

## **MEETING MINUTES**

**June 22, 2021**

**7:00 p.m.**

A Meeting of the New Britain Township Planning Commission was held on June 22, 2021, at the Township Administration Building, 207 Park Avenue, New Britain Township, PA beginning at 7:00 p.m. In attendance were Chair Stephanie Shortall, members Theresa Rizzo Grimes, Deborah Rendon, and Michelle Martin. Absent from the meeting was Vice Chair Marco Tustanowsky, members Alfred Tocci, and Gregory Hood. Township Zoning Officer Kelsey Harris, and Craig Kennard, P.E., Township Engineer, were also in attendance.

### **1. Approval of Minutes:**

#### **1.1 Minutes of May 25, 2021 Planning Commission Meeting:**

**MOTION: Upon motion of Ms. Martin, seconded by Ms. Grimes, the May 25, 2021 meeting minutes were unanimously approved. Ms. Rendon abstained.**

### **2. Tecce Property- 9 Sellersville Road- Prelim/Final Minor Subdivision Review**

**2.1** Rob Sebia, Esquire of Elliot Greenleaf, P.C., and Wayne Kiefer, P.E. of R.L. Showalter & Associates presented to the Planning Commission on behalf of the Applicant, Alfredo Tecce to review the residential minor subdivision plan at 9 Sellersville Road, TMP# 26-001-133. Mr. Sebia provided history of the project, including a Zoning Hearing Board decision permitting the current configuration of the 2-lot subdivision. Mr. Kiefer summarized a revised waiver request letter dated June 21, 2021, submitted by R.L. Showalter & Associates, in response to the Gilmore & Associates review letter dated June 7, 2021. Mr. Kiefer stated that aside from the seven (7) requested SALDO waivers, all other items noted in the June 21, 2021, Gilmore review will be complied with. Mr. Kennard stated that he had no object to the revised waiver request, so long as the additional waiver from Section 22-712.4S(4), pertaining to the requirement of one foot freeboard for 100 year water surface elevation, be conditioned upon approval from the Township Engineer.

Mr. Kennard stated that the Gilmore review recommended discussion of the waiver from curbs and sidewalks. He continued that existing utility poles, trees, and a drainage swale would make these improvements difficult and extremely costly for a minor subdivision. Mr. Kiefer stated that there was existing sidewalk on the other side of Sellersville Road. He stated that installation of sidewalk in front of the Tecce property may encourage pedestrians to cross the roadway without a crosswalk and create potentially dangerous situations. He stated that Sellersville Road was in good condition and not in need of improvements. The Commission agreed.

Ms. Rendon questioned where the current drainage from the property flowed and if there was existing drainage along Sellersville Road. Mr. Kiefer stated that the property's stormwater sheet flows from the rear towards the road and there were existing swales and inlets along Sellersville Road where the water flows to. Ms. Grimes asked if the original dwelling had already been demolished. Mr. Kiefer confirmed.

There were no further questions or comments at this time.

**MOTION: Upon motion of Ms. Grimes, seconded by Ms. Rendon, and unanimously carried, the project is recommended for preliminary/final approval and the following waivers are being recommended for approval conditioned upon compliance with the Gilmore & Associate's review letter dated June 21, 2021:**

**§22-704.2.A, to permit a 15 ft. wide utility easement for a sanitary sewer lateral through Lot 1, where a 20 ft. width is required, conditioned upon approval from CNBJSA; §22-703-4.A(4), to permit a lot depth to width ratio of 3.5 instead of the required 3.0 for Lot 2, consistent with ZHB Decision dated 12/26/2018; §22-705.3.A, C, & G, a waiver from requiring roadway improvements due to existing utilities and the current condition of Sellersville Road; §22-706, a waiver from requiring the installation curbs and sidewalks due existing sidewalks on Sellersville Rd. and an existing stormwater swale along the roadway; §22-704.4, to permit a driveway for Lot 1 within the 15 ft. sanitary easement, subject to CNBJSA approval; §22-712.5(E), to permit a storm pipe that is 6 inches in diameter for roof drains where 15 inches is required; §22-712.4.S.(4), from requiring one foot freeboard for 100 year water surface elevation from inlets or manholes, subject to approval from the Township Engineer.**

