



Kristin Holmes, P.E., LEED AP  
Robert Cunningham, P.E., LEED AP

February 28, 2023

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

**RE: 140 Upper Church Road Sketch Plan**  
**TMP#: 26-003-014**  
**New Britain Township, Bucks County, PA**  
**HCE Project No.: 1890**

Dear Mr. West:

On behalf of the applicant, Casadonti Holmes, Inc., enclosed please find the following materials for a subdivision and land development sketch plan for the above referenced project:

- 1 original Township Application for Subdivision and Land Development;
- 9 - full sized copies of 140 Upper Church Road Sketch Plan Set dated 02/27/2023
- 5 - 11x17 copies of 140 Upper Church Road Sketch Plan Set dated 02/27/2023;
- Check in the amount of \$100 made out to New Britain Township for Sketch Plan Application Fee;
- Check in the amount of \$2,500 made out to New Britain Township for Sketch Plan Review Escrow Fee;
- 1 CD with PDF of plans and supplemental documents.

**Project Description**

The project proposes the construction of 2 new single-family dwellings and associated driveways located in the WS – Watershed District. The project also proposes to keep the existing single-family. The proposed driveways will take access to Upper Church Road. The single-family dwellings shall be served by on-lot sewer and wells. The sketch plan set shows compliance with current New Britain Township Natural Resource Protection Standards. There are no variances required for this Sketch Plan.

If you have any questions or require additional information, please do not hesitate to contact us at 215-586-3330 or [rob@hcengineering.net](mailto:rob@hcengineering.net)

Very truly yours,  
**Holmes Cunningham Engineering**

A handwritten signature in black ink, appearing to read 'Rob Cunningham', written over a white background.

Rob Cunningham, P.E.  
Partner

Cc:

O:\1890 - 140 Upper Church Road\Outbound\Twp Cover Letter 2023-02-28.docx




# NEW BRITAIN TOWNSHIP

207 Park Avenue • Chalfont, PA 18914 • Telephone: (215) 822-1391

## SUBDIVISION & LAND DEVELOPMENT APPLICATION

1.	Date of Application:	<u>02/27/2023</u>			<b>TOWNSHIP USE ONLY</b> Date Recieved: _____ Payment: _____ Check #: _____ Receipt #: _____ Escrow Acc. #: _____	
2.	Date of Plan or Revision:	<u>Sketch Plan</u>				
3.	Application for:	<u>140 Upper Church Road</u>				
4.	Name of Subdivision or Land Development:	<u>140 Upper Church Road</u>				
5.	Location:	<u>140 Upper Church Road, Chalfont, PA 18914</u>				
6.	Tax Map Parcel #: 26- <u>003-104</u>	Total Acreage:	Gross <u>13.34</u>	Base Site Area _____		
7.	Net Buildable Site Area (from Section 2401): _____					
8.	Zoning Requirements:					
	Zoning District	<u>WS</u>	Minimum Lot Size	<u>80,000 SF</u>	Maximum Density	<u>N/A</u>
	Front Yard	<u>100</u>	Side Yard	<u>30</u>	Rear Yard	<u>60</u>
9.	Number of Lots or Dwelling Units:		<u>2</u>			
10.	Equitable Owner of Record of Land:		<u>Casadonti Homes, Inc</u>			
	Address:		<u>P.O. Box 5</u>			
			<u>Chalfont, PA 18914</u>			
	Phone: <u>215-768-2303</u>	E-mail: <u>casadontihomes@comcast.net</u>				
11.	Applicant:		<u>Same as Owner</u>			
	Address:		_____			
	Phone: _____		E-mail: _____			
12.	Registered Engineer or Surveyor:		<u>Robert Cunningham, P.E.</u>			
	Address:		<u>409 East Butler Ave, Unit 5</u>			
			<u>Doylestown, PA 18901</u>			
	Phone: <u>215-586-3330</u>	E-mail: <u>rob@hceengineering.net</u>				
13.	Type of Water & Sewer:	<input type="checkbox"/> Public Water	<input checked="" type="checkbox"/> Private Water			
		<input type="checkbox"/> Public Sewer	<input checked="" type="checkbox"/> Private Sewer			
14.	Proposed Use:		<u>B-1 Single-Family Detached Dwelling</u>			

This is to certify that I have read Article V of the New Britain Township Subdivision and Land Development Ordinance and that the accompanying plan meets the requirements of that Article to the best of my knowledge.

  
\_\_\_\_\_  
Signature of Applicant

  
\_\_\_\_\_  
Signature of Registered Engineer or Surveyor

## SUBDIVISION & LAND DEVELOPMENT PLAN SUBMISSION CHECKLIST

Date of Application: 02/27/2023

Subdivision/Land Development Name: 140 Upper Church Road

Address of Property: 140 Upper Church Road, Chalfont, PA

Owner(s) Name: Casadonti Homes, Inc.

Applicant(s) Name: Tax Map Casadonti Homes, Inc.

Parcel Number: 26-003-104

### **Plan Sets for New Britain Township - Folded to 8 1/2 x 11: (9 Full Size, 5 11x17)**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> NBT Board of Supervisors (Full Size) - 5 Copies | <input checked="" type="checkbox"/> NBT Planning Commission (11x17) - 5 Copies NBT |
| <input checked="" type="checkbox"/> Township Engineer (Full Size) - 1 Copy          | <input checked="" type="checkbox"/> File (Full Size) - 2 Copies                    |
| <input checked="" type="checkbox"/> Fire Marshal (Full Size) - 1 Copy               | <input checked="" type="checkbox"/> Digital Submission - Flash Drive               |

**Plan Sets for Outside Agencies - Folded to 8 1/2 x 11:** The applicant must show proof of submission to the outside agencies listed below (stamped copy or cover letter and copy of application form). The following plan sets are subject to the requirements of the outside agency and must be submitted to the outside agency by the applicant.

- Bucks County Planning Commission - 1 Copy
- Bucks County Conservation District - 1 Copy
- Water Authority (North Penn/North Wales/Aqua) - 1 Copy
- Chalfont New Britain Joint Sewer Authority - 3 Copies

**OR**

- Bucks County Department of Health - 1 Copy

**Application Forms & Fees to be Submitted to the Township:** All applicants include these items or the application will be considered administratively incomplete and returned to the applicant.

- New Britain Township Subdivision and Land Development Application (1 Signed Original)
- Filing Fee according to the most current Fee Schedule adopted by Resolution
- Escrow Fee according to the most current Fee Schedule adopted by Resolution
- Contract for Professional Services Agreement (3 Signed Originals)
- Application to Bucks County Planning Commission (Provide Proof of Submission)
- Application to Bucks County Conservation District (Provide Proof of Submission)
- Applicant Plan Submission Checklist (Should be completed by the applicant's professional engineer or land surveyor)
- Stormwater Management Report (2 Copies) (Digital Acceptable)
- PADEP Sewage Facilities Planning Module Application/Mailer approved by Sewer Authority or SEO (Original & 2 Copies)
- Traffic Impact Study, if applicable (2 Copies)
- PADOT Highway Occupancy Permit Plan/Application, if applicable (2 Copies)
- Community Impact Assessment Report, if applicable (4 Copies)
- Letter of Requested Waivers with Justification
- Affidavit of Mailing Notification, Mailing Content & Post Property of SLD Application (§ 22-401.8 General Procedures)
- Township Road Opening Permit, if applicable
- Water Resource Impact Study, if applicable (2 Copies)
- Waiver Request Letter with Justification

Reviewed By: \_\_\_\_\_  
Township Representative

Date: \_\_\_\_\_

*\*All fees or contributions in lieu of shall be payable to New Britain Township. All plan sets, applications and forms shall be submitted directly to New Britain Township.*



**\*\*The attached checklist is provided for the applicant as a guideline to assist in the submission process. All applicants must include these items or the application will be considered administratively incomplete and returned to the applicant.\*\***

# NEW BRITAIN TOWNSHIP SUBDIVISION & LAND DEVELOPMENT PROCEDURES INFORMATION FOR APPLICANTS

## **Applications:**

All formal applications must be submitted to the Township Zoning Officer during regular office hours.

All required plans, fees and accompanying documentation must be submitted to the Township in accordance with the New Britain Township Plan Submission Checklist (attached). No application shall be considered complete without this information.

If the application is found to be incomplete, the Zoning Officer will advise the applicant, in writing, of the deficiencies within five (5) business days.

If the application is found to be complete, the application will be date-stamped and a letter will be forwarded to the applicant with the anticipated application processing dates and scheduled Planning Commission and Board of Supervisor's meeting dates. The application will then be distributed for review to the Township professional staff, boards, commissions and professional consultants.

*If for any reason the Planning Commission does not meet within 30 days of the initial application filing approval date of the Township Zoning Officer, the Municipalities Planning Code (MPC) timetable for plan review processing will then automatically begin, unless waived by the applicant.*

## **Review Process:**

Upon receipt of the Township Engineer's review letter, it is recommended that the applicant conference with Township staff and/or the Township Engineer prior to the scheduled Planning Commission meeting when the Planning Commission would consider the application for a recommendation. During the conference, if it is determined that the application will require substantial revisions for compliance with Township ordinances, the Township staff and/or engineer will advise the applicant of an appropriate course of action for revising the application. An extension/waiver to the 90-day limit (attached to SALDO Application), as set forth by the MPC, may be necessary to allow sufficient time for the applicant to make necessary plan revisions and for Township staff and its engineer to review the revised application.

All revised applications must be resubmitted directly to the Township Zoning Officer. It shall be the responsibility of the applicant to submit the same number of revised plans to the Township as with the original application.

## **Recommendations and Plan Decisions:**

The applicant is responsible for posting the property, notifying property owners within 1000ft (or adjoining owners for minor plans), and submitting an affidavit of mailing & the mailings content to the Township five days prior to the plans appearing before the Township Planning Commission (§ 22-401.8 General Procedures).

The Planning Commission in its review shall consider the comments, if submitted, of the Bucks County Planning Commission, Fire Marshal, Bucks County Conservation District and Township professional staff and consultants. At their anticipated monthly meeting, the Planning Commission may do any of the following:

- Recommend that the applicant address plan deficiencies or unresolved planning issues with Township staff.
- Recommend to the Board of Supervisors that the plan be approved with conditions and specifically list such conditions.
- Recommend to the Board of Supervisors that the plan be denied and specifically list the reasons for such a recommendation.

The Board of Supervisors shall take official action on all applications, after receiving the Township engineer's report and the recommendation by the Planning Commission and within the 90-day time limit, unless the applicant grants a time extension/waiver. The action of the Board of Supervisors shall be in writing and communicated to the applicant by mail within five (5) days following the date of the official action.



