

RESOLUTION NO. 2022-22

**NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP GRANTING PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL TO 101 INDEPENDENCE LANE ASSOCIATES, LLC, FOR THE LAND DEVELOPMENT PLANS FOR 141 INDEPENDENCE LANE*, PREPARED BY RETTEW ASSOCIATES, INC., DATED JUNE 9, 2022, AND LAST REVISED SEPTEMBER 20, 2022, CONSISTING OF 25 SHEETS, WHICH PROPOSE THE CONSTRUCTION OF AN 88,250 SQUARE FOOT WAREHOUSE BUILDING.

WHEREAS, 101 Independence Lane Associates, LLC (the "*Applicant*") has submitted an application for preliminary/final plan land development approval for the construction of an 88,250 square foot warehouse building on Bucks County Tax Map Parcel #26-001-100-011, which is a vacant parcel consisting of 7 acres (the "Property"); and

WHEREAS, the proposal is reflected on a plan entitled "Preliminary/Final Land Development Plan for 141 Independence Lane*", prepared by Rettew Associates, Inc., dated June 9, 2022, and last revised September 20, 2022, consisting of 25 sheets (the "*Plan*"); and

WHEREAS, the New Britain Township Planning Commission at its September 27, 2022, meeting, recommended approval of the Preliminary/Final Land Development Plan, 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:

Applicant shall comply with all recommendations of the Gilmore and Associates Review Letter dated September 21, 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 July 19, 2022, 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 14, 2022, 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. If applicable, Applicant shall provide natural resource protection easements across a portion of the Property in accordance with the Township Zoning Ordinance. (Township Code §27-502.3, §27-505 & §27-2401.c)
5. By this approval, the Board of Supervisors herein grants a waiver from the Subdivision and Land Development Ordinance requirements at §22-403 so as to be permitted to secure Preliminary as Final Land Development approval as opposed to separate Applications.
6. By this approval, the Board of Supervisors herein grants a waiver from the Subdivision and Land Development Ordinance requirements at §22-502.1.D.10.a so as to be permitted to measure the vertical intervals of two (2) feet, as determined by an on-site field survey, and not by virtue of the interpretation of the USGS maps. Further, that the benchmark elevation shall be based upon NAVD88, which is the industry standard, as opposed to the Chalfont-New Britain Township Joint Sewage Authority vertical datum.
7. By this approval, the Board of Supervisors herein grants a waiver from the Subdivision and Land Development Ordinance requirements at §22-505 so as to not be required to provide a Community Impact Assessment Report because the existing development is located on a developable lot within an existing industrial park.
8. By this approval, the Board of Supervisors herein grants a waiver from the Subdivision and Land Development Ordinance requirements at §22-705.3.A. so as to be relieved from the obligation to provide between 3-to-6-foot wide grass strips between the curb and sidewalk so as to be permitted to maintain the sidewalk and grading in the proposed right-of-way and eliminate the further encroachment into the existing stormwater basin.
9. By this approval, the Board of Supervisors herein grants a waiver from the Subdivision and Land Development Ordinance requirements at §22-705.3.G so as to not be required to mill and overlay the entire width of the roadway to a depth of 1-½ inches.
10. By this approval, the Board of Supervisors herein grants a waiver from the Subdivision and Land Development Ordinance requirements at §22-714.7 so as to be granted a partial waiver to allow an average minimum ratio exceeding 4:1 in the truck loading dock area where the Application proposed 22:1 so as to not be required to raise the light pole height above the maximum 20 feet which would cause light to spill over the property line as the loading dock area is unable to achieve minimum ratio, but the proposed lighting levels are sufficient for loading dock operations.
11. By this approval, the Board of Supervisors herein grants a waiver from the Subdivision and Land Development Ordinance requirements at §22-716.2.D so as to be relieved of the requirement of replacing concrete monuments at the beginning and

end of all easements so as to be permitted to use iron pins to set the beginning and end of all easements, including changes in the direction of easement.

