

**RESOLUTION NO. 2022-17**

(Duly Adopted: 9/26/22)

NEW BRITAIN TOWNSHIP  
BUCKS COUNTY, PENNSYLVANIA

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP GRANTING PRELIMINARY/FINAL SUBDIVISION APPROVAL TO AUDAX HOMES, LLC AND VINICIO AND SHARON D'ALESSIO, FOR THE RESIDENTIAL SUBDIVISION OF THE D'ALESSIO TRACT, PREPARED BY VAN CLEEF ENGINEERING ASSOCIATES, DATED OCTOBER 30, 2020, AND LAST REVISED JANUARY 18, 2022, CONSISTING OF 10 SHEETS, WHICH PROPOSE TO CREATE A THREE (3) LOT SUBDIVISION WITH THE CONSTRUCTION OF TWO (2) NEW SINGLE FAMILY DWELLINGS

**WHEREAS**, AUDAX HOMES, LLC and VINICIO AND SHARON D'ALESSIO (collectively the "**Applicant**") has submitted an application for Preliminary/Final Subdivision approval of a residential subdivision and proposes to construct two (2) new single family homes and maintain the third existing single family home upon three (3) separate lots (the "**Project**") on a 10.674 gross acres (10.075 net acres) parcel of land located on Old Limekiln Road, denoted as Bucks County Tax Map Parcel #26-004-005; and

**WHEREAS**, the proposal is reflected on a plan entitled "Record Plan for D'Alessio Tract", prepared by Van Cleef Engineering Associates, dated October 30, 2020, last revised January 18, 2022, consisting of 10 sheets (the "**Plan**"); and

**WHEREAS**, the New Britain Township Planning Commission reviewed the Plan at its July 26, 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, with 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 February 28, 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 August 13, 2020, 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)

3. Applicant shall comply with all recommendations of the New Britain Township Fire Marshal Review Letter dated September 16, 2021, unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein as *Exhibit "C."* (Township Code §22-403, §22-502)
4. Applicant shall convey to the Township a Conservation Easement consisting of approximately five (5) acres encompassing portions of Lots 1, 2, and 3 of the proposed subdivision, which said Conservation Easement is described on the Record Plan for the Project. The Conservation Easement area on each of the Lots shall be clearly depicted on each Lot by the inclusion of the appropriate signage on each Lot which said signage shall be approved by the Township prior to its installation. (Township Code §27-502.b.3)
5. Applicant shall construct such public improvements as are shown on the Plan, and shall contribute a fee-in-lieu of improvements to the Township with respect to Fifty percent (50%) of the costs of future improvements to bring the Township's rights-of-way to current standards in accordance with Resolution 2007-12, which said amount shall be determined as of the execution of Development and Financial Security Agreements. (Township Code §22-700, §22-701.8, §22-903, §22-904; Township Resolution 2007-12).
6. Applicant shall contribute to the Township a fee-in-lieu of the required park and recreation improvements. The fee is \$2,500.00 per dwelling unit for a total of \$5,000.00. (Township Code §22-715)
7. Applicant shall execute the required Stormwater Maintenance Agreement in a form approved by the Township Solicitor. Applicant shall pay the required stormwater fee of \$1,587.50 (\$2.50 per linear foot of existing roadway frontage) contemporaneously with execution of Development Agreements. (Township Code §22-712.13, §§26-151 - 164; Township Fee Resolution No. 2021-3)
8. Applicant shall pay the Stormwater BMP Maintenance Guarantee fee applied to all proposed BMPs installed within the Township for the timely installation, proper construction, and continued maintenance of such facilities by the owner of the subject property. The fee is 5% of the construction costs of all the BMPs proposed as a part of the Project, with a minimum fee of \$100.00, but not to exceed \$10,000.00. This fee will be determined by the Township Engineer once Applicant's Opinion of Probable Cost is reviewed and approved by the Township Engineer. (Township Code §22-712.13, §§26-151 - 164; Township Fee Resolution No. 2021-3)
9. 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)

10. 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)
11. 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)
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, 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/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 aerial map.
- c. Sections 703.4.A.(4) – From the requirement that the depth of any proposed lot shall not exceed three times its width, which said waiver is required for Lots 1 and 2.
- d. Section 22-705.3, 706.1.B and 706.2.B – From the requirement to widen Old Limekiln Road 5 feet and install sidewalk and curb along the frontage, conditioned

on installing the frontage and stormwater improvements as shown on the approved plans.

- e. Section 22-713.4.A - To allow 13 proposed street trees to supplement the 5 existing street trees for a total of 18 street trees, where 21 total trees are required, which is due to the required sight triangles at each driveway.