## **Record Plans:**

Final record plans to be recorded must be submitted **directly to the Township Engineer** for review and execution prior to approval by the Board of Supervisors. The plans must include four (4) paper copies of the record plan(s). **All record plans must bear the original seal and signature and title of the professional engineer or land surveyor responsible for preparation of the plans and bear the notarized signature of the land owner(s).** At the time of record plan submission, five (5) complete paper sets of construction drawings should be submitted to the Township Engineer to be stamped approved for construction.

No final record plans shall be recorded for any project unless all of the following have been satisfied:

- All conditions of final approval have been met (including water and sewer approvals/agreement) and approved by Township Solicitor and Engineer.
- All required outside agency approvals/permits have been obtained.
- All Township legal, engineering, planning and administrative costs relative to the plan submission have been paid in full.
- The required financial security and developer's agreements have been executed and the construction escrow has been posted with the Township.

The Township Solicitor will record all final record plans at the Bucks County Courthouse. The Township will notify the applicant when the copies of the recorded plans are available to be picked up at the Township Zoning Office.

## **Contract for Professional Services Agreement and Professional Escrows:**

The applicant shall be responsible for maintaining the original escrow balance relative to the escrow account established with the Township for the payment of Township incurred costs and fees on behalf of the applicant per the Contract for Professional Services Agreement. The Township shall forward an invoice to the applicant setting forth the amount deducted from said escrow account for payment of costs and fees. Within fourteen (14) days of the date of the invoice, the applicant shall remit the amount of the invoice to the Township, thereby bringing the balance of the escrow back to the original amount. In the event the applicant's escrow account balance falls below the original amount, the Township may direct its professionals and consultants to cease work on the applicant's submission until such time as the escrow account balance is restored to its original amount.

Any applicant who desires to meet with the Township's professionals or consultants prior to submitting a plan application shall execute a Contract for Professional Services Agreement with the Township and post an escrow amount to be determined therein to cover any costs incurred by the Township associated with the aforementioned consultations.

The applicant should also be advised that the Township has enacted a "Disclosure Ordinance No. 2001-09-01" which mandates that the seller of any lot divulge certain information to the purchaser of the lot prior to settlement.

***\*These guidelines may be amended from time to time, as needed.***



**NEW BRITAIN TOWNSHIP  
90-DAY REVIEW PERIOD WAIVER**

I/We, the applicant, understand that the time necessary for adequate review of this application and plans for compliance with current Zoning and Subdivision & Land Development Ordinances, including reviews of any revised plans, may exceed the 90-day review period stipulated under the Municipalities Planning Code.

In recognition of the above, I/we hereby waive the 90-day review period, with the understanding that I/we may revoke this waiver at any time in the future, upon 30-day written notice to the New Britain Township Zoning Officer.

Name of Subdivision/Land Development: 140 Upper Church Road

Tax Map Parcel Number(s): 26-003-104

Signature of Applicant: 

Date: 2-28-23

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_



7537.0

522.0

5374.40

9.47

636.00  
528.00  
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618  
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CL Berm

629  
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10" Riser

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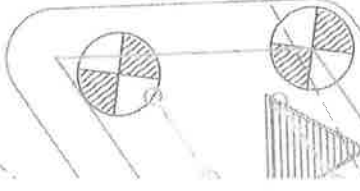
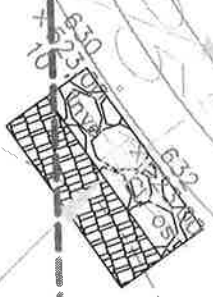
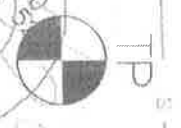
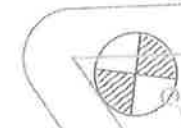
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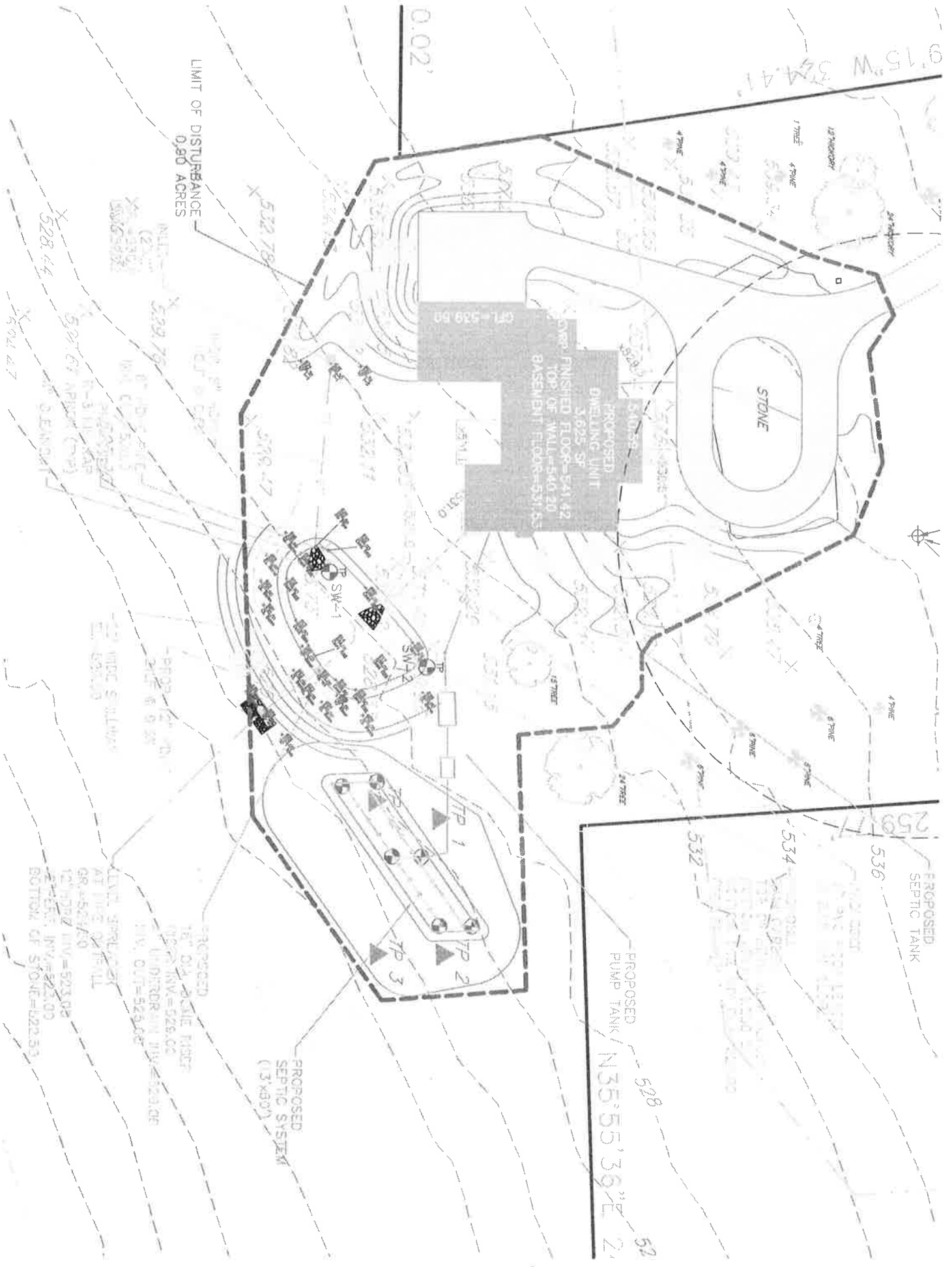
9'15" W 324.41'

0.02'

LIMIT OF DISTURBANCE  
0.90 ACRES

PROPOSED DWELLING UNIT  
3,625 SF  
COMP. FINISHED FLOOR=541.42  
TOP OF WALL=540.20  
BASEMENT FLOOR=531.53  
CFL=529.50

STONE



INLET (2")  
X=530.00  
SWG59932

529.79

PROPOSED 12" WIDE SULLY  
ELEV. 529.00

PROPOSED 12" WIDE SULLY  
ELEV. 529.00

PROPOSED 18" DIA. RISER PIPES  
TOP INV.=526.00  
LID/DRAIN INV.=526.00  
INV. OUT=526.00

PROPOSED SEPTIC SYSTEM  
(13'x80')

LEVEL SPREADER  
AT THE FULL  
GR=526.00  
12" DIA. INV.=523.00  
2" DIA. INV.=525.00  
BOTTOM OF STONE=522.53

PROPOSED PUMP TANK

N 35° 55' 36" E 2'