### **3. Benner Property- Dolly Lane- Prelim/Final Major 3-Lot Subdivision Review**

**3.1** Mr. Nate Fox, Esquire of Obermayer Rebmann Maxwell & Hippel LLP, and Kristin Holmes, P.E. of Holmes Cunningham Engineering presented to the Planning Commission on behalf of the Applicant, Prime Development, L.P., to review the major 3-lot residential subdivision plan proposed on Dolly Lane, TMP# 26-010-004-001. Mr. Fox provided background of the project working at the staff level and receiving feedback from the Board of Supervisors prior to this presentation. Mr. Fox stated that the BOS is in support of a shared driveway instead of the originally proposed cul-de-sac street. Mr. Fox stated that the shared driveways and stormwater management facilities would be subject to recorded agreements with the future property owners to maintain the facilities. Ms. Holmes provided background on the existing conditions of the property. She stated that the property is heavily wooded and very flat. She continued that the current plan was intended to minimize the woodlands disturbance and design a stormwater basin that could help with existing stormwater issues experienced by neighboring properties. Mr. Fox stated that the current stormwater management facility is oversized by an average of 29% over what the Township requires. Ms. Holmes stated that the shared driveways reduced impervious coverage allowing flexibility in the stormwater basin's location and design.

Ms. Rendon questioned what was located on the adjacent property. Ms. Holmes stated that it was all residential properties and directly behind the Benner property is the Tower Hill Grove stormwater basin. Ms. Grimes asked what was on the plan in between proposed lots 2 & 3. Ms. Holmes stated that it was a berm to direct stormwater to the basin. Ms. Rendon asked if the future homeowners are allotted any useable impervious surface. Ms. Holmes stated that the current proposal is only 3-4% impervious surface per lot where the zoning permits up to 25% per lot. She explained that the stormwater design would allow approximately 2,300 square feet of impervious coverage per lot, recognizing that zoning relief would be necessary for any additional woodland disturbance for those improvements. Ms. Grimes questioned the trail easement on the plan. Mr. Kennard stated that they recommended it be included should any trail system ever need to connect to that area.

Mr. Kennard summarized the Gilmore & Associates review letter dated June 15, 2021, and the revised waiver request letter dated June 22, 2021, submitted by Holmes Cunningham Engineering. Ms. Holmes stated that aside from the nine (9) waivers requested in the Holmes Cunningham letter, all other items noted on the Gilmore review, as well as the Fire Marshal review, will be complied with. Ms. Holmes stated that they are currently pursuing connection to public water with Aqua PA and that the North Wales Water Authority confirmed they had no objection. Mr. Kennard stated that he does not object to the requested waivers, so long as the conditions, described in the Gilmore review letter, are attached to the approvals. He also recommended that the plan approval be conditioned upon an onsite pre-construction meeting with the Township Engineer to identify any dead or dangerous trees to be removed along the portion of the property adjacent to the homes on Cornwall Drive, and compliance with the Fire Marshal review dated June 15, 2021.

**MOTION: Upon motion of Ms. Rendon, seconded by Ms. Martin, and unanimously carried, the project is recommended for preliminary/final plan approval conditioned upon the following: compliance with the Gilmore & Associate's review letter dated June 15, 2021; approval to connect to public water supply with Aqua PA; pre-construction meeting shall be conducted on the property with the Township Engineer to identify and remove any dead/dying/dangerous trees on the portion of the property adjacent to the properties on Cornwall Drive prior to any construction; compliance with the Fire Marshal review dated June 15, 2021. The following waivers are recommended for approval:**