12. Applicant shall construct all public improvements shown on the Plan at its sole cost and expense, which may include but not be limited to, public water and sewer facilities, stormwater facilities, street trees, any roadway construction, and the construction of any curbs and sidewalks.
13. In lieu of the construction of any improvements, and in conformity with Township Resolution 2007-12, Applicant shall make a contribution to the Township towards future Township improvements based upon the Applicant paying Fifty percent (50%) of the total estimated construction costs, which is in the amount of Eight Thousand Eight Hundred Seventy-Two Dollars and Twenty-Two Cents (\$8,872.22), which said payment shall be made as of the funding and execution of Development and Financial Security Agreements.
14. In lieu of the Applicant dedicating land for park and recreation areas, Applicant shall pay the sum on Fifty-Five Thousand One Hundred Fifty-Six Dollars and Twenty-Five Cents (\$55,156.25) as a fee-in-lieu of the required park and recreation land, which said payment shall be made as of the funding and execution of Development and Financial Security Agreements.
15. Applicant shall execute and grant to the Township Conservation Easements for the perpetual protection of the resource areas noted on the Plan, which Easement shall be prepared by the Township Solicitor and Executed by the Owner. A metes and bounds description shall be provided for the Conservation Easement on Sheet 12, and in addition, the area of the Easement shall be noted on the Plan and the Legal Description provided once finalized.
16. Applicant shall execute the required Stormwater Maintenance Agreement in a form approved by the Township Solicitor. Applicant shall pay the required stormwater fee of Three Hundred Dollars (\$300.00) (\$2.50 per linear foot of existing and proposed roads within the development), which shall be paid at the time of the execution of Development and Financial Security Agreements. (Township Code §22-712.13, §§26-151 - 164; Township Fee Resolution No. 2021-3)
17. 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)
18. 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)

19. 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)
20. Applicant shall execute Development and Financial Security Agreements and all other development documents (including all necessary guarantees, agreements, easements, deeds, and declarations), 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; and Applicant shall provide proof of sufficient insurance coverage to the Township. (Township Code §22-406.1)
21. To the extent any improvements are to be dedicated to the Township pursuant to the approved plans, Applicant shall execute all deeds of dedication, legal descriptions of rights-of-way, access easement descriptions, lot descriptions, notes, etc., 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)
22. Applicant shall pay a fee-in-lieu of the number of replacement trees in accordance with the September 21, 2022 Gilmore and Associates Review Letter at item IV, Review Comments, (B) Zoning Ordinance, subsection 2, in the amount of Twenty-Eight Thousand Dollars (\$28,000.00).
23. 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)
24. All documentation shall be executed and delivered to the Township prior to recording of Record Plans. (Township Code §22-406)
25. Applicant and its professionals shall execute, notarize, and seal the Final Record Plan. (Township Code §22-406.2)
26. Applicant shall comply with all other applicable Township, County, State, and Federal rules, regulations, codes, ordinances, and statutes, except to the extent any Township rules, regulations, codes, or ordinances are modified in accordance with this approval. (Township Code §22-905)

27. Plans and project shall be ADA compliant.
28. The Plans shall provide a note that in the event the Applicant, during construction, damages any public streets and/or other public improvements, Applicant shall repair any damage done to the satisfaction of the Township Engineer.

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:

1. §22-403 – From the requirement to provide separate preliminary and final plan submissions.
2. §22-502.1.D.10.a – From the requirement that contour data be based on the New Britain Township Joint Sewage Authority vertical datum.
3. §22-505 – From the requirement to provide a Community Impact Assessment Report.
4. §22-705.3.A. – From the requirement to provide a 3-to-6-foot grass strip between the curb and sidewalk.
5. §22-705.3.G. – From the requirement to mill and overlay the entire existing roadway width adjacent to development to a depth of 1-½ inches.
6. §22-714.7 – From the requirement that illumination levels have intensities and uniformity ratios in accordance with current recommended IESNA standards with nonresidential parking, loading facilities and drives associated with industrial uses providing a minimum of 0.4 footcandles and a 4:1 average to minimum ratio.
7. §22-716.2.D – From the requirement that concrete monuments be placed along all existing and proposed easements where markers do not currently exist.