PROPOSED SEPTIC TANK

536

534

532

528

52

528.44

529.27

529.17

529.07

528.97

528.87

528.77

528.67

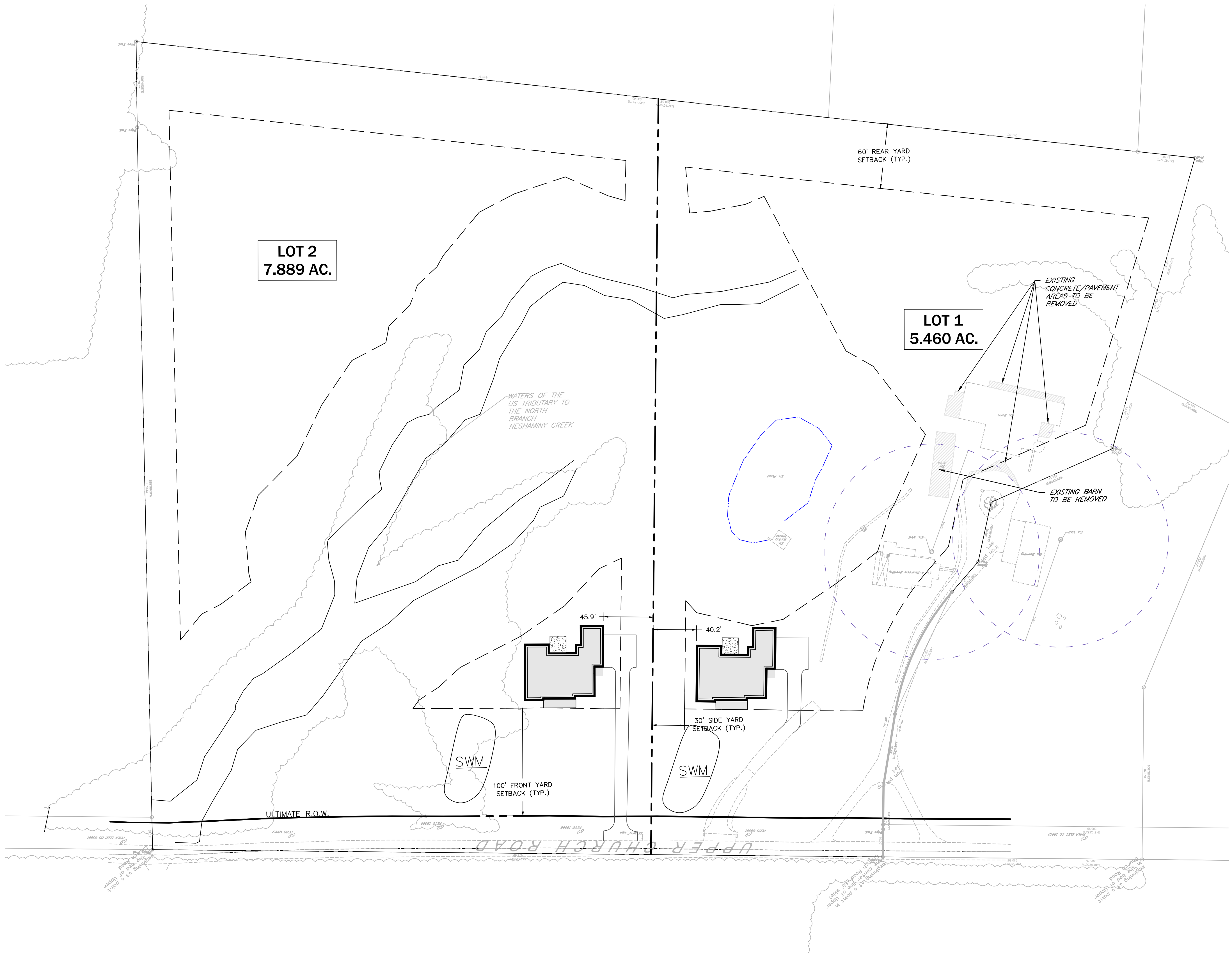
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NEW BRITAIN TOWNSHIP ZONING DATA TABLE				
ZONING DISTRICT: WS - WATERSHED DISTRICT				
ITEM	REQUIRED/ PERMITTED	PROPOSED LOT 1	PROPOSED LOT 2	Ordinance Section
Use: Zoning 27-501.a				
B1: Single Family Detached Dwelling				
Max. Building Height	35 FT	< 35 FT	< 35 FT	27-502.a
Min. Lot Size	80,000 SF	5,460 AC	7,889 AC	27-502.b.1.(a)
Min. Lot Width	175 FT	225.7 FT	466.5 FT	27-502.b.1.(b)
Min. Front Yard Setback	100 FT	100 FT	100 FT	27-502.b.1.(c)
Min. Side Yard Setback	30 FT	17.26 FT*	45.3 FT	27-502.b.1.(d)
Min. Rear Yard Setback	60 FT	229.8 FT	493.5 FT	27-502.b.1.(e)
Min. Building Envelope	10,000 SF	13,390 SF	87,864 SF	27-502.b.1.(f)
Max. Building Coverage (Developer)	6%	6.26%	2.35%	27-502.b.1.(g)
Max. Impervious Surface Coverage (Developer)	10%	10.03%	4.01%	27-502.b.1.(h)
Max. Porch Projection into Yard Areas	4 FT	0 FT	0 FT	27-2107
Min. Off-Street Parking Spaces	3 spaces / DU (4+ bedrooms)	3 spaces	3 spaces	27-2901.B

LOT AREA AND COVERAGE TABLE									
Lot	Gross Lot Area	Right-of-Way Area	Utility Easement Area	100% Natural Resource Protection	Ratio Base Site Area	Building Area	Building Ratio	On-lot Impervious Excluding Building Area	Impervious Ratio
#	(SF)	(SF)	(SF)	(SF)	(SF)	(SF)	%		%
1	237,856	7,648	0	69,643	160,565	10,046	6.3%	6,058	10.0%
2	343,660	14,870	0	156,319	172,471	4,046	2.3%	2,874	4.0%



- SITE PLAN NOTES:**
- THE BOUNDARY AND TOPOGRAPHIC INFORMATION IS TAKEN FROM BOUNDARY & TOPOGRAPHIC PLAN PREPARED BY EFFICIENT DESIGN.
  - THE PROPOSED DEVELOPMENT IS TO BE SERVED BY ON-LOT WELL AND SEPTIC SYSTEMS.
  - NO PORTION OF THE PROPERTY IS WITHIN ZONE A FLOOD HAZARD AS PER FEMA PANEL 42017C0280J REVISED MARCH 16, 2015.
  - TOPOGRAPHICAL INFORMATION IS BASED UPON VERTICAL DATUM NAVD 88 AND HORIZONTAL DATUM PA83-S.
  - THE STORMWATER MANAGEMENT FACILITIES (AS SHOWN ON THIS PLAN) ARE A BASIC AND PERPETUAL PART OF THE STORMWATER MANAGEMENT SYSTEM OF THE TOWNSHIP OF NEW BRITAIN, AND AS SUCH ARE TO BE PROTECTED AND PRESERVED, IN ACCORDANCE WITH THE APPROVED FINAL PLAN BY THE OWNER ON WHOSE LANDS THE FACILITY IS LOCATED. THE TOWNSHIP OF NEW BRITAIN AND/OR ITS AGENTS RESERVE THE RIGHT AND PRIVILEGE TO ENTER UPON SUCH LANDS FROM TIME TO TIME FOR THE PURPOSE OF INSPECTION OF THE STORMWATER MANAGEMENT FACILITIES IN ORDER TO DETERMINE THAT THE STRUCTURAL AND DESIGN INTEGRITY ARE BEING MAINTAINED BY THE OWNERS.
  - TOPSOIL SHALL NOT BE REMOVED FROM THE DEVELOPMENT SITE. TOPSOIL SHALL BE STRIPPED, STOCKPILED, AND REDISTRIBUTED ON THE SITE.
  - AT THE TIME OF INDIVIDUAL ZONING PERMIT APPLICATION FOR EACH LOT, THE NATURAL RESOURCES PROTECTION STANDARDS SHALL BE REVIEWED FOR COMPLIANCE AND SITES LAID OUT TO MINIMIZE NATURAL RESOURCE DISTURBANCE TO THE GREATEST EXTENT PRACTICABLE.
  - THE APPLICANT OFFERS THE ULTIMATE RIGHT-OF-WAY OF UPPER CHURCH ROAD FOR DEDICATION TO NEW BRITAIN TOWNSHIP.
  - IF THE DISTURBANCE ENCLOSES INTO A DESIGNATED TREE PROTECTION ZONE RESULTING IN THE DAMAGE OR DESTRUCTION OF THE EXISTING TREES AND/OR VEGETATION DESIGNATED TO REMAIN, THE APPLICANT SHALL BE RESPONSIBLE FOR REPLACING THE DAMAGED OR DESTROYED VEGETATION ON AN EQUIVALENT CALIPER BASIS.

LEGEND	
	PROPERTY LINE
	PROPOSED BUILDING
	BUILDING SETBACK LINE
	LOT LINE
	PROPOSED TREE LINE
	EXISTING TREE LINE

Holmes Cunningham LLC  
 409 E. Butler Ave., Unit 5  
 Doylestown, PA 18901  
 (215) 586-3330  
 www.hcengineering.net

REVISIONS	Description	Date

**140 UPPER CHURCH ROAD**  
 140 UPPER CHURCH ROAD  
 Twp # 26-003-104  
 NEW BRITAIN TOWNSHIP, BUCKS COUNTY, PA

**SKETCH PLAN**

**ROBERT T. CUNNINGHAM, P.E.**  
 PA PE07624

File No.  
**1890\_SK1.0.DWG**

HCE Job: 1890  
 Date: 02/27/2023  
 Scale: 1"=50'  
 Designed: EC  
 Sheet: 1 of 1

Drawing No.  
**SK-1**

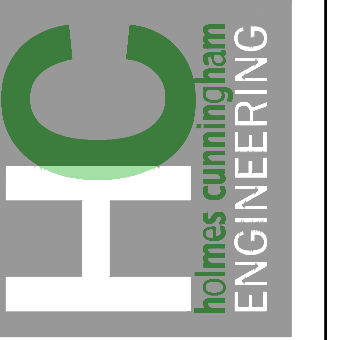
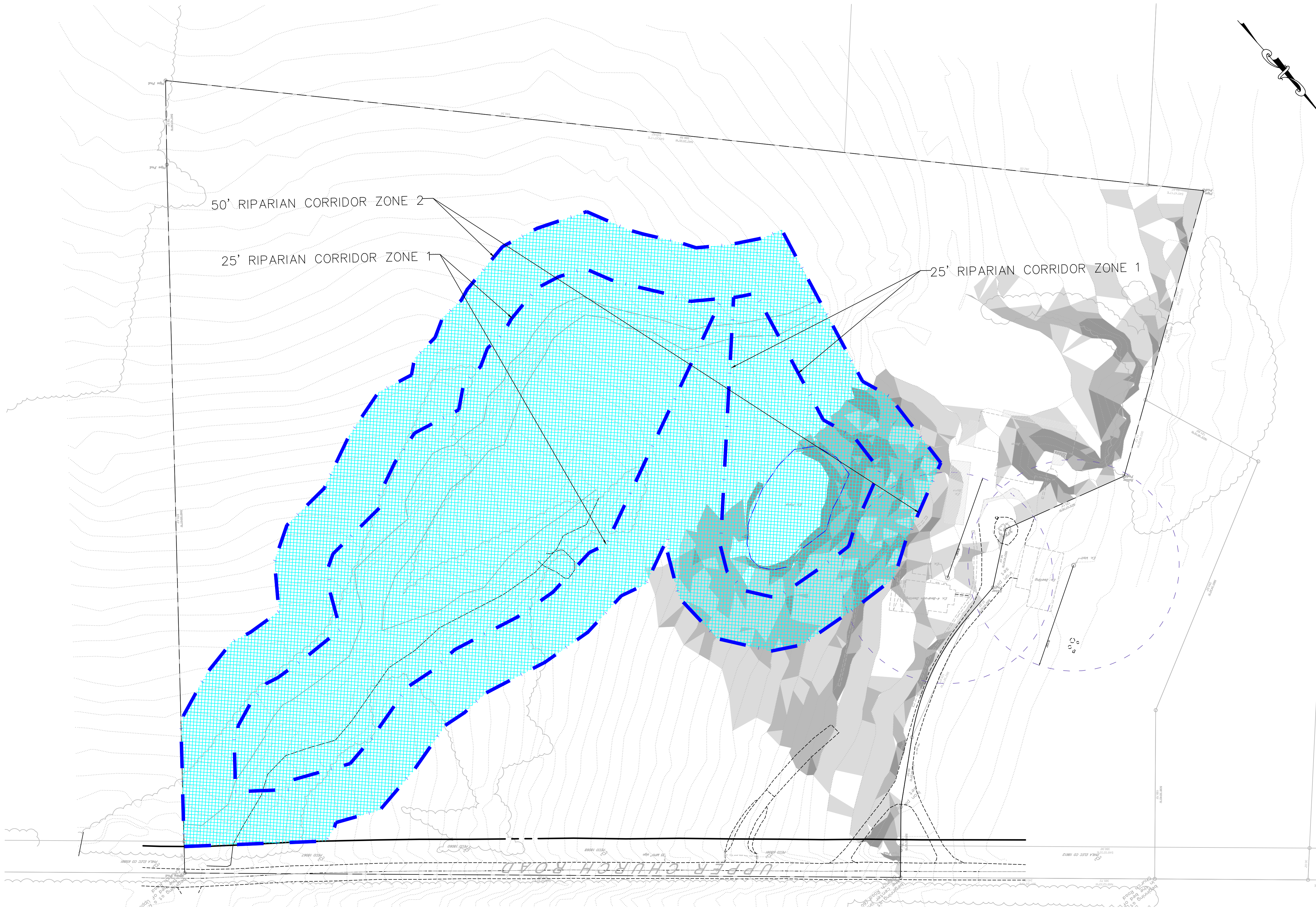
RESOURCE PROTECTION STANDARDS					
Resource	Min. Required Protection Ratio	Total Area of Land in Resource	Required Resource Protection Land	Actual Resource Protection Land	Actual Protection Ratio
	%	(Ac.)	(Ac.)	(Ac.)	%
Watercourses	100%	1.052	1.052	0.000	N/A
Floodplains	100%	0.569	0.569	0.569	100%
Floodplain (Alluvial) Soils	100%	0.933	0.933	0.933	100%
Wetlands	100%	0.000	0.000	0.000	N/A
Wetlands Margin	80%	0.000	0.000	0.000	N/A
Riparian Buffer	100%	5.187	5.187	5.187	100%
Lakes and Ponds	100%	0.000	0.000	0.000	N/A
Woodlands (CR, WS, SR-1, SR-2, and RR Zoning Districts)	80%	1.680	1.344	1.680	100%
Agricultural Soils	50%	13.350	6.675	13.350	100%
Steep Slopes 8%-15%	60%	7.479	4.488	7.479	100%
Steep Slopes 15%-25%	70%	2.254	1.578	2.254	100%
Steep Slopes 25%+	85%	0.836	0.710	0.836	100%

