

RESOLUTION NO. 2021-21

(Duly Adopted: 9/27/21)

NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP GRANTING PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL TO PRIME DEVELOPMENT GROUP, LP FOR THE PRELIMINARY AND FINAL LAND DEVELOPMENT PLANS FOR BENNER PROPERTY SUBDIVISION PREPARED BY HOLMES CUNNINGHAM LLC, DATED MARCH 16, 2021, LAST REVISED JULY 20, 2021, CONSISTING OF 15 SHEETS, WHICH PROPOSES TO CREATE THREE RESIDENTIAL DWELLING UNITS.

WHEREAS, Prime Development Group, LP ("*Applicant*") has submitted an application for preliminary/final plan approval of a residential land development that proposes to construct three (3) single family detached homes ("*Project*") on a parcel of land located at the end of Dolly Lane and denoted as Bucks County Tax Map Parcel #06-010-004-001 ("*Property*"); and

WHEREAS, this proposal is reflected on a plan entitled "Preliminary and Final Land Development Plans for Benner Property Subdivision" prepared by Holmes Cunningham LLC, dated March 16, 2021, last revised July 20, 2021, consisting 15 sheets ("*Plan*"); and

WHEREAS, the New Britain Township Planning Commission reviewed the Plan at its June 22, 2021 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.

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 of August 10, 2021 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein. (Township Code §22-403, §22-502)
2. Applicant shall comply with all recommendations of the New Britain Township Fire Marshal review letter of June 15, 2021 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein. (Township Code §22-403, §22-502)

3. Applicant shall conduct a pre-construction meeting with the Township Engineer and neighboring property owners to identify any trees that may be deemed dead and/or unsafe along the portion of the Property adjacent to the neighboring lots on Cornwall Drive. Any trees identified by the Township Engineer as dead and/or unsafe shall be removed by Applicant prior to or in conjunction with the start of any site construction on the Project.
4. Applicant shall show a conservation easement over the woodlands to be protected on the Property and shall execute a Declaration of Covenants, Easements, Conditions and Restrictions for this easement, as prepared by the Township Solicitor. (Township Code §27-2401.c.)
5. Applicant contribute to the Township a \$7,500.00 (\$2,500.00/dwelling unit) fee in lieu of the required park and recreation improvements contemporaneously with execution of Development Agreements. (Township Code §22-715)
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. When contributing a fee-in-lieu of, Applicant shall be required to submit payment of 50% of the estimated cost of the required public improvements that have been waived as set forth below. This fee will be determined once the Opinion of Probable Cost is reviewed and approved by the Township Engineer. (Township Code §22-700; §22-701.8, §22-903, §22-904; Township Resolution 2007-12).
7. Applicant shall provide written verification of approval from the Chalfont-New Britain Township Joint Sewer Authority (“*CNBTJSA*”) as to sanitary sewer service to the Property. Applicant shall also provide the Township with a copy of any service agreements. (Township Code §22-406.1, §22-711, §22-720, §22-721, §22-905)
8. Applicant shall provide written verification of approval from the Aqua Pennsylvania, Inc. as to the provision of public water service to the Property, including fire protection. Applicant shall also provide the Township with a copy of any service agreements. (Township Code §22-406.1, §22-711, §22-720, §22-721, §22-905)
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 execute the required Stormwater Operation and Maintenance Agreement in a form approved by the Township Solicitor and shall pay the required stormwater fee, if any, contemporaneously with execution of Development Agreements. (Township Code §22-712.13, §§26-151 - 164; Township Fee Resolution No. 2021-03)
11. 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. 2021-03)
12. Prior to recording of Final Plans, Applicant shall submit all Homeowners' Association documents, if any, in a form approved by the Township Solicitor. (Township Code §22-406.1, §27-2703)
13. Applicant shall construct all roadway improvements shown on the Plan, including, but not limited to, roadway widening, installation of curbs and sidewalks, and milling and overlay, or else install partial improvements as approved by the Township and/or contribute a fee-in-lieu improvements. (Township Code §22-701.8, §22-903, §22-904; Township Resolution No. 2007-12)
14. 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)
15. 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)
16. 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. 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)