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.

[THIS SPACE INTENTIONALLY BLANK. SIGNATURE PAGE FOLLOWS.]


NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA
RESOLUTION NO. 2022-22

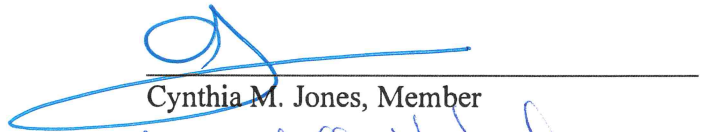
DULY ADOPTED this 17th day of October 2022, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.

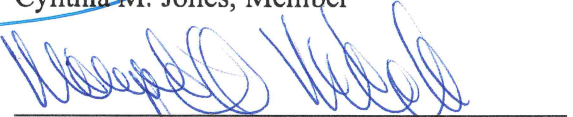
ATTEST:


Matt West, Township Manager


Gregory T. Hood, Chairman


William B. Jones, III, Member


Cynthia M. Jones, Member


MaryBeth McCabe, Esquire, Member


Stephanie Shortall, Member

EXHIBIT "A"



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

September 21, 2022

File No. 22-01173

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

Reference: 141 Independence Lane, Preliminary LD Plan Review 2
TMP# 26-001-100-011

Dear Matt:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the Land Development Plan for the above-referenced project. Upon review by our office, we offer the following comments for consideration:

I. Submission

- A. Preliminary/ Final Land Development Plan for 141 Independence Lane, prepared by Rettew Associates, Inc., dated June 9, 2022, last revised August 19, 2022, twenty-five (25) sheets.
- B. Post Construction Stormwater Management Report prepared for 101 Independence Lane, prepared by Rettew Associates, Inc., dated June 2022, last revised August 2022.
- C. Traffic Impact Assessment for 101 Independence Lane Warehouse, prepared by Traffic Planning and Design, Inc., dated August 10, 2022.
- D. Waiver letter for 141 Independence Lane, by Rettew Associates, Inc., dated August 19, 2022.
- E. Response Letter, prepared by Rettew Associates, dated August 19, 2022.
- F. Probable Construction Cost Opinion (Tree Replacement – FILO) prepared by Rettew Associates, dated August 10, 2022.
- G. Permanent Utility and Access Easement Agreement over Parcel 26-001-100-011 from the Bucks County Recorder of Deeds, recorded on June 3, 2013.

II. Reference Documentation

- A. New Britain Township Zoning Hearing Board Decision dated May 16, 2022.
- B. Final Plan Altomare/ Corkery Partnership Lot #16-B, as prepared by Showalter & Associates, dated February 16, 2001, last revised October 3, 2001, Sheet 2 of 10 and Adjudication of the NBT BOS concerning the New Britain Corporation's conditional use application dated May 16, 2001.

III. General Information

The 7-acre property is located at the cul-de-sac end of Independence Lane on Lot 15 of the New Britain Business Park (NBBP), in the IO Industrial/Office Zoning District. The lot is vacant and noted to contain woodlands, steep slopes, wetlands, and two existing stormwater facilities. The Applicant is proposing to construct an 88,250-SF Warehouse building, Use K3, which is permitted by right within the IO District. The proposed improvements also include parking and loading areas and an emergency access drive around the perimeter of the building. Stormwater management will be provided through two underground basins that discharge into the two existing detention basins. The building will be serviced by public water and sewer.

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

IV. Review Comments

A. Zoning Hearing Board Decision

On May 16, 2022, the Township Zoning Hearing Board granted the Applicant's request for relief from the following Zoning Ordinance requirements subject to the non-residential building being in compliance with all reasonable requirements of the New Britain Township Fire Marshal:

1. §27-1802.a – To permit the proposed building to be 42 feet high.
2. §27-2901.K – To permit no less than 53 off-street parking spaces on the Property in connection with a warehouse use (use K3) on the Property.
3. §27-2904.g.5 – To permit the paved areas on the front parking lot to be 9.3 feet from exterior front structural wall of the proposed building.

