

RESOLUTION NO. 2022-14
(Duly Adopted: August 15, 2022)

NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP GRANTING PRELIMINARY/FINAL SUBDIVISION APPROVAL TO CALEB AND ANNE FRANKEL AND JOSEPH A. AND MARY R. MCGINLEY, FOR THE LOT LINE CHANGE PLANS FOR THE FRANKEL & MCGINLEY TRACT, PREPARED BY CREWS SURVEYING, LLC, DATED MARCH 24, 2022, WITH NO REVISIONS, CONSISTING OF 3 SHEETS, WHICH PROPOSE A LOT LINE CHANGE SO AS TO REDUCE THE ACREAGE FROM TAX PARCEL NO. 26-011-026 (283 CREEK ROAD) BY 0.4277 ACRES AND CONVEYING AND ADDING THAT TO TAX PARCEL NO. 26-011-024 LOCATED AT 267 CREEK ROAD

WHEREAS, CALEB AND ANNE FRANKEL and JOSEPH A. AND MARY R. MCGINLEY (collectively the “*Applicant*”) has submitted an application for Preliminary/Final Subdivision approval for a lot line change on Bucks County Tax Map Parcel #26-11-24, consisting of 1.9991 gross acres (1.7084 net acres), and Bucks County Tax Map Parcel #26-11-26, consisting of 10.9310 gross acres (10.4293 net acres) (denoted respectively as Tax Parcel #26-11-24 and #26-11-26) located on Creek Road (the “*Project*”); and

WHEREAS, the proposal is reflected on a plan entitled “Lot Line Change Plan, prepared by Crews Surveying, LLC, dated March 24 2022, with no revisions, consisting of 3 sheets (the “*Plan*”); and

WHEREAS, the New Britain Township Planning Commission at its June 28, 2022, 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 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 dated June 14, 2022, 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)

2. Applicant shall comply with all recommendations of the Bucks County Planning Commission Review Letter dated June 13, 2022. A true and correct copy of this letter is attached hereto and incorporated herein as **Exhibit "B."** (Township Code §22-403, §22-502)
3. Applicant shall provide natural resource protection easements across the Properties in accordance with the Township Zoning Ordinance. (Township Code §27-502.3, §27-505 & §27-2401.c)
4. Applicant has no obligation to construct any public improvements, and it is further approved that no waiver fee shall be required pursuant to Resolution 2007-12 because no additional lots are being created and no improvements proposed. (Township Code §22-700, §22-701.8, §22-903, §22-904; Township Resolution 2007-12).
5. Applicant shall execute the required Stormwater Maintenance Agreement in a form approved by the Township Solicitor. Applicant shall pay the required stormwater fee of \$1,205.00 (\$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. 2021-3)
6. Applicant shall obtain all required approvals from various agencies having jurisdiction over the Project. (Township Code §22-406.1, §22-711, §22-720, §22-721, §22-905)
7. Applicant shall submit to the Township Engineer for review all necessary legal descriptions and construction cost estimates for any improvements and street trees. (Township Code §22-406.1, §22-903, §22-904)
8. 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)
9. Applicant shall execute all deeds of conveyance and deeds of consolidation such that the Property being conveyed is incorporated by reference into the Property receiving the additional acreage with a revised description and the Property losing the acreage also has a revised description conforming to the description of the Property as it exists following the conveyance of 0.4277 acres. The form of said deeds to be subject to the approval of the Township Solicitor. (Township Code §22-406.1)

10. 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)
11. All documentation shall be executed prior to recording of Record Plans. (Township Code §22-406)
12. Applicant and its professionals shall execute, notarize and seal the Final Record Plan. (Township Code §22-406.2)
13. Applicant shall comply with all other applicable Township, County, State, 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 Chapter 22 of the Township Code (Subdivision and Land Development). The grant of these waivers is conditioned upon the Applicant meeting the following requirements, where noted:

- a. Section 403 – Allowing Applicant to seek combined preliminary and final plan approval for this Project.
- b. Section 502.D – Allowing Applicant to depict the existing features within 100 feet of the Property as currently shown on the Plan and the included aerial map.
- c. Sections 705.3.A & 705.3.C – Allowing a full waiver from road widening along Creek Road.
- d. Section 706 – From installing curbing and sidewalks along Creek Road.

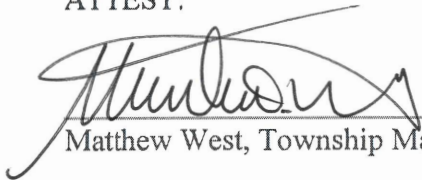
BE IT FINALLY RESOLVED, that the conditions of approval have been made known to Applicant, and this preliminary/final plan approval is to be deemed expressly contingent upon Applicant's affirmative written acceptance of the said conditions on a form prescribed by the Township within 30 days of the approval 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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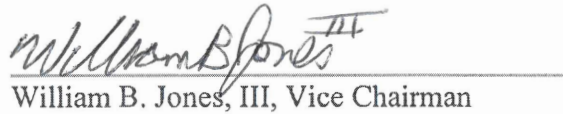
NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA
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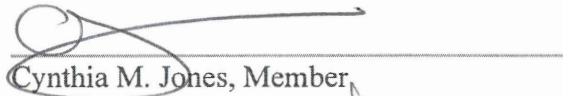
DULY ADOPTED this 15th day of August, 2022, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.