Soils Legend						
Type	Name	Depth to Bedrock	Depth to Seasonal High Water Table	HSG	Hydric Soil	Agricultural Soil
AbA	Abbotstown silt loam, 0 to 3 percent slopes	40"-60"	6"-18"	D	No	Farmland of Statewide Importance
AbB	Abbotstown silt loam, 3 to 8 percent slopes	40"-60"	6"-18"	D	No	Farmland of Statewide Importance
CyB	Culleoka-Weikert channery silt loams, 3 to 8 percent slopes	20"-40"	>80"	B	No	Farmland of Statewide Importance
CyC	Culleoka-Weikert channery silt loams, 8 to 15 percent slopes	20"-40"	>80"	B	No	Farmland of Statewide Importance
LrD	Lehigh Channery Silt Loam, 8 to 25 percent slopes	40"-60"	12"-24"	C/D	No	Not Prime Farmland
Rib	Realville channery silt loam, 3 to 8 percent slopes	20"-40"	6"-36"	D	No	Farmland of Statewide Importance
RIC	Realville channery silt loam, 8 to 15 percent slopes	20"-40"	6"-36"	D	No	Farmland of Statewide Importance

Limitations and Resolutions: The soils found within the project limits have varying limitations including possible shallow depth to groundwater and

- NOTES:
1. THE BOUNDARY AND TOPOGRAPHIC INFORMATION IS TAKEN FROM BOUNDARY & TOPOGRAPHIC PLAN PREPARED BY EFFICIENT DESIGN.
  2. THE PROPOSED DEVELOPMENT IS TO BE SERVED BY ON-LOT WELL AND SEPTIC SYSTEMS.
  3. NO PORTION OF THE PROPERTY IS LOCATED WITHIN ZONE A FLOOD HAZARD AS PER FEMA PANEL 4201700280J REVISED MARCH 16, 2015.
  4. TOPOGRAPHICAL INFORMATION IS BASED UPON VERTICAL DATUM NAVD 88 AND HORIZONTAL DATUM PAB3-S.

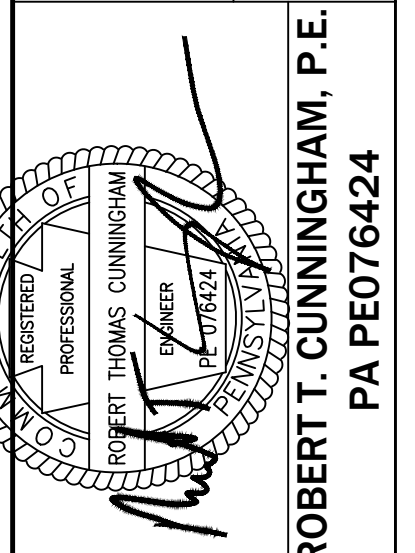
**Holmes Cunningham LLC**  
 409 E. Butler Ave., Unit 5  
 Doylestown, PA 18901  
 (215) 586-3330  
 www.hcengineering.net

LEGEND	
	PROPERTY LINE
	EXISTING CONTOUR
	DISTURBANCE LINE
	ULTIMATE RIGHT-OF-WAY
	STREAM/ WATERCOURSE
	WOODLANDS
	RIPARIAN CORRIDOR BUFFER
	STEEP SLOPES 8%-15%
	STEEP SLOPES 15%-25%
	STEEP SLOPES 25%+
	SOIL TYPE
	AGRICULTURAL SOILS

REVISIONS	Description	Date

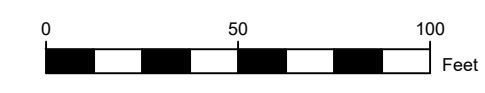
**140 UPPER CHURCH ROAD**  
 140 UPPER CHURCH ROAD  
 TMP # 26-003-104  
 NEW BRITAIN TOWNSHIP, BUCKS COUNTY, PA  
 EXISTING RESOURCE AND SITE ANALYSIS PLAN



**ROBERT T. CUNNINGHAM, P.E.**  
 PA PE076424

File No.	1734_C0.2 ERSAP.DWG
HCE Job	1890
Date	02/27/2023
Scale	1"=50'
Designed	EC
Sheet	1 of 1

Drawing No.  
**SK-2**





# TOWNSHIP OF NEW BRITAIN

Bucks County, Pennsylvania

**BOARD OF SUPERVISORS**  
William B. Jones, III, Chair  
Stephanie Shortall, Vice-Chair  
Gregory T. Hood  
Cynthia M. Jones  
MaryBeth McCabe

**TOWNSHIP MANAGER**  
Matt West

April 20, 2023

Casadonti Homes, Inc.  
Attn: Joe Casadonti  
P.O. Box 5  
Chalfont, PA 18914

Re: Casadonti Subdivision Sketch Plan  
140 Upper Church Road, T.M.P. #26-003-104  
Prepared by Holmes Cunningham, LLC, dated February 27, 2023

Dear Mr. Casadonti,

Township staff has reviewed the referenced plan and has the following comments:

1. The future use of the existing house needs to be clarified.
2. Please remove the existing driveway, or zoning relief will be required.
3. Please show all proposed well/septic locations for Lot 2.
4. The 100% natural resource calculations differ from sheet 1 to sheet 2. Clarify and adjust other calculations accordingly:
  - a. Page 1: 225,962 SF (5.19 acres) of 100% protected natural resources
  - b. Page 2: 337,197 SF (7.74 acres) of 100% protected natural resources
5. It appears impervious and building coverage is exceeded for Lot 1; zoning relief would be required.

If you have any questions, please feel free to contact me.

Sincerely,

David Conroy  
Director of Planning & Zoning  
New Britain Township  
dconroy@nbtpa.us

Cc: Matt West, Township Manager  
Michael Walsh, Assistant Manager  
Ryan Gehman, Assistant Planning & Zoning Officer  
Randy Teschner, Building Code Official  
Ryan Cressman, Public Works Superintendent  
Sean Gresh/Jeffrey P. Garton, Township Solicitors  
Robert T. Cunningham, P.E., Holmes Cunningham, LLC  
Craig D. Kennard, P.E., E.V.P., Gilmore & Associates, Inc.  
Janene Marchand, P.E., Gilmore & Associates, Inc.



# GILMORE & ASSOCIATES, INC.

ENGINEERING & CONSULTING SERVICES

April 19, 2023

File No. 23-03044

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

Reference: Casadonti Subdivision Sketch Plan Review 1  
140 Upper Church Road, T.M.P. #26-003-104

Dear Matt:

Pursuant to your request, Gilmore & Associates, Inc. has completed a formal Sketch Plan review of the referenced plan below which focused on the Township's Zoning Ordinance and a cursory review of the Subdivision and Land Development Ordinance (SALDO). We offer the following comments for consideration by New Britain Township:

I. Submission

- A. Sketch Plan for 140 Upper Church Road, as prepared by Holmes Cunningham, LLC, consisting of two (2) sheets, dated February 27, 2023.

II. General Information

The 13.35-acre subject tract is located at 140 Upper Church Road (T-350) within the Watershed (WS) Zoning District. The site currently consists of a single-family dwelling with two accessory structures amidst various natural resources including a watercourse, pond, woodlands and steep slopes. We note that the existing dwelling shares a driveway with a dwelling on the adjacent parcel to the northwest which is proposed to remain. The Applicant proposes to subdivide the property into two (2) single-family dwelling lots (Use B1) which is a Use permitted by right, each with a new individual driveway access from Upper Church Road for each lot. The plans show conceptual dwellings and individual stormwater management areas for each new lot. One barn and impervious areas are specified to be removed on proposed Lot 1.

III. Review Comments

A. Zoning Ordinance

We have identified the following comments with the proposed plan regarding the requirements and provisions of the current New Britain Township Zoning Ordinance:

1. §27-500.a – The statement of purpose and intent of the Watershed District indicates that “additional design criteria will be required in order to lessen the impact of point and non-point discharges in the watershed. In addition, the design and layout of open space, stormwater management facilities and the buildable areas shall be designed to achieve Best Management Practices (BMPs) and be compatible with other uses in the Watershed District.” We note that the proposed layout shows the new dwellings (buildable area) in close proximity to the riparian buffer with the proposed BMPs towards the front of the houses. The preliminary design shall consider future improvements within BMP bypass areas and protection of the natural resources.