B. Zoning Ordinance

1. §27-2400.f.2 – No more than 50% of woodlands located upon a lot or site may be altered, regraded, cleared, or built upon. The Natural Resource Calculations table notes a total woodlands disturbance area of 0.635 acres. This is not consistent with the tree lines shown on the Existing Conditions/ Demolition Plan which appears to show a disturbance area of 0.78 acres (59%) which would exceed the 50% maximum. The total woodlands and proposed disturbance shall be verified and revised to be consistent with the tree line shown on the plan not to exceed 50% or otherwise clarified.
2. §27-2400.f.2.(a) & (c) – Where more than 20% of the woodlands are being disturbed, all disturbed woodlands exceeding 20% shall be replaced on an acre-for-acre basis through the planting of replacement trees. The actual number of replacement trees shall be calculated by multiplying the acreage of disturbance exceeding 20% by 200 trees per acre. The Applicant has requested to provide a fee-in-lieu of replacement trees due to a lack of available planting space onsite. The submitted Probable Construction Cost Opinion lists a total of 80 replacement trees. This appears inconsistent with the 0.78 acres of woodlands disturbance listed in the previous comment. The total woodlands disturbance should be clarified prior to the Township accepting a fee-in-lieu for the required replacement trees.
3. §27-2401.c – Conservation easements shall be provided for the protection of the resource areas in accordance with the provisions of this Part. A Declaration of Easements shall be prepared by the Township Solicitor and executed by the owner. Metes and bounds shall be provided for the conservation easement on Sheet 12. In addition, the area of the easement shall be noted on the plan and a legal description provided once finalized.

C. Subdivision and Land Development Ordinance Waivers

The following waivers from the Subdivision and Land Development Ordinance have been formally requested by the Applicant in a letter dated August 19, 2022:

1. §22-403 – From the requirement to provide separate preliminary and final plan submissions. The Applicant is requesting a single preliminary/final plan submission.
2. §22-502.1.D.10.a – From the requirement that contour data be based on the New Britain Township Joint Sewage Authority vertical datum. The Applicant is proposing to use a benchmark elevation based on NAVD88, which we support.
3. §22-505 – From the requirement to provide a Community Impact Assessment Report. Based on the development being within a developed business park and upon review of the Traffic Impact Assessment, we support this waiver.
4. §22-705.3.A – From the requirement to provide a 3-to-6-foot grass strip between the curb and sidewalk. Due to the existing grading in this area and the location of existing trees which would need to be removed, we support this waiver.

5. §22-705.3.G – From the requirement to mill and overlay the entire existing roadway width adjacent to development to a depth of 1-½ inches. As discussed at the Planning Commission meeting on July 26, 2022 and with the Public Works Director, we recommend a waiver from this section conditioned on a 50% fee in-lieu-of improvements being contributed to the Township's Highway Capital Improvement Fund. Photos shall be taken of the existing road conditions prior to construction.
6. §22-714.7 – From the requirement that illumination levels have intensities and uniformity ratios in accordance with current recommended IESNA standards with nonresidential parking, loading facilities and drives associated with industrial uses providing a minimum of 0.4 footcandles and a 4:1 average to minimum ratio. The Applicant is proposing to exceed the 4:1 ratio to meet the minimum illumination requirement without raising the light poles in the truck loading area, which we support.
7. §22-716.2.D – From the requirement that concrete monuments be placed along all existing and proposed easements where markers do not currently exist. The Applicant is proposing to install iron pins at the changes in direction along the existing easements. Iron pins shall also be at certain points along the proposed Conservation Easement, as approved by our office.
8. If public improvement waivers are granted, Township Resolution 2007-12 requires a contribution towards future improvements based on 50% of the total estimated construction cost. An estimated cost of construction of any waived improvements shall be provided. The Board may adjust the amount based on onsite and offsite improvements not required by Ordinance at their sole discretion.