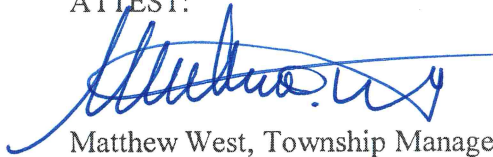
**BE IT FINALLY RESOLVED**, that the conditions of approval have been made known to Applicant, and this preliminary/final plan approval is to be deemed expressly contingent upon Applicant's affirmative written acceptance of the said conditions on a form prescribed by the Township within 30 days of the 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.

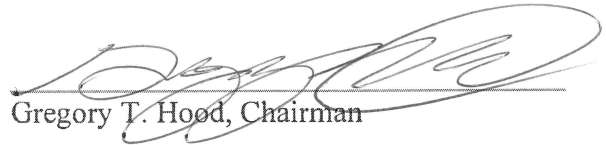
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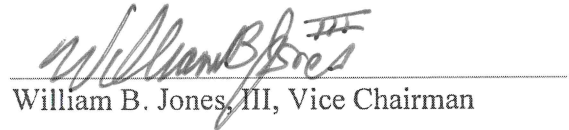
NEW BRITAIN TOWNSHIP  
BUCKS COUNTY, PENNSYLVANIA  
RESOLUTION NO. 2022-17

**DULY ADOPTED** this 26th day of September, 2022, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.

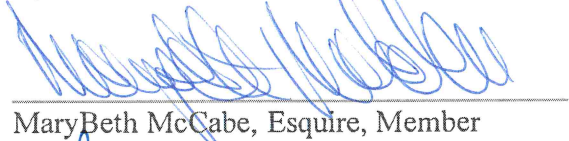
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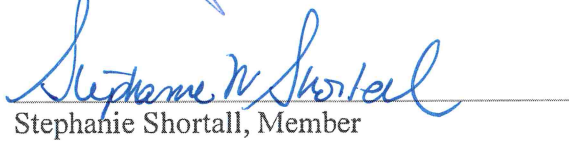
  
Matthew West, Township Manager

  
Gregory T. Hood, Chairman

  
William B. Jones, III, Vice Chairman

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Cynthia M. Jones, Member

  
MaryBeth McCabe, Esquire, Member

  
Stephanie Shortall, Member

# EXHIBIT "A"



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

February 28, 2022

File No. 20-07074

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

Reference: D'Alessio Tract – Preliminary Subdivision and Land Development Plan Review 3  
315 Old Limekiln Road, TMP #26-004-005

Dear Matt:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the preliminary plan submission for the above-referenced project. We offer the following comments for consideration by New Britain Township:

I. Submission

- A. Subdivision and Land Development Plans for D'Alessio Tract, prepared by Van Cleef Engineering Associates, dated October 30, 2020, and last revised January 18, 2022, consisting of sheets 1, 4, 5, 7, 8 and 10 of 10.
- B. Engineer's Response Letter for 315 Old Limekiln Road, prepared by Van Cleef Engineering Associates, dated February 15, 2022.

II. General Information

The Applicant, Audax Homes, LLC, and owners of record Vinicio and Sharon D'Alessio propose a 3-lot subdivision for two new Use B-1, Single Family Detached Dwellings, within the WS, Watershed District. Lot 1 is proposed to contain the existing single-family dwelling with two accessory structures on the north side of Old Limekiln Road (Township Road). Lots 2 and 3 are proposed as new dwelling lots with a community stormwater management facility, wells, and primary and backup septic systems. We note that the Zoning Ordinance has been amended per Ordinance No. 2020-11-04 enacted November 16, 2020. However, the amendment is not applicable because the plan application is dated October 30, 2020. Stormwater is designed for maximum amount of impervious surface permitted by zoning for each lot.

III. Review Comments

A. Zoning Ordinance

We offer the following comments with respect to the New Britain Township Zoning Ordinance:

1. §27-502.b – We recommend the Township confirm that the appropriate permits were obtained for the accessory structures on Lot 1 that appear to have been installed prior to 1999 according to aerial images. It appears that the larger structure may be an existing non-conformity with regard to size, which shall be registered with the Township and noted on the plan as such. A Zoning Permit Application shall be obtained for the smaller shed.
2. 27-502.b.3 – A conservation easement is shown over the natural resources to be protected. The Township Solicitor shall draft a Conservation Easement Agreement for execution by the owner(s).