2. §27-501.a – The Zoning Data Table proposes Use B1: Single Family Detached Dwelling for both lots. In addition, the plan shows the existing single-family dwelling on Lot 1 to remain as well as one of the two barns. We defer to the Zoning Officer as to the classifications of all existing and proposed uses.
3. §§27-502.a & 27-2301 – The owner of [a] nonconforming use or structure shall register the nonconforming use or structure with the Zoning Officer on forms available for this purpose. Any existing nonconformities related to the existing structures or uses to remain shall be registered as such with the Zoning Officer.
4. §27-502.b.1.(a) – Lot area shall exclude any area within an existing or designated future street right-of-way; any area required as open space; and the area of any existing easement. The lot areas listed on the plan appear to include the Upper Church Road ultimate right-of-way. In addition, the northwestern property line of Lot 1 is through a shared driveway which services the existing dwelling on the adjacent parcel. It shall be determined if an existing easement needs to be excluded.
5. §27-502.b.1.(i) – The developer of one or more single family detached dwellings on a site shall reduce the maximum lot impervious surface requirement and the maximum building coverage requirement by two percentage points. The maximum lot impervious surface is 12%, therefore the developer is permitted a maximum of 10%. The plans currently show 10.03%. The preliminary plans shall include an impervious surface table listing all of the existing and proposed impervious surfaces for each lot to confirm. The preliminary plans shall also include notes listing this requirement and clarifying the total building and impervious coverage areas available to the owner.
6. We offer the following comments regarding the natural resources:
  - a. §27-502.b.3 & 22-712.2.C. – When a lot of land undergoes subdivision and/or land development, all the natural resource protection land, such as watercourses, agricultural soils, woodlands, steep slopes, etc., shall be protected with a conservation easement in accordance with §§27-505 and 27-2400. The conservation easement(s) shall be shown on the plan and legal descriptions provided to our office for review. An Easement Agreement will be prepared by the Township Solicitor.
  - b. §27-502.b.5 – When an applicant is proposing a land development, the stormwater management facilities shall be designed to manage the runoff from the maximum impervious surface permitted for the entire site or 12%. The proposed conservation easement area may be subtracted from the total site area when calculating the 12% requirement.
  - c. §27-2400.d – Wetlands boundaries shall be delineated through an on-site assessment conducted by a professional soil scientist and a wetland certification provided on the record plan.
  - d. §27-2400.i.1 – The Zone 1 buffer shall have a minimum width of 25 feet. The 25-foot riparian corridor zone 1 shown on Sheet 2 does not appear to be offset 25 feet from the edge of the stream and lake and shall be verified.
  - e. §27-2400.i.4 – In cases where a major subdivision or land development is proposed, replanting of the riparian corridor shall be required where there is little or no existing streamside vegetation. The Applicant shall provide an evaluation of the existing vegetation within the riparian buffer areas to determine if revegetation is necessary.
  - f. §27-2402.c – The Resource Protection table on Sheet 2 notes that all natural resources are proposed to be protected. The full extent of resource protection disturbance shall be evaluated and shown on the preliminary plans to demonstrate compliance with this section.

7. §27-2115 – No portion of an on-lot septic system or any of its components, including the toe of slope of the berm, shall be installed closer than 10 feet to a property line or ultimate right-of-way, or located within an existing easement, or located in a manner that would block any stormwater drainage or swales, or flow of stormwater from any lot. Based on the proximity of the riparian buffer to the dwelling, it appears the on-lot septic system will need to be installed in the front yard area. Both the primary and back up septic system areas will need to meet these setback requirements while also being placed outside the well isolation zone.
8. §§27-201.Site Area.c. & 2402.h – The total building and impervious coverage areas shall be based on the Ratio Base Site Area as defined.
9. §27-2904.d.5 – At least 75 feet shall be provided between any two access drives along one street along one lot. The distance between the existing driveway and the newly constructed driveway on Lot 1 is less than 75 feet and shall be resolved.

B. Subdivision and Land Development Ordinance

We have identified the following comments with the proposed plan regarding the requirements and provisions of the current Township Subdivision and Land Development Ordinance (SALDO):

1. §22-401.8 – The applicant for a subdivision shall, with the submission of a preliminary plan, notify all surrounding property owners within 1,000 feet of the proposed development perimeter of the Planning Commission date at which the project is anticipated to be discussed and other project information per this section. Affidavits of the notifications shall be provided to the Township and the property posted.
2. §§22-406.1.C & 22-721.3 – Planning module approval is required to be obtained from the Pennsylvania Department of Environmental Protection (DEP). The mailer shall be prepared and sent to the Sewer Authority for review. A completed PADEP Sewage Facilities Planning Module shall be submitted with the preliminary plan application. Prior to submission of the Planning Module to the Township for approval, the planning module shall be approved/executed by the applicant, responsible professional soil scientist, Bucks County Department of Health and Bucks County Planning Commission.
3. §22-502.B.7 – A copy of the deed for the property and the Subdivision Plan noted on Sheet 1 shall be submitted so the boundary information can be verified and any restrictions noted.
4. §22-705.3.C – Where a subdivision and/or land development abuts or contains an existing street, the applicant shall be required to improve the street to the Township standards for ultimate right-of-way and cartway widths. Upper Church Road is considered a local road which requires a 50-foot ultimate right-of-way and 28-foot cartway. Based on discussions with the Public Works Superintendent, we recommend the Township and Applicant consider the following improvements in lieu of the full road improvements required:
  - a. There may be areas of erosion along the watercourse on both Lot 2. We recommend any areas of erosion be stabilized and any associated permits obtained from PADEP, as required, including but not limited to, within the Upper Church ultimate right-of-way.
  - b. Replace the CMP pipe for the existing driveway on Lot 1 with a minimum 15" RCP with concrete endwalls or flared end sections with a rip rap apron at the pipe discharge.
  - c. Install a leveling course along the entire full-width frontage of the Upper Church Road and install wearing course overtop to a depth of 1 1/2 inches.
  - d. A consistent centerline slope shall be provided within the roadside swale from the new driveway on Lot 1 towards the existing stream at the southeastern corner of the property.
  - e. Several areas of bare earth were observed along the roadside swale. These side slopes shall be permanently stabilized.

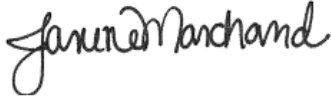
- f. Street trees will be required along the frontage of Lot 1. The number of existing trees along the frontage of Lot 2 shall be documented on the plans to determine if additional street trees are required.
  - g. The RCP driveway culvert at the new driveway on Lot 1 shall be mortared at the endwalls.
  - h. We note that Resolution 2007-12 established a policy for the Board of Supervisors to grant or deny public improvement waivers under the Township's SALDO subject to a financial contribution. If waivers are granted from installing road improvements, the estimated cost for installing the full width road widening, curb and sidewalk, shall be submitted to determine the fee in-lieu-of contribution. The Board may consider at their sole discretion whether to require the improvements or grant waivers from these sections contingent on accepting a fee in-lieu of the improvements in the amount of 50% of the construction costs.
5. §22-704.1. – As previously noted, the existing driveway along the northwestern property line provides access to the dwelling on the adjacent property, TMP 26-003-104-001. If an access easement does not currently exist, a shared driveway access easement shall be provided.
  6. §22-705.6. – Based on the proximity of the Lot 1 driveway to the crest of the roadway, it appears this access point may not provide adequate sight distance. Minimum sight distances shall be shown on the preliminary plans and shall comply with PennDOT standards.
  7. §§22-706.1.A & B. & 706.2.A & B. – Curbs and sidewalks shall be installed along the property frontage of every existing street abutting a subdivision and/or land development.
  8. §22-710 – We defer to the Township Fire Marshal for review of the plans with respect to water supply, emergency access, etc.
  9. §22-715.2.C.(1) – Park and recreation land is required at a ratio of 2,500 square feet per new dwelling unit. The land shall be dedicated to the Township or other entity as may be approved by the Board. A fee-in-lieu of park and recreation at a rate of \$3,000.00 per dwelling unit or **\$6,000.00** for the 2 new dwellings may be provided at the Board's discretion.
  10. §22-716 – Concrete monuments shall be placed at all outbound existing property corners, at all proposed lot corners, including changes in direction of boundary, along the ultimate right-of-way and along all easements.
  11. §22-719.4 – The locations of the proposed wells for Lots 1 and 2 shall be shown on the preliminary plans. No permit shall be issued until the well has been constructed and tested in accordance with §22-719. An approved permit from the Township is required for the construction of any well.
  12. §22-721.6 – If the property being subdivided contains an existing on-site sewage disposal system, the applicant shall submit to the Township acknowledgment from the Bucks County Department of Health indicating that the existing system has been inspected and is functioning properly. The location of the system for the existing dwelling to remain on Lot 1 shall be shown on the plan and tested. The results shall be submitted to the Township for review. It is our understanding that the inspection report may need to come from a reputable inspection company.
  13. §22-721.7 – All lots shall also be tested to identify a suitable septic system replacement area in the event the primary sewage system fails. The on-lot sewage replacement area shall be identified for each lot on the plans and the soil testing shall be approved by the Township and Bucks County Department of Health. An easement deed restricting the sewage replacement area from being built upon shall be provided and shown on the site plan. The sewage replacement area shall be located a minimum of 25 feet from the primary system and shall not be located directly down slope of the primary system, or within any well isolation area.
  14. §26-121 – It appears the construction of the two dwelling and the demolition of the existing barn and pavement may exceed 1 acre. The Applicant shall be required to obtain an NPDES Permit from DEP as necessary. In addition, the plans shall meet the Township's SWM site

plan requirements, volume control requirements, and peak rate control requirements to manage runoff for a net increase of impervious surfaces of 5,000 square feet or greater.

15. 2023 Fee Resolution Amendment – A stormwater fee will be required based on the increase in impervious surface area.

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  
David Conroy, Director of Planning and Zoning  
Ryan Gehman, Assistant Planning and Zoning Officer  
Randy Teschner, Code Enforcement/Fire Marshal  
Ryan Cressman, Public Works Superintendent  
Sean Gresh/Jeffrey P. Garton, Township Solicitors  
Joe Casadonti, Applicant  
Robert T. Cunningham, P.E., Holmes Cunningham, LLC  
Craig D. Kennard, P.E., E.V.P., Gilmore & Associates, Inc.