D. Subdivision and Land Development Ordinance

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

1. §22-406.1 – The Applicant is responsible for any other required approvals, permits, etc. (i.e., BCPC, BCCD, PADEP, Fire Marshal, Chalfont New Britain Sewer Authority, North Penn Water Authority, Township Road Opening Permit, Well Construction Permit, etc.) as applicable.
2. §22-706.3.B – The following comments related to compliance with the Americans with Disability Act shall be addressed:
 - a. A curb ramp shall be provided on the south side of the driveway at the cul-de-sac, allowing ADA access and a future connection.
 - b. Sheet 4 indicates an 8" cheek wall along the accessible ramp. Top and bottom of wall elevations along the cheek wall should be provided to clarify the grading along this ramp.
 - c. Slopes for the triangular areas at the curb ramps around the perimeter of the cul-de-sac shall be provided to demonstrate they shall not exceed 2%.
3. §22-708.4.A – A turning template shall be provided for a garbage truck accessing the proposed dumpster area.
4. §22-710.3.D – Fire lanes shall be designed to have adequate width, radii, and material strength to accommodate and support emergency vehicles. The Han-Le-Co FD Pumper Pierce Enforcer fire truck used to model the circulation path has a total length of 33.96 feet. The New Britain Fire Truck Standards has a specified truck length of 41.92 feet. The Fire Truck Turning Movements plan should be revised to model the specified New Britain Fire Truck.
5. §22-711.2 – Inlet protection shall be provided at the outlet structures of the existing basins. We note that trash racks have been provided, however, measures shall be installed to prevent sediment from entering the outlet structure and leaving the site during construction.

6. §22-715.2.C.(2) – The amount of land to be dedicated for park and recreational areas for nonresidential land developments shall be 2,500 square feet per 4,000 square feet of building area. Based on a building area of 88,250 square feet, 55,156 SF of park and recreation area is required. The Applicant has requested to pay a fee-in-lieu of the required park and recreation land which is calculated to be **\$55,156.25**.
7. §22-718 – We defer to the North Penn Water Authority (NPWA) for review of the water service connection from the existing main on Independence Lane. A copy of the approved agreement shall be submitted to the Township and our office prior to plan recording.
8. §22-720 – We note that DEP provided comments on the Sewage Planning Module Application Mailer on September 7, 2022. The comments shall be addressed, and Sewage Facilities Planning Module approved by the Township, Authority, and PADEP prior to final plan approval by the Township.
9. §22-720 – We defer to the Chalfont-New Britain Township Joint Sewer Authority (CNBJSA) for review of the connection to the force main from Independence Lane. A copy of the approved agreement shall be submitted to the Township and our office prior to plan recording.
10. §22-502.1.J – The following minor plan comments should be addressed:
 - a. The Township Pavement Restoration detail shown on Sheet 13 should be revised to specify 3 < 30 million ESALs.
 - b. The curb radius for the access driveway at the cul-de-sac and at the first internal driveway should be noted on the plan.
 - c. The plan proposes required shrubs along the perimeter of the parking area, however, two of the proposed species (Glacier Azalea and Rose Robles Encore Azalea) are not suitable adjacent to parking areas as they require shade and milder temperatures. Alternate shrubs shall be selected for this location.