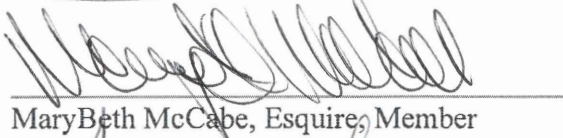
ATTEST:


Matthew West, Township Manager


Gregory T. Hood, Chairman


William B. Jones, III, Vice Chairman


Cynthia M. Jones, Member


MaryBeth McCabe, Esquire, Member

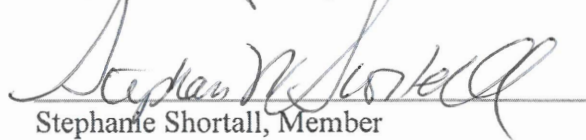

Stephanie Shortall, Member

EXHIBIT "A"



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

June 14, 2022

File No. 22-05068

Matthew West, Township Manager
New Britain Township
207 Park Avenue
Chalfont, PA 18914

Reference: Frankel-McGinley – Lot Line Change Plan Review 1
267 Creek Road, TMP #26-011-024 (Frankel, 2.00 Acres)
283 Creek Road, TMP #'s 26-011-026 (McGinley, 10.93 Acres)

Dear Matt:

Pursuant to your request, we completed a review of the Lot Line Change Plan for the above-referenced project. We offer the following comments for consideration by New Britain Township:

I. SUBMISSION

- A. Lot Line Change Plan prepared for Frankel & McGinley Tract, as prepared by Crews Surveying, LLC, consisting of three (3) sheets dated March 24, 2022.

II. GENERAL

The two properties are located along the south side of Creek Road at 267 and 283 Curley Mill Road (T-405) between Callowhill Road and Old Iron Hill Road, within the WS Watershed zoning district. The Applicant proposes a lot line change to convey 0.43 acres from TMP #26-011-026 (McGinley, currently 10.93 acres) to TMP #26-011-024 (Frankel, currently 2.00 acres). TMP# 26-011-026 (McGinley) includes an existing dwelling with a detached garage and inground pool. TMP #26-011-024 (Frankel) also includes an existing dwelling and detached garage. Based on the plans and aerial photography, over half of TMP #26-011-026 (McGinley) is woodlands, including the area to be conveyed to TMP #26-011-24 (Frankel). Both properties appear to be serviced by on lot wells and septic systems. No improvements are proposed as part of this lot line change.

III. REVIEW COMMENTS

A. Zoning Ordinance

1. §27-502.b.3 – When a lot undergoes subdivision, all the natural resource protection land on this lot, such as agricultural soils, woodlands, steep slopes, etc., shall be protected with a conservation easement in accordance with §§ 27-505 and 27-2400. A defined easement shall be shown and identified on the Record Plan and described by metes and bounds and shall include agricultural soils (Class I, II and III). These soils should be included the resource protection table on Sheet 2. An easement agreement shall be prepared by the Township Solicitor. We note that the existing non-conformities for the Frankel lot with regard to rear yard setback and impervious area would be eliminated by this proposal.
2. §27-305.H3 – The new fence on TMP #26-011-024 shall be permitted with the Township and less than 4 feet within the front yard.

B. Subdivision and Land Development Ordinance

We have identified the following issues regarding the requirements and provisions of the current New Britain Township Subdivision and Land Development Ordinance:

1. §22-406.1 – Legal descriptions for the revised parcels, conservation easement(s) and right-of-way area to be dedicated to the Township shall be submitted for review.
2. §22-500.3 – Any requests for modifications and/or waivers of any provisions of this Chapter shall be in accordance with §512.1 of the MPC and submitted with the next submission and prior to being added to a public meeting agenda. Any waiver requests shall be noted on the plan and the letter shall state the reason for the waiver request and justification of hardship.
3. §22-502.1.A.(4) – A note shall be added to the plan offering the area between the title line and the ultimate right-of-way line for dedication to the Township. Metes and bounds shall be provided to describe the right of way.
4. §22-502.1.B.(11) – Property deeds for the existing parcels shall be submitted for review to verify the property boundaries and to confirm there are no deed restrictions preventing the lot line change.
5. §22-502.1.B.(12) – The existing building coverage and impervious percentages provided in the Impervious tables on Sheet 1 shall include the existing lot areas prior to the lot line change and right-of-way dedication.
6. §22-502.1.B.(21) – The following issues related to plan recording notes and certifications should be addressed:
 - a. The Bucks County Planning Commission review number shall be provided on the plan.
 - b. Only 5 signature lines are necessary for the Board of Supervisors. The signature line for the Board Chairperson shall be removed.
7. §22-705.3.C., 706.1 & 2 – Where a subdivision abuts or contains an existing street, the applicant shall be required to improve the street to the Township standards for ultimate right-of-way and existing cartway widths, curb and sidewalk. Creek Road is considered a minor collector road which requires a 60-ft ultimate right-of-way (30-ft half-width) and a 36-ft cartway (18-ft half-width). If waivers are granted, the Applicant is required to submit a fee-in-lieu of road improvements based on 50% of the estimated cost of construction (Township Resolution 2007-12). We estimate this fee to be \$25,000. We recommend this requirement be waived since no additional lots are being created and no improvements proposed.
8. §22-712.13.D – The Applicant is required to contribute a stormwater maintenance fee based on street frontage, prior to recording the final plans. Based on \$2.50 per linear foot of existing street frontage, we calculate the fee to be \$1,115.00 for TMP #26-011-024 and \$90.00 for TMP #26-011-026 (**\$1,205.00 total**).
9. §22-713.4.A – Street trees shall be planted every 30 feet along all existing streets when they abut or lie within the proposed subdivision. Based on 446 feet of frontage for TMP #26-011-024, 15 street trees are required. There appear to be 9 existing trees along the frontage. Therefore, 6 trees shall be planted from the Township's Plant List.
10. §22-716.2 – A concrete monument shall be placed at all outbound existing and proposed property corners, including changes in direction of boundary. Monuments shall be specified for the proposed property corners. A written certification letter from a professional land surveyor shall be provided prior to the recording of the plan indicating that they have been installed.
11. §22-721.6 – The approximate location of the existing on-lot septic system for TMP #26-011-024 shall be added to the plans. The owners shall submit to the Township acknowledgment from the Bucks County Department of Health that both existing systems have been inspected and are functioning properly.

We recommend that the plans be approved as Preliminary/Final due to the minimal impact of the proposed lot line adjustment and conditioned on the above comments from this letter being addressed to the Township's satisfaction.

If you have any questions regarding the above, please contact this office.

Sincerely,



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

JM/tw

cc: Michael Walsh, Assistant Manager
Ryan Gehman, Assistant Planning and Zoning Officer
Randy Teschner, Code Enforcement/Fire Marshal
Ryan Cressman, Public Works Superintendent
Jeffrey P. Garton, Township Solicitor
Adam D. Crews, P.L.S., Crews Surveying, LLC.
Caleb Frankel, Applicant (267 Creek Rd)
Joseph McGinley, Owner (283 Creek Rd)
Craig D. Kennard, P.E., S.E.V.P., Gilmore & Associates, Inc.

EXHIBIT “B”



BCPC

Bucks County Planning Commission

The Almshouse Neshaminy Manor Center 1260 Almshouse Road
Doylestown, Pennsylvania 18901 215.345.3400 FAX 215.345.3886
E-mail: planningcommission@buckscounty.org

PLANNING COMMISSION:

Tom Tosti, *Chairman*
Richard Donovan, *Vice Chairman*
Thomas J. Jennings, Esq., *Secretary*

James J. Keenan
James E. Miller, Jr.
David R. Nyman
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Edward J. Tokmajian
Walter S. Wydro

Evan J. Stone
Executive Director

MEMORANDUM

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

From: Staff of the Bucks County Planning Commission

Date: June 13, 2022

Subject: BCPC #12748
Preliminary Plan of Frankel/McGinley Lot Line Adjustment
TMP #26-11-24, 26-11-26
Applicant: Caleb Frankel and Joseph McGinley
Owner: Same
Plan Dated: March 24, 2022
Date Received: May 18, 2022

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: Convey 18,629 square feet from TMP #26-11-26 to TMP #26-11-24. The resulting two parcels are 10.00 acres (TMP #26-11-26) and 2.14 acres (TMP #26-11-24). Two existing dwellings will remain, one on each of the two proposed lots. No new improvements are proposed. The parcels are currently served by individual on-lot water and sewage disposal.

Location: Along the southside of Creek Road, approximately 1,650 feet northeast of its intersection with Callowhill Road.

Zoning: The WS – Watershed District permits Use B1 Single-family detached dwellings on lots of at least 80,000 square feet (1.84 acres) in size with minimum lot widths of 175 feet. Minimum front, side, and rear yard requirements are 100, 30, and 60 feet, respectively.

The plan indicates existing non-conformities with respect to the minimum rear lot for TMP #26-11-24. While not directly noted, the plan also shows an existing non-conformity with respect to maximum lot impervious surface coverage on TMP #26-11-24.

The plan further shows that the existing nonconformities with respect to minimum rear lot and maximum lot impervious surface coverage would be corrected with the proposed lot line revision.

Present Use: Residential.



COMMENTS

We recognize that this submission is consistent with major ordinance requirements. We recommend that the plan be approved if it meets all ordinance requirements, as determined through the municipal engineer's review, and if the plan complies with the requirements of other applicable reviewing agencies.

This review will be included in the Bucks County Planning Commission board materials for the July 6, 2022, 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.

JWS:emh

cc: Caleb Frankel (via email)
Joseph McGinley
Adam Crews, PLS, CFM, Crews Surveying, LLC (via email)
Janene Marchand, PE, Gilmore & Associates, Township Engineer (via email)
Matt West, Township Manager (via email)