65 East Butler Avenue | Suite 100 | New Britain, PA 18901 | Phone: 215-345-4330 | Fax: 215-345-8606

B. Subdivision and Land Development Ordinance Waivers

The Applicant has requested the following waivers from the Subdivision and Land Development Ordinance:

1. §22-502.D – From the requirement to show existing features within 100 feet of the subdivision. The Applicant has provided an aerial plan; therefore, *we have no objection to this waiver.*
2. §22-703.4.A.(4) – From the requirement that the depth of any proposed lot shall not exceed three times its width. Based on the depth of the existing lot, a waiver is necessary for Lots 1 and 2. *We have no objection to a waiver from this requirement.*
3. §22-705.3, 706.1.B, and 706.2.B – From the requirement to widen Old Limekiln Road 5 feet and install sidewalk and curb along the frontage. *A 4-foot grass shoulder is proposed at a maximum cross-slope of 2%, which we support since the on-lot stormwater facility is designed to over-detain above that required by ordinance (28% reduction (100-to-50-year storm) to 65% (2 to 1-year storm)), the stormwater facility discharge point is shown 10 feet from the property line, and the required driveway culverts are proposed.*
4. §22-713.4.A – To allow 13 proposed street trees to supplement 5 existing street trees for a total of 18 street trees, where 21 total trees are required, due to the required sight triangles at each driveway. *We have no objection to a waiver from this requirement.*
5. An updated waiver request letter shall be submitted prior to attending a public meeting.
6. For any waivers granted from street improvements, the Applicant shall contribute a fee to the Township to cover 50% of the costs of future improvements to bring the Township rights-of-way up to current standards. Resolution 2007-12. The Applicant's engineer shall submit an estimate of the full road improvements to determine the value of the contribution.

C. Subdivision and Land Development Ordinance

We offer the following comments with respect to the current New Britain Township Subdivision and Land Development Ordinance:

1. §22-401.1 – The plans are noted as a preliminary/final submission. The Applicant has indicated a waiver will be requested for the combined submission, *which we support.* This waiver should be included in the updated waiver request letter.
2. §22-406.1.I – Legal descriptions for all proposed lots, conservation easement, backup septic easements, ultimate right-of-way easements, etc., as applicable, shall be submitted to our office for review and approval.
3. §22-715 – The Applicant has indicated they intend to pay a fee-in-lieu of dedication of park and recreation land. We calculate this fee, based on \$2,500.00 per proposed dwelling unit, to be **\$5,000.00.**
4. §22-716 – A written certification letter from a professional land surveyor shall be provided prior to the recording of the plan indicating that the monuments and markers have been installed in accordance with the plan unless included in the financial security.
5. §22-719.7.A. – For all residential subdivisions containing three or more lots, including the existing unit, the Applicant shall submit two copies of a Water Resource Impact Study (WRIS) to the Township in accordance with the section §22-719 of the SALDO. We recommend the WRIS be prepared, submitted, and approved prior to the Supervisors considering the plan for Final Approval.



6. §22-721.3 – A PADEP Sewage Facilities Planning Module mailer is required to be submitted with the preliminary plan application. Prior to approval of the Planning Module to the Township, the planning module shall be approved/executed by the applicant, responsible professional soil scientist, Bucks County Department of Health and Bucks County Planning Commission. The septic permit shall be obtained prior to installation of any septic system.
7. The Applicant is responsible for all other required approvals, permits, etc. (i.e. BCPC, BCCD, PADEP, Bucks County Department of Health, Fire Marshal, etc.) Copies of these permits or approvals shall be forwarded to the Township.
8. Upon final plan approval, the developer shall provide a financial security covering the costs of all public improvements. (§22-903.2) A cost estimate of public improvements shall be submitted.

D. Stormwater Comments

1. §22-711 – The Applicant will be required to secure the necessary NPDES Permit from DEP for the proposed earth disturbance.
2. §22-712.13.D – The Applicant shall be required to pay a Storm Sewer Maintenance fee in accordance with the requirements of this section. Based on \$2.50 per lineal foot of existing roadway frontage, we calculate the fee to be **\$1,587.50**.
3. In addition, per Resolution #2020-03, the Applicant shall pay a BMP Maintenance Guarantee equal to 5% of the construction cost of BMPs. An Engineers Opinion of Probable Cost for the proposed stormwater and public improvements shall be submitted to our office for review.
4. §26-164 – The owner shall sign an O&M agreement with the municipality covering all stormwater facilities and BMPs that are to be privately owned including swales, storm sewer, stormwater facilities, amended soils, etc. The O&M agreement shall be transferred with change in ownership and shall be prepared by the Township Solicitor.