E. Stormwater Management Comments

1. §22-712.4.I – The revised stormwater design includes a doghouse inlet over the discharge pipe from Modified Detention Basin 1 to Modified Detention Basin 2. However, a grate elevation shall be provided, and the inlet shall be modeled in the stormwater report to demonstrate adequate storage for the 100-year storm and a minimum freeboard of 1 foot.
2. §22-712.4.S.(5) – An emergency overflow weir shall be provided for outlet structures in order to convey basin inflow in excess of design flows or in the event the outlet structure becomes blocked and is unable to convey the design flow. The minimum capacity of the emergency overflow weir shall be equivalent to the 100-year peak inflow rate for the post-development design storm. The bypass orifice in the MRC Basins shall be modeled with the other orifices blocked to demonstrate they has the capacity to convey the 100-year storm.
3. §22-712.13.C – When an applicant retains ownership of any stormwater management facility, such entity shall be responsible for repair and maintenance of the facility. The existing stormwater facilities shall be reviewed to determine if the facilities are functioning properly, in need of maintenance or repair, and being regularly maintained in accordance with the PA BMP Manual.
4. §26-123 – The proposed design utilizes the Managed Release Concept (MRC) developed by PADEP to meet the volume control requirement which is permitted for situations where infiltration is infeasible. We note that the proposed managed release concept is subject to PADEP approval. However, the PADEP guidance for MRC basins states that a composite Curve Number is inadequate for modeling the 1.2 inch/2-hour storm due to the error associated with averaging of initial abstractions for storms less than or equal to the 2-year/24-hour storm. The stormwater report uses a weighted curve number for the flows to MRC Basins 1 and 2. Separate hydrographs for the pervious and impervious flows to these basins shall be provided to verify they meet the release rate requirement.

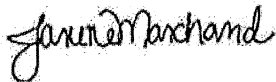
5. §26-123.2.C.(5)(c) – All open-air infiltration facilities shall be designed to completely infiltrate runoff volume within three days (72 hours) from the start of the design storm. The infiltration results for Existing Basin 1 reported a 0.00 in/hr infiltration rate. Similarly, this is the case for Existing Basin 2. The Applicant has indicated the existing basins will be cleared of overgrowth and inspected to determine if they are infiltrating. Results of the basin analysis should be provided to the Township and the basin design should be revised as necessary to meet the dewatering requirement.
6. §26-125.9 – The following issues related to the modeling of the design in the stormwater management report shall be addressed:
 - a. The inlet label for the outlet structure in Existing basin 1 lists a 15" RCP at 284.40. The response letter has indicated this is a connection from an upstream inlet. The location of this existing pie and inlet should be shown on the plan.
 - b. Existing Basin 2 models two outlet structure grates at an elevation of 283.00. The Existing Conditions/ Demolition Plan notes that this outlet structure is under water, and no grate or orifice openings are provided. It is our understanding that the basin was drained, and additional survey is being conducted to obtain the size and elevation of all openings in the outlet structure. In addition, the outlet structure should be inspected to determine why Basin 2 is not draining and outlet structure is submerged.
 - c. The MRC Basins in the stormwater report are modeled with the weir orifice and bypass orifice connected to the storage volume in the basin. However, the Outlet Structure detail on Sheet 15 appears to show the underdrain as the only outflow from the basin into the outlet structure. This will limit the flows out of the basin to the maximum flow through the underdrain and is not consistent with how the basin outflow is modeled. The basin outlet structure should have direct access from the basin or the basin remodeled per the details.
 - d. The MRC Basins in the stormwater report also model the underdrain with direct discharge to the primary outflow pipe. This is not consistent with the Outlet Structure and basin details which would not begin to discharge until the flows reach the weir orifice elevation. It appears the underdrain should extend into the 18" halfpipe within the structure.
 - e. The MRC basins both model a 36"x12" vertical bypass orifice. However, the Outlet Structure detail proposes a half cut 18" diameter HDPE pipe which would provide a maximum weir length of 2.35 feet. We note that this design will function as a weir and should not be modeled as an orifice. The detail and basin model should be revised as necessary to clarify the bypass orifice.
7. §26-132 – The following discrepancies between the design and plans shall be addressed:
 - a. The 36"x12" bypass orifice at an elevation of 295.00 for MRC Basin 1 shall be verified and coordinated with the details on Sheet 13 that note an elevation of 294.50.
 - b. The location of the two roof drain connections to MRC Basin 1 shown on the Utility Plan should be added to the Overview of Non-Vegetated MRC Basin 1 detail on Sheet 13.
 - c. A detail for the doghouse manhole over the existing 42" RCP between Basins 1 and 2 should be provided on the plans.
 - d. Based on the pipe slopes listed on the profiles for the connections to the MRC basins, the pipe connections enter the system at the bottom of the stone envelope. However, the basin details on Sheet 15 appear to show the pipes connecting to the chambers that are 1 foot above the bottom of stone elevation. The profiles and details should be revised as necessary to clarify the connection to the chambers.
8. §26-164.1 – The Applicant shall sign an Operation and Maintenance (O&M) agreement with the municipality covering all stormwater facilities and BMPs that are to be privately owned. The O&M agreement shall be transferred with the transfer of ownership and shall be prepared by the Township Solicitor.