March 2, 2023

New Britain Township  
207 Park Avenue  
Chalfont, PA 18914  
215-822-1391

**& R.L. Showalter  
Associates, Inc.**

*Butler's Mill Corporate Center  
116 East Butler Avenue  
Post Office Box 95  
Chalfont, Pennsylvania 18914  
(215) 822-2990  
FAX: (215) 822-5684  
EMAIL: rlshow@aol.com*



**Attention: Matt West, Township Manager**

**Reference: Prestige Property Partners, LLC – 2 Lot Subdivision  
137 South Limekiln Pike, Chalfont, PA, TMP 26-010-027  
New Britain Township, Bucks County  
R.L. Showalter & Associates Job Number 2021-004A**

Dear Mr. West:

On behalf of our client, Prestige Property Partners, LLC, please find enclosed the following items in support of an application for a Preliminary/Final Minor Subdivision:

1. (3) Copies – 24x36 Minor Subdivision Plans, 7 Sheets, revised 03/02/2023
2. (2) Copies Stormwater Management Report, revised 03/02/2023
3. (2) Copies – Recorded Cross Easement for Driveways and Utilities
4. (2) Copies – NWWA will serve letter for Lot 2
5. (2) Copies – Email correspondence from CNBJSA regarding the availability of public sewer
6. (2) Copies – Lot 1 existing septic system permitting documents
7. PDF of all documentation sent via email

We offer the following responses to the Gilmore & Associates, Inc. review letter dated September 20, 2022:

**A. ZONING ORDINANCE**

1. The existing non-conforming B6 use (multifamily) is to remain on Lot 1. The existing shed is also to remain on Lot 1. The Zoning Data Table has been updated to reflect the area and dimensional non-conformities. A variance was granted to permit the expansion of the existing non-conforming lot size for Lot 1. Details on the ZBH decision will be added to the plan once the official decision is rendered.
2. The existing accessory building to remain on Lot 1 is in use as a storage shed (H2 permitted by right). The associated zoning data has been added to the table.
3. The yard setbacks have been expanded to distinguish between the three different uses within SR-2 (B1, B7, and H2).
4. The backup septic site for Lot 2 has been adjusted to provide the minimum 10 ft separation from the lot line.
5. The plan has been revised to show the location of a conservation easement.

**B. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

1. The required legal descriptions will be provided prior to recording.

2. The Record Plan has been revised as requested.
3. Enclosed is a copy of the driveway cross easement and a reference has been added to the plan.
4. The ultimate R/W is 100 ft. The existing legal R/W is 50 ft (25 ft half width). The plan has been updated and General Note #2 has been revised as requested.
5. A waiver is requested to permit the lot lines as shown due to limited locations for the backup septic systems.
6. A minimum use HOP is pending for the proposed driveway for Lot 2. The utility HOP for the proposed water service for Lot 1 will be obtained by the NWWA.
7. A waiver is requested from the requirement to widen Limekiln Pike along the site frontage.
8. The proposed driveway width of 12ft has been dimensioned on the plan. Additional detailed grading has been added to indicate a maximum grade of 3% measured 20 ft from the edge of cartway.
9. A waiver is requested from the requirement to install curbs and sidewalks along the site frontage.
10. E&S approval from BCCD is pending. Riprap has been added to the downstream end of the roof drains. The construction sequence has been revised.
11. Grading will be added for the proposed septic system when the detailed design is completed by the septic system designer. The rain garden elevations have been adjusted as needed.
12. Tree protection fencing has been added.
13. The requested note (4) has been added to the construction sequence. The requested note (5) has been added to the Record Plan.
14. The plan has been revised to show the required quantity of street trees proposed.
15. The applicant is proposing to pay the \$2500 fee-in-lieu of dedicating land for park and rec use.
16. The applicant is proposing to install concrete monuments at the ultimate r/w and conservation easement limits. A waiver is requested to permit iron pins for the backup septic easements and other proposed lot corners not along the r/w.
17. As confirmed with the New Britain Twp Building Code Official, public water for the new residence proposed on Lot 2 is proposed. Domestic and Fire service laterals for Lot 2 have been added to the plan. The existing apartment building to remain on Lot 1 is permitted to continue utilizing the existing well. Enclosed is a copy of the will serve letter from NWWA.
18. CNBJS has conformed that there are no definitive plans to construct sewers near the subject property now or in the near future. See enclosed email correspondence.
19. PADEP planning module approval is pending.
20. The required documentation from BCDH will be provided for the proposed on-lot system on Lot 2. The existing system was inspected and improved in 2014 with a new tank. See enclosed permitting documentation. The plan has been revised to more clearly identify the details of the existing system. Details for the proposed system will be added when they are available.
21. Approvals from the various outside agencies are pending.

#### C. STORMWATER MANAGEMENT COMMENTS

1. Asbuilt plans will be provided as required.
2. The driveway culvert design has been revised. A 24ft long 15" RCP with flared end sections and riprap are now provided.

3. The design has been revised to accommodate future impervious for the buyer up to the 4,999 SF of new impervious.
4. The location of the DR infiltration testing has been added.
5. The applicant acknowledges an O&M agreement will be required.
6. The applicant acknowledges a BMP maintenance fee will be required. A construction cost estimate will be provided prior to plan recording.

If you have any questions regarding these enclosures, please contact our office.

Sincerely,



Rachel L. Butch, P.E.

**R.L. Showalter & Associates, Inc.**

CC: James D'Angelo, Prestige Property Partners, LLC, Applicant  
Craig & Pauline Defelice, Owner  
Craig Kennard, PE/Janene Marchand, PE, Gilmore & Associates, Inc

March 2, 2023

New Britain Township  
207 Park Avenue  
Chalfont, PA 18914  
215-822-1391

**& R.L. Showalter  
Associates, Inc.**

*Butler's Mill Corporate Center  
116 East Butler Avenue  
Post Office Box 95  
Chalfont, Pennsylvania 18914  
(215) 822-2990  
FAX: (215) 822-5684  
EMAIL: rlshow@aol.com*



**Attention: Matt West, Township Manager**

**Reference: Prestige Property Partners, LLC – 2 Lot Subdivision – WAIVER REQUESTS  
137 South Limekiln Pike, Chalfont, PA, TMP 26-010-027  
New Britain Township, Bucks County  
R.L. Showalter & Associates Job Number 2021-004A**

Dear Mr. West:

On behalf of our client, Prestige Property Partners, LLC, we are requesting the following waivers from the Subdivision and Land Development Ordinance:

1. Section 22-703-4.c lot lines shall be drawn parallel, concentric, at right angles or radial to the street right-of-way line unless not feasible or undesirable due to existing, permanent, natural or man made features: a waiver is requested to permit the new lot line be located to avoid the backup septic area.
2. Section 22-705.3 – A waiver is requested from the requirement to widen Limekiln Pike along the site frontage.
3. Section 22-706 curbs and sidewalks: a waiver is requested from the requirement to install sidewalks and curbing along the frontage of Limekiln Pike. There is an existing roadside swale.
4. Section 22-716.2 monumentation: a waiver is requested to allow iron pins instead of concrete monument along the property lines that are not along the ultimate right-of-way and along the backup septic easements. Concrete monuments are proposed for the conservation easement.

If you have any questions or require any additional information, please contact our office.

Sincerely,

Rachel Butch, PE

**R.L. Showalter & Associates, Inc.**

Project Manager

CC: James D'Angelo, Prestige Property Partners, LLC, Applicant  
Craig & Pauline Defelice, Owner  
Craig Kennard, PE/Janene Marchand, PE, Gilmore & Associates, Inc

OWNER'S CERTIFICATION OF INTENT  
NAME OF INDIVIDUAL

COMMONWEALTH OF PENNSYLVANIA  
SS.  
COUNTY OF BUCKS

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
BEFORE ME, THE SUBSCRIBER, A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_ CRAIG & PAULINE DEFELICE  
WHO ACKNOWLEDGED THEMSELVES TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING PLAN, AND WHO  
ACKNOWLEDGED THAT (THEY) ARE THE REGISTERED OWNERS OF THE DESIGNATED LAND, AND THAT (HE/SHE/THEY) DESIRE THAT THE  
FOREGOING PLAN BE RECORDED ACCORDING TO LAW.

WITNESS MY HAND AND NOTARIAL SEAL, THE DAY AND YEAR AFORESAID.

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

(SEAL)

WE, \_\_\_\_\_ CRAIG & PAULINE DEFELICE \_\_\_\_\_ HAVE LAID OUT UPON OUR LAND, SITUATE IN THE TOWNSHIP OF NEW BRITAIN, BUCKS  
COUNTY, AND DESIRE THIS PLAN BE RECORDED.

NAME(S) OF OWNER(S)  
BY:

CRAIG DEFELICE, PROPERTY OWNER (DATE) \_\_\_\_\_ PAULINE DEFELICE, PROPERTY OWNER (DATE) \_\_\_\_\_

TOWNSHIP ENGINEER'S REVIEW

REVIEWED BY THE TOWNSHIP ENGINEER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

SIGNATURE \_\_\_\_\_

TOWNSHIP BOARD OF SUPERVISORS APPROVAL

APPROVED BY THE SUPERVISORS OF NEW BRITAIN TOWNSHIP, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

BUCKS COUNTY PLANNING COMMISSION

B.C.P.C. FILE # 12791

PROCESSED AND REVIEWED. A REPORT HAS BEEN PREPARED BY THE BUCKS COUNTY  
PLANNING COMMISSION IN ACCORDANCE WITH THE MUNICIPALITIES PLANNING CODE.

CERTIFIED THIS DATE \_\_\_\_\_

RECORDER OF DEEDS NOTATION

RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN BUCKS COUNTY, PENNSYLVANIA, IN

PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

PROFESSIONAL LAND SURVEYOR CERTIFICATION

I, Robert L. Showalter, SU-1117-A  
(NAME OF PROFESSIONAL SURVEYOR) (REGISTRATION NUMBER)

DO HEREBY CERTIFY THAT THIS PLAN REPRESENTS A FIELD SURVEY MADE BY ME OR UNDER MY  
SUPERVISION, THAT ALL PROPERTY CORNERS ARE EXISTING OR SET AS SHOWN HEREON, THAT ALL  
GEOMETRIC DETAILS AS SHOWN ARE CORRECT, AND THAT ALL LOTS OR TRACTS HAVE A BOUNDARY  
CLOSURE ERROR OF 1:10,000 OR BETTER.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

PROFESSIONAL ENGINEER CERTIFICATION

I, Robert L. Showalter, PE-19566  
(NAME OF PROFESSIONAL ENGINEER) (REGISTRATION NUMBER)

DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE INFORMATION  
CONTAINED IN THE ACCOMPANYING PLANS, SPECIFICATIONS AND REPORTS, HAS BEEN PREPARED IN  
ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICE, IS TRUE AND CORRECT, AND IS IN CONFORMANCE  
WITH THE ZONING ORDINANCE AND THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF NEW BRITAIN  
TOWNSHIP AS LAST AMENDED.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

STORMWATER MANAGEMENT SITE PLAN PROFESSIONAL ENGINEER CERTIFICATION

I, Robert L. Showalter, PE-19566  
(NAME OF PROFESSIONAL ENGINEER) (REGISTRATION NUMBER)

ON THIS DATE \_\_\_\_\_ DO HEREBY CERTIFY THAT THE SWM SITE PLAN MEETS ALL DESIGN  
STANDARDS AND CRITERIA OF THE NEW BRITAIN TOWNSHIP NESHAMINY CREEK WATERSHED ACT 167  
STORMWATER MANAGEMENT ORDINANCE OR PLAN.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

RESPONSIBLE PARTY CERTIFICATION:

"I, \_\_\_\_\_, ON THIS DATE, CERTIFY THE FOLLOWING:

- 1. ANY REVISION TO THE APPROVED POST CONSTRUCTION STORMWATER MANAGEMENT PLAN MUST BE  
APPROVED BY NEW BRITAIN TOWNSHIP AND A REVISED EROSION & SEDIMENTATION CONTROL PLAN MUST  
BE SUBMITTED TO THE BUCKS COUNTY CONSERVATION DISTRICT.
- 2. PERMANENT STABILIZATION, UNDER 25 PA CODE §102.22(A)(2), OF THE EARTH DISTURBANCE ACTIVITIES  
HAS OCCURRED AND THE INSTALLATION OF BMPs IN ACCORDANCE WITH AN APPROVED PLAN PREPARED  
AND IMPLEMENTED PER §§ 102.4 AND 102.8 (RELATING TO EROSION AND SEDIMENT CONTROL AND  
PCSM REQUIREMENTS) HAS OCCURRED.

