

RESOLUTION NO. 2021-06

(Duly Adopted: 1/25/21)

**NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP GRANTING PRELIMINARY-FINAL LAND DEVELOPMENT APPROVAL TO JAMP DEVELOPMENT, LLC FOR THE PRELIMINARY AND FINAL LAND DEVELOPMENT AND MAJOR SUBDIVISION PLANS FOR 98 RAILROAD AVENUE SUBDIVISION, PREPARED BY HOLMES CUNNINGHAM ENGINEERING, LLC., DATED MAY 17, 2019, LAST REVISED AUGUST 21, 2020, CONSISTING OF 13 SHEETS, WHICH PROPOSE TO CREATE THREE NEW RESIDENTIAL DWELLING UNITS.

WHEREAS, JAMP Development, LLC. (“Applicant”) has submitted an application for preliminary-final plan approval of a residential land development that proposes to construct 3 new single-family homes (“Project”) on a parcel of land located at the corner of Railroad Avenue and Barry Road and denoted as Tax Map Parcel #26-001-112 (“Property”); and

WHEREAS, this proposal is reflected on a plan entitled “Preliminary and Final Land Development and Major Subdivision Plans for 98 Railroad Avenue Subdivision”, prepared by Holmes Cunningham Engineering, LLC., dated May 17, 2019, last revised August 21, 2020, consisting of 13 sheets (“Plan”); and

WHEREAS, the New Britain Township Planning Commission reviewed the Plan at its December 8, 2020 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 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 November 13, 2020 unless modified herein. 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 June 19, 2019 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 November 25, 2020 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 execute a recordable document in a form approved by the Township Solicitor protecting the façade of the existing house proposed to remain on Lot 2 as shown on the Plan.
5. 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).
6. Applicant shall contribute the agreed upon \$7,500.00 fee (\$2,500.00 per dwelling unit) in lieu of park and recreation improvements contemporaneously with execution of any development agreements or other documents. (Township Code §22-715)
7. 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 (“PennDOT”) Highway Occupancy Permit. (Township Code §22-406.1, §22-711, §22-720, §22-721, §22-905)
8. Applicant shall provide written verification of approval from North Penn Water Authority 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 execute the required Stormwater Maintenance Agreement in a form approved by the Township Solicitor and pay the required stormwater fee based upon \$2.50 per linear foot of existing and proposed roads within the development contemporaneously with execution of any development agreements or other documents. (Township Code §22-712.13, §§26-151 - 164; Township Fee Resolution No. 2021-03)

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. 2021-03)
11. 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)
12. Applicant shall execute Development and Financial Security Agreements and all other development documents (including all necessary agreements, easements, deeds of dedication 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)
13. 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)
14. 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)
15. All documentation shall be executed prior to recording of Record Plans. (Township Code §22-406)
16. Applicant and its professionals shall execute, notarize and seal the Final Record Plan. (Township Code §22-406.2)
17. 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 - To allow a combined preliminary and final subdivision and land development submission be considered.
- b. Sections 502.1.G & H – From submitting a landscaping and lighting plan, conditioned upon Applicant providing the pertinent street tree information, such as calculations, specifications, and construction details, elsewhere in the Plan.
- c. Sections 705.3.A & G – From widening Railroad Avenue and Barry Road, conditioned upon Applicant milling and overlaying the half-width of Barry Road to PennDOT standards due to the watermain proposed within this portion of the right-of-way.
- d. Sections 705.4.C & 705.5 – From providing the required 75-foot clear sight triangle at the intersection of Barry Road and Railroad Avenue, unless otherwise required by PennDOT.
- e. Section 706.1.B – From installing curb along Railroad Avenue and Barry Road.
- f. Section 706.2.B – From installing sidewalks along Railroad Avenue and Barry Road.
- g. Section 712.2.K – From the requirement that roof drains and sump pumps connect directly to stormwater management facilities, conditioned upon Applicant revising the grading on Lot 3 to direct stormwater from proposed and future impervious surfaces to the on-lot stormwater facility.
- h. Section 712.5.E. – From providing storm pipe with a minimum diameter of 15 inches.
- i. Section 713.4. – From the requirement that street trees be provided every 30 feet along Railroad Avenue and Barry Road, conditioned upon the following:
 - a) Applicant providing the required street trees along Lot 4 at a rate of 1 tree per 30 feet of frontage and plant them at least 5 feet outside of the right-of-way of Railroad Avenue and the NPWA easement;
 - b) Applicant providing replacement trees of at least 2½ inch caliper along Railroad Avenue and Barry Road to replace the trees being removed along these frontages, with the location and size of these replacement trees being added to the Plan and shown to meet the spacing requirements of this Section; and
 - c) Applicant executing a recordable document in a form approved by the Township Solicitor protecting the existing trees along the frontages of Railroad Avenue and Barry Road that Applicant is relying upon to fulfill the requirements of this waived Section.


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.

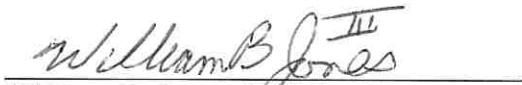
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DULY ADOPTED this 25th day of January, 2021, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.



Gregory T. Hood, Chairman


Helen B. Haun, Vice Chair


Cynthia M. Jones, Member


William B. Jones, III, Member


MaryBeth McCabe, Esq., Member


Attest: Michael Walsh,
Asst. Township Manager/Secretary