

RESOLUTION NO. 2021-23

(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 MICHAEL LOHIN FOR THE SUBDIVISION AND LAND DEVELOPMENT PLANS FOR MIKE LOHIN, PREPARED BY SHOWALTER & ASSOCIATES, INC., DATED FEBRUARY 28, 2020, LAST REVISED JULY 12, 2021, CONSISTING OF 20 SHEETS, WHICH PROPOSE TO CREATE SEVEN SINGLE-FAMILY RESIDENTIAL LOTS.

WHEREAS, Michael Lohin ("*Applicant*") has submitted an application for preliminary/final plan approval of a residential land development that proposes to construct seven (7) single-family homes upon seven (7) separate lots ("*Project*") on a 20.25-acre parcel of land located along Township Line and Walters Roads and denoted as Tax Map Parcel #26-001-043 ("*Property*"); and

WHEREAS, this proposal is reflected on a plan entitled "The Subdivision and Land Development Plans for Mike Lohin", prepared by Showalter & Associates, Inc., dated February 28, 2020, last revised July 12, 2021, consisting of 20 sheets ("*Plan*"); and

WHEREAS, the New Britain Township Planning Commission reviewed the Plan at its August 24, 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 11, 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 Bucks County Planning Commission Review Letter of April 20, 2020 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 comply with all recommendations of the New Britain Township Fire Marshal review letter of August 23, 2021 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein. (Township Code §22-403, §22-502)
4. Applicant shall provide natural resource protection easements across the Property in accordance with the Township Zoning Ordinance. (Township Code §27-502.3, §27-505 & §27-2401.c)
5. Applicant shall replant the riparian corridor where there is little or no existing vegetation. Thus, based on approximately 80 feet of exposed waterway on Lot 1, four (4) trees, twelve (12) shrubs, and appropriate groundcover shall be provided within 25 feet of the streambank, and the species of such plantings shall be in accordance with the Township Zoning Ordinance. (Township Code §27-2400.i.4).
6. Applicant shall revise the Plan to remove any showing or indication of proposed or future connection of parcels not a part of the Project or the Property to public sewer. (Township Code §22-400, §22-401, §22-502.11, §22-503, §22-720.2)
7. 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).
8. Applicant shall contribute to the Township a \$17,500.00 (\$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)
9. Applicant shall execute the required Stormwater Maintenance Agreement in a form approved by the Township Solicitor. Applicant shall pay the required stormwater fee of \$4,335.00 (\$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)
10. 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)

11. Applicant shall execute a Well Guarantee Agreement in a form and manner approved by the Township Solicitor and post the required \$10,000.00 financial security with the Township. (Township Code §22-719.7, §719.8 & §719.11)
12. 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)
13. Prior to recording of Final Plans, Applicant shall submit all Homeowners' Association documents (if created) in a form approved by the Township Solicitor. (Township Code §22-406.1, §27-2703)
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. Section 403 – Allowing Applicant to seek combined preliminary and final plan approval for this Project.
- b. Section 502.1.A(1) – Allowing the plans be drawn at a scale of 1"=60' instead of 1"=50'
- c. 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.
- d. Sections 703.4.A(4) & 703.4.C – Allowing for a lot depth that is approximately 3.2 times its width for Lots 3 and 4.
- e. Sections 705.3.A & 705.3.C – Allowing a full waiver from road widening along Township Line Road and Walters Road; both waivers conditioned upon Applicant providing milling and overlay for the full width of Township Line Road from the Property's southwestern boundary line to and including the intersection with Walters Road and upon Applicant providing the proposed storm sewer improvements noted within the Gilmore August 11, 2021 Review Letter, and Applicant providing a fee-in-lieu of pursuant to Township Resolution 2007-12.
- f. Section 706 – From installing curbing and sidewalks along all road frontages and a sidewalk along the new road, conditioned upon Applicant providing a fee-in-lieu of pursuant to Township Resolution 2007-12.
- g. Section 710.2 – From installing a fire hydrant, conditioned upon Applicant making a \$500.00 contribution to the Chalfont Fire Company.
- h. Section 710.4 - From providing a secondary emergency access to the Project.
- i. Section 714.3.A(1) – From having to install a street light at the intersection of Township Line and Walters Roads, the intersection of the new Road A and Township Line Road, at the horizontal curve of the new Road A, and at the bulb of the cul-de-sac on new Road A, conditioned upon the Township Public Works and the Chief of Police confirming that no safety issues are created by not installing this required lighting.

- j. Section 716.2.A – Allowing Applicant to use iron pins for interior lot corners (not along the ultimate right-of-way) and along the shared driveway easement, conditioned upon monumentation at the other property corners being installed to the Township Engineer’s satisfaction.

BE IT FINALLY RESOLVED, that the conditions of approval have been made known to Applicant, and this preliminary/final plan approval is to be deemed expressly contingent upon Applicant’s affirmative written acceptance of the said conditions on a form prescribed by the Township within 30 days of the approval of this Resolution. If an unconditional acceptance of the conditions is not received in writing by that date, the application for preliminary/final plan approval shall be deemed denied based upon Applicant’s failure to agree to and/or fulfill the said conditions.

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BUCKS COUNTY, PENNSYLVANIA
RESOLUTION NO. 2021-23


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



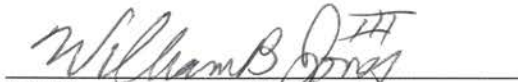
Gregory T. Hood, Chairman




Helen B. Haun, Vice Chair



Cynthia M. Jones, Member



William B. Jones, III, Member



MaryBeth McCabe, Esq., Member



Attest: Matthew West,
Township Manager