17. 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)
18. All documentation shall be executed prior to recording of Record Plans. (Township Code §22-406)
19. Applicant and its professionals shall execute, notarize and seal the Final Record Plan. (Township Code §22-406.2)
20. 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. Sections 403 & 404 – Allowing applicant to seek combined preliminary and final plan approval for this Project, conditioned upon Applicant obtaining all approvals necessary to connect to Aqua PA for the Project's public water supply and satisfying all of the Township Engineer's review comments on this connection.
- b. Section 502. G & H – From providing landscaping and lighting plans as part of the Plan.
- c. Section 704.4 – Allowing the proposed shared driveway to cross an existing 20 foot wide sanitary sewer easement owned by CNBTJSA, conditioned upon written approval from the CNBTJSA for this crossing.
- d. Section 704.4 – Allowing the proposed shared driveway to cross an existing 10 drainage easement.
- e. Section 705.3.A – From providing a cartway width of 28 feet for the proposed shared driveway, conditioned upon the execution and recordation of homeowners' association documents or a shared driveway agreement setting forth the shared responsibilities of the future homeowners to maintain the proposed shared driveway, such document being prepared to the Township Solicitor's satisfaction, and Applicant providing a fee-in-lieu of pursuant to Township Resolution 2007-12.
- f. Section 705.8 - From extending Dolly Lane; providing the necessary right-of-way along such extension of Dolly Lane; and constructing a cul-de-sac at the end of Dolly Lane, conditioned upon the execution and recordation of homeowners' association documents or a shared driveway agreement setting forth the shared responsibilities of the future homeowners to maintain the proposed shared driveway, such document being prepared to the Township Solicitor's satisfaction, and Applicant providing a fee-in-lieu of pursuant to Township Resolution 2007-12.

- g. Section 706 – From installing curb and sidewalk along the shared driveway, conditioned upon the execution and recordation of homeowners’ association documents or a shared driveway agreement setting forth the shared responsibilities of the future homeowners to maintain the proposed shared driveway, such document being prepared to the Township Solicitor’s satisfaction, and Applicant providing a fee-in-lieu of pursuant to Township Resolution 2007-12.
- h. Section 710.4 - From providing a secondary emergency access to the Project.
- i. Section 713.4 - A partial waiver from providing new street trees every 30 feet along the shared driveway, conditioned upon all required plantings being shown on the Plan and escrowed, with the number of required plantings being reduced by the Township Engineer at the time of issuance of the Final Occupancy Permit for each individual lot; such reduction being based upon existing vegetation meeting the intent of this provision.
- j. Section 713.5.B(3) - A partial waiver from providing trees and shrubs along the basin perimeter, conditioned upon all required plantings being shown on the Plan and escrowed, with the number of required plantings being reduced by the Township Engineer at the time of issuance of the first Final Occupancy Permit for any of the individual lots; such reduction being based upon existing vegetation meeting the intent of this provision.

BE IT FINALLY RESOLVED, that the conditions of approval have been made known to Applicant, and this preliminary 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 plan approval shall be deemed denied based upon Applicant’s failure to agree to and/or fulfill the said conditions.

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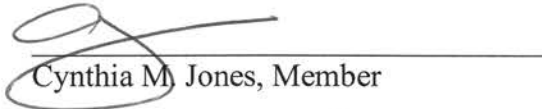
DULY ADOPTED this 27th day of September, 2021, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.



Gregory T. Hood, Chairman



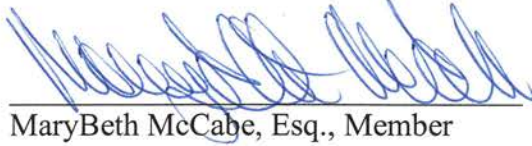
Helen B. Haun, Vice Chair



Cynthia M. Jones, Member



William B. Jones, III, Member



MaryBeth McCabe, Esq., Member



Attest: Matthew West,
Township Manager