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  
Ryan Cressman, Public Works Superintendent  
Jeffrey P. Garton, Township Solicitor  
Jonathan Thomas, Audax Homes, LLC, Applicant  
Samuel Costanza, P.E., Van Cleef Engineering Associates  
Vinicio & Sharon D'Alessio, Owner, 315 Old Limekiln Road  
Craig D. Kennard, P.E., C.O.O., Gilmore & Associates, Inc.  
Timothy Wallace, P.E., Gilmore & Associates, Inc.

# EXHIBIT "B"



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

PLANNING COMMISSION:  
Craig E. Bryson, *Chairman*  
R. Tyler Tomlinson, Esq., *Vice Chairman*  
Edward Kisselback Jr., *Secretary*

Joan M. Cullen  
Richard Donovan  
David R. Nyman  
Carol A. Pierce  
Tom Tosti  
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: December 8, 2020

Subject: BCPC #12531  
Preliminary Plan of Subdivision for D'Alessio Tract  
TMP #26-4-5  
Applicant: Jonathan Thomas, Audax Homes, LLC  
Owner: Vinicio and Sharon D'Alessio  
Plan Dated: October 30, 2020  
Date Received: November 9, 2020

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: Subdivide a 10.67-acre property into three single-family detached residential lots. Lot 1 will be 153,059 square feet, Lot 2 will be 131,254 square feet, and Lot 3 will be 154,547 square feet. A conservation easement area totaling a minimum of 5.05 acres in order to preserve the required amount of agricultural soils is shown, spanning across each of the three lots at the northeastern portion of the tract. The precise acreage is subject to change pending on-lot sewage disposal evaluation. All lots will be served by individual on-lot water and sewerage.

Location: On the northeastern side of Old Limekiln Road, approximately 800 feet from its intersection with Upper Stump 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.

Present Use: Residential.

**COMMENTS**

- Requested waivers**—The site plan indicates that the applicant is requesting waivers from the following subdivision and land development ordinance (SALDO) requirements:  
Section 502.D. to permit an aerial image in place of noting all existing features within 100 feet of the subdivision



Section 703.4.A.4.	to permit a lot depth in excess of three times its width
Section 703.4.C.	to permit relief from the requirement to draw lot lines parallel or at right angles to the street
Sections 705.3, 706.1.B., & 713.4.A.	to permit relief from the requirement to improve the street to township standards for ultimate right-of-way and cartway widths
Section 712.4.I.	to permit an emergency spillway length in excess of 75 feet
Section 712.4.L.	to permit relief from the requirement that the inlet grate should only be used as an emergency outflow and should be located at or above the 100-year water surface elevation

Section 512.1(b) of the Pennsylvania Municipalities Planning Code requires applicants to state in full the grounds and facts of unreasonableness or hardship on which the request for each waiver is based. The final plan should note all granted waivers.

2. **Conservation easement**—Section 22-704. of the SALDO outlines the applicant's obligations pertaining to the proposed conservation easement. Subsection 4 of that section of the SALDO states that nothing shall be placed, planted, or set within the area of an easement and the area shall be kept as lawn or in a natural state. A fire pit is shown on Lot 1 within the bounds of the proposed conservation easement. The township should decide whether the presence of a fire pit constitutes a violation of this provision.
3. **Stormwater management maintenance**—The applicant proposes a stormwater facility on Lot 3 that will manage stormwater runoff for the proposed residential lots. We recommend the applicant provide a manual to the township and to the relevant property owners detailing all required maintenance for the stormwater management facilities. This will help to ensure the long-term maintenance and performance of the stormwater facilities and make homeowners aware of their responsibilities for regular maintenance and repair of the facilities.
4. **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 must be submitted for this proposed subdivision.

This review will be included in the Bucks County Planning Commission board materials for the January 6, 2021, 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:dc/rml

cc: Vinicio & Sharon D'Alessio  
Jonathan Thomas, Audax Homes, LLC (via email)  
Samuel D. Costanzo, PE, Van Cleef Engineering Associates (via email)  
Scott Mill, PE, Van Cleef Engineering Associates (via email)  
Janene Marchand, PE, Gilmore & Associates, Township Engineer (via email)  
Eileen Bradley, Township Manager (via email)

# EXHIBIT "C"



## Township of New Britain

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Office of Fire Marshal  
Office of Code Enforcement

September 16, 2021

RE: Fire Marshal review and Code Enforcement of D'ALESSIO TRACT

Review By: Randal J. Teschner Fire Marshal, Code Enforcement Officer

The following is a list of items to be addressed:

1. Driveway meet township code and are good for access fire Apparatus
2. Note: All new homes in New Britain twp. Are required to have residential sprinklers.