**§22-502.1.G & H, to waive the requirement of providing a landscaping and lighting plan, as no new landscaping or lighting is proposed. Also, a waiver from planting the required street trees due to existing vegetation satisfying this requirement; §22-706 from providing curb and sidewalks along the Dolly Lane shared driveway; §22-713.4, a partial waiver from providing new street trees every 30 ft. along the Dolly Lane shared driveway due to the existing trees and vegetation. *Conditioned upon required plantings being shown on the plan and escrowed, and approval from the Township Engineer at the time of issuance of the Final Occupancy for the individual lots, and a note to this effect is provided on the recorded plans;* §22-403 & 404, to permit a combined preliminary and final subdivision and land development submission for this project. *Conditioned upon approval for connection to Aqua PA for public water supply and satisfying Township Engineer review comments;* §22-705.3.A, from providing a cartway width of 28 ft., whereas the Applicant is proposing a 16 ft. wide shared driveway from the existing edge of Dolly Lane. *Conditioned upon either an HOA or executed Agreement, to the Township Solicitor's satisfaction, to maintain the cul-de-sac right-of-way including the portion of the 16 ft. shared driveway within the existing Township right-of-way;* §22-705.8, from providing a cul-de-sac street as a means of extending the existing Dolly Lane public street with less than the minimum 400 ft. length, whereas a 230 ft. long shared driveway is proposed, and a right-of-way is proposed which would satisfy the requirement. *Conditioned upon either an HOA or executed Agreement, to the Township Solicitor's satisfaction, to maintain the cul-de-sac right-of-way including the portion of the 16 ft. shared driveway within the existing Township right-of-way;* §22-710.4, from providing emergency access for subdivisions with a single access; §22-713.5.B(3), a partial waiver from providing trees and shrubs every 20 and 10 ft., respectively, along the basin perimeter due to the existing density of woods and vegetation. *Conditioned upon required plantings being shown on the plan and escrowed, and approval from the Township Engineer at the time of issuance***

***of the Final Occupancy for the individual lots, and a note to this effect is provided on the recorded plans. §22-704.4, to permit the proposed shared driveway to cross an existing 20 ft. wide sanitary sewer easement owned by CNBJSA. Conditioned upon approval from the CNBJSA.***

### **III. Public Comment.**

Mr. Jim Lynch of 110 Cornwall Drive had questions about the basin design, and trees on the edge of their properties. Ms. Holmes explained the design of the basin and Mr. Kennard stated that the Township Engineers will meet with the Applicants to identify dangerous trees prior to any construction.

Mr. Russ Chalmers of 3 Valley Drive stated that there are existing stormwater issues and development of the property would make those issues worse, he stated that the swale adjacent to his property overflows and floods his property, and that the development would cause wildlife to lose their habitats. Mr. Kennard stated that the Township is aware of the issue with the swales, but that the Township does not own and is not responsible for the maintenance or repair of the swales. He also stated that the Township can only require the developer to mitigate the stormwater that would be caused by their development, not to fix existing water issues. Mr. Kennard stated that the developer has already overdesigned their stormwater facilities to help with existing water problems.

Mr. James Morales of 112 Cornwall Drive asked how the basin will look from his property and how would it be maintained. Ms. Holmes described how the basin would look and stated that it was likely Mr. Morales may not see the basin from his property. She explained that maintenance would consist of mowing the area at certain times during the year and that maintenance would be the responsibility of the owner of the property.

Mr. Jeff Carpenter of 106 Cornwall Drive stated that his property does not experience the same water issues as the neighbors below him. He asked Ms. Holmes how the engineers decided to design the basin. Ms. Holmes answered that the reduction of impervious coverage by removing the cul-de-sac allowed them to relocate the basin and overdesign it to capture more stormwater than what was required hoping to alleviate some of the water issues on the neighboring properties.

Mrs. Marianne Lynch of 110 Cornwall Drive stated that she believed an HOA should be established to hold the property owners accountable for their maintenance requirements.

There were no other public comments made.

### **IV. Adjournment**

**MOTION: A motion was made by Ms. Martin, seconded by Ms. Grimes, and unanimously carried to adjourn the June 22, 2021 meeting at 8:18 p.m.**

Respectfully Submitted,

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Stephanie Shortall, Chair

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Kelsey Harris, Zoning Officer