TITLE \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

WETLAND DELINEATION CERTIFICATION

I, BEING A CERTIFIED PROFESSIONAL WETLAND SCIENTIST, DO HEREBY CERTIFY, TO THE BEST  
OF MY KNOWLEDGE, INFORMATION AND BELIEF, THAT THERE ARE NO WETLANDS PER THE 1987  
WETLAND DELINEATION MANUAL AND IS IN CONFORMANCE WITH CHAPTER 105 OF THE RULES  
AND REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL RESOURCES.

(NAME) CERTIFIED PROFESSIONAL WETLAND SCIENTIST (DATE) \_\_\_\_\_

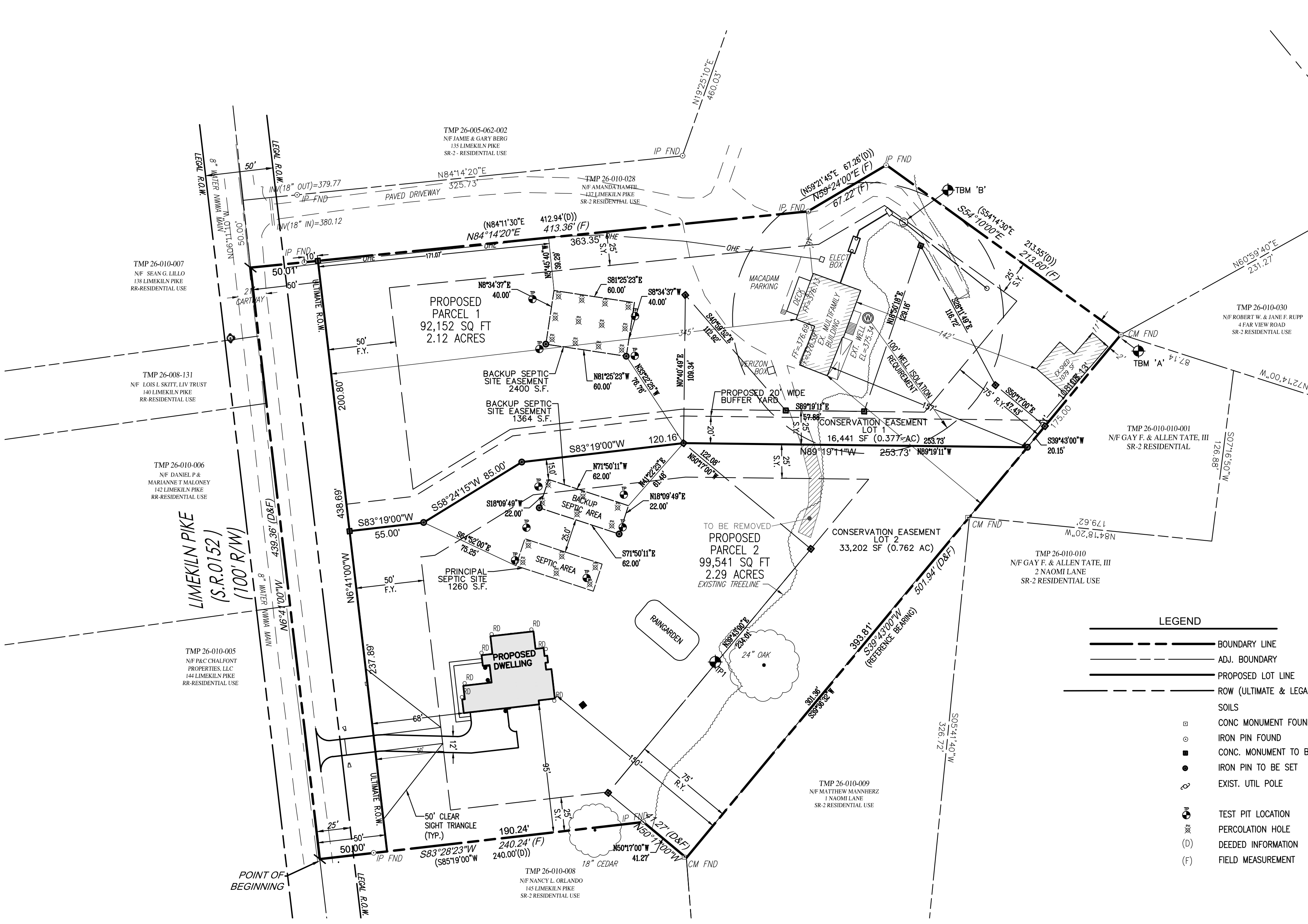
SOIL CERTIFICATION

I, BEING A CERTIFIED PROFESSIONAL SOILS SCIENTIST FOR NOVA CONSULTANTS, DO HEREBY  
CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THAT THE SOILS  
RELATED INFORMATION CONTAINED ON THIS PLAN ARE TRUE AND CORRECT.

(NAME) CERTIFIED PROFESSIONAL SOILS SCIENTIST (DATE) \_\_\_\_\_

SHEET INDEX

- 1 OF 7 SUBDIVISION PLAN
- 2 OF 7 EXISTING FEATURES PLAN
- 3 OF 7 GRADING & UTILITY PLAN
- 4 OF 7 EROSION AND SEDIMENTATION CONTROL PLAN
- 5 OF 7 E&S DETAIL PLAN
- 6 OF 7 DETAIL PLAN
- 7 OF 7 AERIAL PLAN



IMPERVIOUS SURFACE TABLE

	TOTAL PRE-DEV. IMP. (SF)	IMP. TO BE REMOVED (SF)	EXIST. IMP. TO REMAIN LOT 1 (SF)	PROPOSED LOT 1 IMP. (SF)	PROPOSED LOT 2 IMP. (SF)	TOTAL POST DEV. IMP. (SF)
BUILDINGS	3,113		3,113		2,649	5,762
DECK	238		238			238
PAVING	9,921	633	9,288		1,795	11,083
PATIO/STEPS/CONCRETE WALKS	313		313		221	534
PROPOSED FUTURE ALLOWANCE					334	334
TOTAL IMPERVIOUS AREA:	13,585	633	12,952	0	4,999	17,951

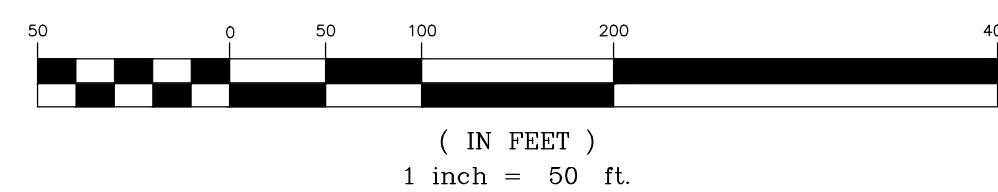
SEPTIC SYSTEM NOTES:

- 1. SEPTIC SYSTEM ABSORPTION AREA SHALL BE PROTECTED FROM DISTURBANCE UNTIL SUCH TIME AS SEPTIC SYSTEM CONSTRUCTION BEGINS.
- 2. THERE SHALL BE NO WELLS WITHIN 50 FEET OF THE SEPTIC TANK AND 100 FEET OF THE SEPTIC SYSTEM.
- 3. THERE ARE NO EXISTING WELLS OFF-SITE WITHIN 100 FEET OF THE PROPOSED SEPTIC SYSTEMS.
- 4. A PERMIT FOR THE ON-SITE SEPTIC SYSTEM SHALL BE PROVIDED TO THE TOWNSHIP.
- 5. AREAS INDICATED AS "BACKUP SEPTIC SITE EASEMENT" ARE RESERVED FOR REPLACEMENT ABSORPTION AREAS IN THE EVENT THE PRIMARY ON-SITE SEPTIC ABSORPTION AREA FAILS, AND SHALL REMAIN UNDISTURBED.

WAIVERS REQUESTED:

- 1. SECTION 22-703-4-C LOT LINES SHALL BE DRAWN PARALLEL, CONCENTRIC, AT RIGHT ANGLES OR RADIAL TO THE STREET RIGHT-OF-WAY LINE UNLESS NOT FEASIBLE DUE TO EXISTING, PERMANENT, NATURAL OR MAN MADE FEATURES. A WAIVER IS REQUESTED TO PERMIT THE NEW LOT LINE BE LOCATED SO AS TO AVOID THE BACKUP SEPTIC AREA.
- 2. SECTION 22-706 CURBS AND SIDEWALKS: A WAIVER IS REQUESTED FROM THE REQUIREMENT TO INSTALL SIDEWALKS AND CURBING ALONG THE FRONTAGE OF LIMEXILN PIKE TO MAINTAIN THE CHARACTER OF THE EXISTING ROAD.
- 3. SECTION 22-705.3 ROAD WIDENING: A WAIVER IS REQUESTED FROM THE REQUIREMENT TO WIDEN LIMEXILN PIKE ALONG THE SITE FRONTAGE TO MAINTAIN THE EXISTING CHARACTER OF THE ROAD.
- 4. SECTION 22-716.2 MONUMENTATION: A WAIVER IS REQUESTED TO ALLOW IRON PINS INSTEAD OF CONCRETE MONUMENT ALONG THE PROPERTY LINES THAT ARE NOT ALONG THE ULTIMATE RIGHT-OF-WAY.