9. Township Resolution #2022-02 – The Applicant will be required to pay a fee for the proposed onsite BMPs to provide a financial guarantee for the timely installation, proper construction and continued maintenance by the owner of the subject property. The fee shall be 5% of the total construction cost of the proposed BMPs. The Applicant's professional shall submit a cost estimate once the design is finalized.

In order to help expedite the review process of the resubmission of the plan, the Applicant shall submit a response letter which addresses each of the above comments. Changes that have been made to the application that are unrelated to the review comments shall also be identified in the response letter.

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

Sincerely,



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

JM/tw

cc: Michael Walsh, Assistant Manager
Ryan Gehman, Assistant Planning and Zoning Officer
Jeffrey P. Garton, Esq., Begley, Carlin, & Mandio
Kim Fasnacht, Rettew Associates, Inc.
Andy Miller, 101 Independence Lane Associates, LLC
Craig D. Kennard, P.E., 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 Tostl, *Chairman*
Richard Donovan, *Vice Chairman*
Thomas J. Jennings, Esq., *Secretary*

James J. Keenan
James E. Miller, Jr.
David R. Nyman
Judith J. Reiss
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: July 19, 2022

Subject: BCPC #12761
Preliminary Plan of Land Development for 101 Independence Lane
TMP #26-1-100-11
Applicant: 101 Independence Lane Associates, LLC
Owner: Same
Plan Dated: June 9, 2022
Date Received: June 17, 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: Construct an 88,250-square-foot warehouse on a 7.07-acre lot. The site is to be served by public water and sewer facilities.

Location: At the terminus of the Independence Lane cul-de-sac, approximately 500 feet northeast of its intersection with New Britain Boulevard.

Zoning: The IO Industrial Office District permits Use K3 Wholesale Business, Wholesale Storage and Warehousing by right on a minimum lot size of 3 acres with a minimum lot width of 200 feet. Minimum front, side, and rear yard requirements are 50, 25, and 50 feet, respectively.

The plan indicates that on April 21, 2022, the zoning hearing board granted relief from the following zoning ordinance provisions:

Section 27-1802.c

to permit the proposed building to be 42 feet high

Section 27-2901.K

to permit no less than 53 off-street parking spaces on the property in connection with the proposed K3 Wholesale Business, Wholesale Storage and Warehousing use on the property

Section 27-2904.g.5

to permit the paved areas of the front parking lot to be 9.3 feet from the exterior front structural wall of the proposed building



Present Use: Vacant

COMMENTS

1. **Requested waivers**—The plan indicates that the applicant is requesting waivers from the following requirements of the subdivision and land development ordinance (SALDO):

Section 22-502.1.D.(10)(a)

to use the Chalfont-New Britain Township Joint Sewage Authority Vertical Datum, whereas contour lines are required to be measured at vertical intervals of 2 feet, as determined by an on-site field survey

Section 22-705.3.G.

from the requirement to mill and overlay the entire width of the roadway to a depth of 1.5 inches

Sections 22-706.1.B. & 2.B.

from constructing a sidewalk along the public right-of-way

Section 22-505

from the requirement to provide a community impact assessment report

The applicant has not provided the reasons for the waiver requests or the proposed changes in lieu of each requirement. 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 and the minimum modification necessary. The final plan should note all granted waivers.

