22-403, §22-502)
4. Applicant shall comply with all requirements and recommendations of the Bucks County Planning Commission Review Letter of September 20, 2023 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein as **Exhibit "B"**. (Township Code §22-403, §22-502)
5. Applicant has requested, and the Board of Supervisors does hereby Grant waivers from the following provisions of the Subdivision and Land Development Ordinance as noted in correspondence received from the Applicant dated October 2, 2023 and October 23, 2023:
 - a. §21-205.10 -From providing a minimum 24 foot, fifteen-inch RCP culvert for the driveway, conditioned upon a gutter being provided in the driveway to prevent stormwater from collecting above the driveway.
 - b. §22-705.3.C – From the requirement to provide roadway widening along the property frontages, conditioned upon the following:
 1. Existing vegetation along the right-of-way of East Peace Valley Road shall be cleared along the entire frontage.
 2. Widening of the driveway at the point that intersects with East Peace Valley Road.
 3. The condition of East Peace Valley Road shall be documented prior to construction and repaired if damaged during construction.
 - c. §22-705.3.G – From the requirement to mill and overlay the roadway abutting an existing street to a depth of 1 1/2 inches.
 - d. §22-706.1 & 2 – From the requirement to provide curb and sidewalk along the property frontage.
 - e. §22-713.4.A – From the requirement to provide street trees every 30 feet along the existing streets abutting the proposed subdivision, conditioned upon the Applicant using the existing vegetation along the

property frontage to meet this requirement and conditioned upon the protection of the remaining shade trees along the frontage and the clear sight lines being cleared for the new driveway.

- f. In the event the required improvements are waived by the Township, the Applicant is required to pay a fee-in-lieu of the improvements in accordance with Township Resolution No. 2007-12.
6. Applicant shall construct all public improvements shown on the 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; or else, install partial improvements as approved by the Township; and/or contribute a fee-in-lieu of these improvements. No fee-in-lieu shall be required of the Applicant in accordance with Resolution 2007-12 as Applicant is in agreement to provide a deed restriction over Lot 1 which said restriction shall preclude further subdivision. (Township Code §22-700, §22-701.8, §22-903, §22-904; Township Resolution 2007-12).
7. Applicant shall contribute to the Township \$3,000.00 (\$3,000.00/dwelling unit) as a fee-in-lieu of the required park and recreation improvements contemporaneously with execution and funding of Township Development Agreements. (Township Code §22-715)
8. 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, paid at the time that the plot plan is submitted for approval. . (Township Code §22-712.13, §§26-151 - 164; Township Fee Resolution No. 2023-08)
9. Confirmation that a fire truck will be able to enter the driveways to both lots adequately.
10. 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)
11. 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)

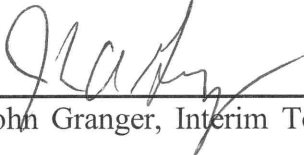
12. Applicant shall execute Development and Financial Security Agreements and all other development documents (including all necessary guarantees, agreements, easements, deeds, and declarations), all in a form and manner to be approved by the Township Solicitor; Applicant shall post sufficient financial security in a form acceptable to the Township; Applicant shall provide proof of sufficient insurance coverage to the Township. (Township Code §22-406.1)
13. 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. (Township Code §22-406.1)
14. 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)
15. All documentation shall be executed prior to recording of Record Plans. (Township Code §22-406)
16. Applicant and its professionals shall execute, notarize and seal the Final Record Plan. (Township Code §22-406.2)
17. Applicant shall comply with all other applicable Township, County, State, and Federal rules, regulations, codes, ordinances, and statutes. (Township Code §22-905)
18. 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/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.


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BUCKS COUNTY, PENNSYLVANIA
RESOLUTION NO. 2024-06

DULY ADOPTED, this 4th day of March, 2024, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.

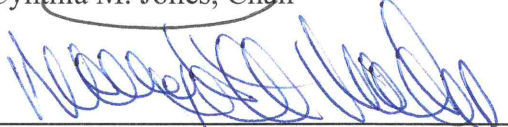
ATTEST:



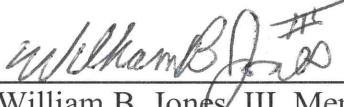
John Granger, Interim Township Manager



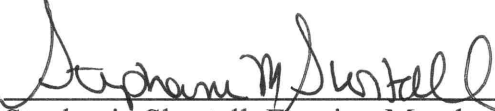
Cynthia M. Jones, Chair



MaryBeth McCabe, Esquire, Vice- Chair



William B. Jones, III, Member



Stephanie Shortall, Esquire, Member



Bridget Kunakorn, Member