2. **Wetlands mapping**—The plan indicates a small area of wetlands onsite along the northeastern property boundary. Note 26 on Sheet 1 of the plan references a wetlands investigation conducted on September 14, 2021. Per Section 22-502.1.B.(21) of the SALDO, the plan should be revised to provide a notation identifying the source of wetlands mapping so that compliance with the requirement in Section 27-2400.d. of the zoning ordinance can be verified.
3. **Watercourse**—Note 26 on Sheet 1 indicates that no streams were found on the site as a part of a wetlands investigation conducted on September 14, 2021. According to our records, it is possible that a tributary to West Branch Neshaminy Creek runs through the site along the boundary adjacent to the Independence Lane cul-de-sac bulb. Should this watercourse be present on the site, the plan should be revised to include it along with corresponding natural resource protection standards on Sheet 1. Section 27-2400.i. of the zoning ordinance outlines the requirements for providing a riparian buffer along this potential watercourse. A vegetative buffer around the watercourse will prevent runoff from more quickly entering the stream, which exacerbates streambank erosion and increases floodwaters during the flood cycle. In addition, absent a vegetative buffer, pesticides and herbicides will be able to flow directly into the stream's surface waters when it rains. Overall, this riparian buffer area would help maintain the future integrity of the stream channel and shoreline and reduce the impact of upland sources of pollution. The township should confirm the existence (or lack thereof) of this watercourse prior to plan approval. Should it be found to be present on the site, the relevant natural resource protection standards should also be met.
4. **Steep slopes**—Sheet 1 indicates that the steep slopes present on the site are not to be counted toward the natural resource protection standards as the slopes are "manmade." We note that the

site is vacant, and the steep slopes are a part of the site's natural, undisturbed condition. For this reason, we recommend the standards be upheld and met prior to plan approval.

5. **Tree protection**—The plan should identify the tree protection zone, indicate the location of tree protection fencing, and include tree protection details in compliance with Sections 27-201 of the zoning ordinance and Sections 22-713.2., 22-502.1.G.(3), and 22-502.1.G.(5) of the SALDO.
6. **Tree replacement**—Section 27-2400.f.2.(a) of the zoning ordinance provides that where more than 20 percent of the woodlands are being disturbed, all disturbed woodlands exceeding the 20 percent limit shall be replaced on an acre-for-acre basis through the planting of replacement trees. This plan surpasses this 20 percent threshold and is subject to the tree replacement provisions referenced above.
7. **Energy conservation**—Given the size of the project, we strongly encourage the use of alternative forms of energy generation and conservation. This may include green roofs, solar panels, geothermal systems, or a requirement that buildings meet a certified efficiency standard. The Bucks County Planning Commission recently completed a model alternative energy ordinance¹ to provide examples of various incentives which could be included to encourage the use and incorporation of alternative energy systems at the beginning of a residential or nonresidential development proposal.
8. **Stormwater management maintenance**—The applicant proposes stormwater basins, swales, storm piping, and appurtenances as a part of its stormwater BMPs on the site. We recommend the applicant provide a manual to the township and to the property owner 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 the property owner aware of their responsibilities for regular maintenance and repair of the facilities.
9. **Registered landscape architect**—We recommend that the landscape plan be prepared, signed, and sealed by a registered landscape architect licensed in the state of Pennsylvania.

This review will be included in the Bucks County Planning Commission board materials for the August 3, 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: 101 Independence Lane Associates, LLC (via email)
Kim Fasnacht, PMP, LEED AP, Rettew Associates, Inc. (via email)
Janene Marchand, PE, Gilmore & Associates, Township Engineer (via email)
Matt West, Township Manager (via email)

¹ <https://communityplanning-bucksgis.opendata.arcgis.com/pages/model-ordinances>

EXHIBIT "C"



Township of New Britain

Office of Fire Marshal

9/14/2022

RE: Fire Marshal review of 141 Independence Lane Parcel # 26-001-100-011
Review By: Randal J. Teschner Fire Marshal

The following is a list of items to be addressed:

1. Due to the width of the Drives, there should be no parking on both sides of driveways (signs still needed on drive going across front of building) (Signs have been supplied on plans)
2. Supply one Hydrant at the split in driveways (Hydrant has been supplied on plans)
3. Fire lane appears to meet all requirements
4. Note Water details show North Wales Water. Water company is North Penn