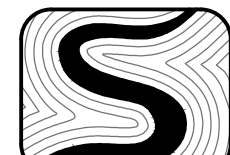
GRAPHIC SCALE



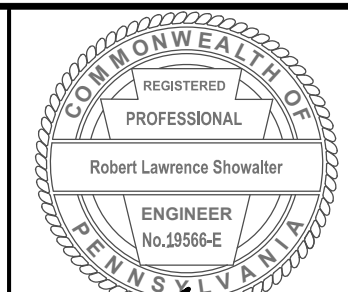
T.M.P. 26-010-027

SUBDIVISION PLAN

R. L. Showalter & Associates, Inc.



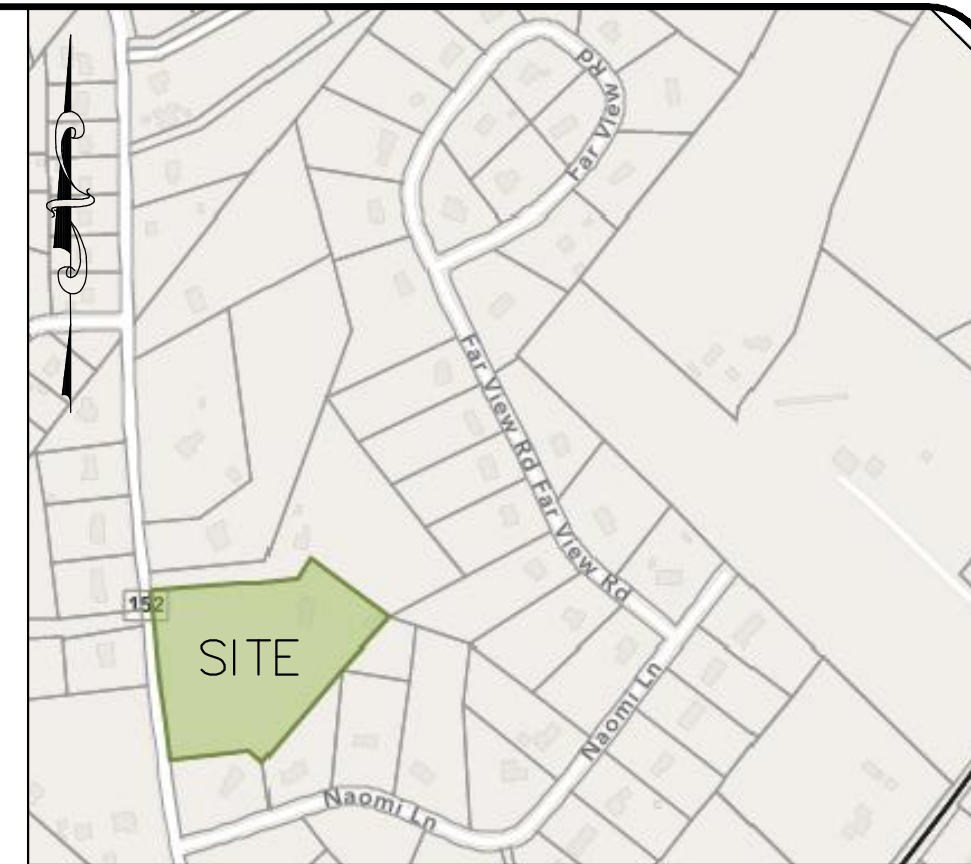
116 East Butler Avenue  
Chalfont, PA 18914  
(215) 822-2890  
FAX (215) 822-5684  
EMAIL: showalterassociates@rlshowalter.com



SCALE: 1" = 50'  
DATE: 02-22-2021  
JOB NO.: #2021-004A  
DRAWN BY: TP/LAZ  
CHECKED BY: RLS

SITUATE: NEW BRITAIN TOWNSHIP  
BUCKS COUNTY, PA  
PREPARED FOR:  
CRAIG & PAULINE DEFELICE  
110 SHEFFIELD COURT  
CHALFONT, PA 18914

SHEET 1 OF 7



LOCATION MAP  
SCALE: 1"=500'

APPLICANT  
PRESIDE PROPERTY PARTNERS, LLC  
1126 HORSHAM RD.  
MAPLE CLEN, PA 19002

OWNER  
CRAIG AND PAULINE DEFELICE  
110 SHEFFIELD COURT  
CHALFONT, PA 18914

OWNER  
CRAIG AND PAULINE DEFELICE  
110 SHEFFIELD COURT  
CHALFONT, PA 18914

STREET CLASSIFICATION  
LIMEKILN PIKE (S.R. 0152)  
CLASSIFICATION = ARTERIAL  
ULTIMATE RIGHT-OF-WAY WIDTH = 100 FT  
CARTWAY WIDTH = 52' REQUIRED, 21' EXISTING  
POSTED SPEED LIMIT = 40 MPH

ZONING  
ZONING DISTRICT: SR-2 SUBURBAN RESIDENTIAL DISTRICT  
EXISTING USE: B6 MULTIFAMILY BUILDING-4 UNITS (REGISTERED EXISTING NON-CONFORMING USE)  
H2 STORAGE SHED (PERMITTED BY RIGHT)  
PROPOSED USE LOT 1: B6 & H2 (SAME AS EXISTING)  
PROPOSED USE LOT 2: B1 SINGLE FAMILY DETACHED DWELLING (PERMITTED BY RIGHT)

SITE DATA  
137 SOUTH LIMEXILN PIKE  
NEW BRITAIN TOWNSHIP  
PARCEL ID# 26-010-027  
INSTRUMENT# 2014058701  
LRB 2653 PG 1089

Legend and Zoning Table. Legend includes symbols for boundary lines, easements, and other features. Zoning Table shows requirements for SR-2 Suburban Residential District and B6 Multifamily Building (Z.O.27-305.B6).

Zoning Table for SR-2 Suburban Residential District Requirements. Columns include Required, Existing, Lot 1, and Lot 2. Rows include Minimum Lot Area, Ratio Base Site Area, Minimum Lot Width, Minimum Lot Depth, Minimum Building Envelope, Principal Building Per SR-2, Minimum Front Yard, Minimum Side Yard, Minimum Rear Yard, Accessory Building Per SR-2 & H2 Use, Minimum Side Yard, Minimum Rear Yard, Minimum Building Separation, Maximum Building Coverage, Maximum Building Height, Maximum Building Coverage Ratio, Maximum Impervious Ratio (Per Lot), and Maximum Impervious Ratio (Per Site).

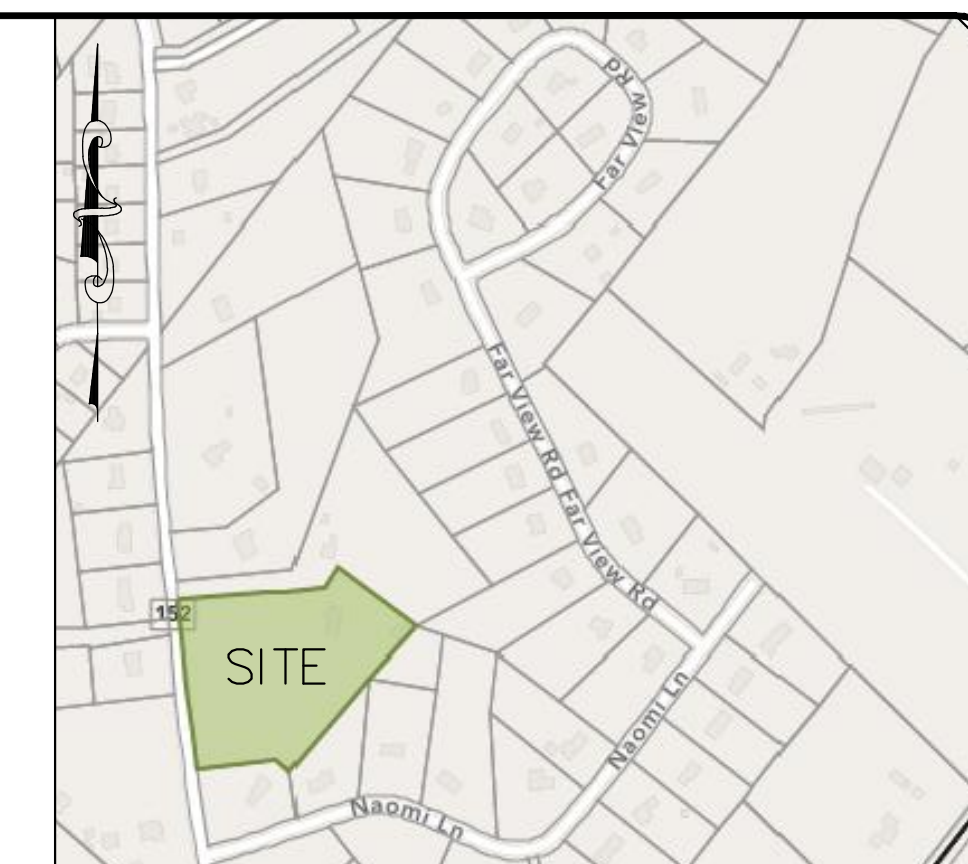
B6 Multifamily Building (Z.O.27-305.B6) Requirements Table. Columns include Required, Existing, Lot 1, and Lot 2. Rows include Maximum Building Height, Maximum Dwelling Units Per Building, Minimum Tract Area, Minimum Lot Width, Maximum Impervious Ratio (Per Lot), Buffer Yard, Building Setbacks, Minimum Front Yard, Minimum Building Separation From Principal, Minimum From Off-Street Parking, and Parking Spaces (2 Per Unit).

VARIANCES GRANTED PER ZHB MEETING FEBRUARY 16, 2023:  
1. SECTION 22-305.B.B6.B.1 TO PERMIT THE LEGALLY ESTABLISHED AND EXISTING  
NONCONFORMING B6 MULTIFAMILY USE TO CONTINUE ON PROPOSED PARCEL 1  
WHEREAS THE ZONING ORDINANCE REQUIRES A MINIMUM TRACT AREAS OF FIVE  
ACRES, WITH CONDITIONS.

Printed: 03/08/23 - 10:46 AM. By: chitch  
File: F:\DWG\2021\2021-004A - Frastige & D'Angelo - NBT\ENGINEERING\21-004-PLAN.dwg-01-SUBDIV  
@BIBBHER\03\08\2021\2021-004A - Frastige & D'Angelo - NBT\ENGINEERING\21-004-PLAN.dwg-01-SUBDIV  
File: F:\DWG\2021\2021-004A - Frastige & D'Angelo - NBT\ENGINEERING\21-004-PLAN.dwg-01-SUBDIV  
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REVISIONS table with columns: NO., DATE, COMMENT.

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LOCATION MAP  
SCALE: 1"=50'

**APPLICANT**  
PRECISE PROPERTY PARTNERS, LLC.  
1126 HORSHAM RD.  
MAPLE GLEN, PA 19002

**OWNER**  
CRAIG AND PAULINE DEFELICE  
110 SHEFFIELD COURT  
CHALFONT, PA 18914

**STREET CLASSIFICATION**  
LIMEKILN PIKE (S.R. 0152)  
CLASSIFICATION = ARTERIAL  
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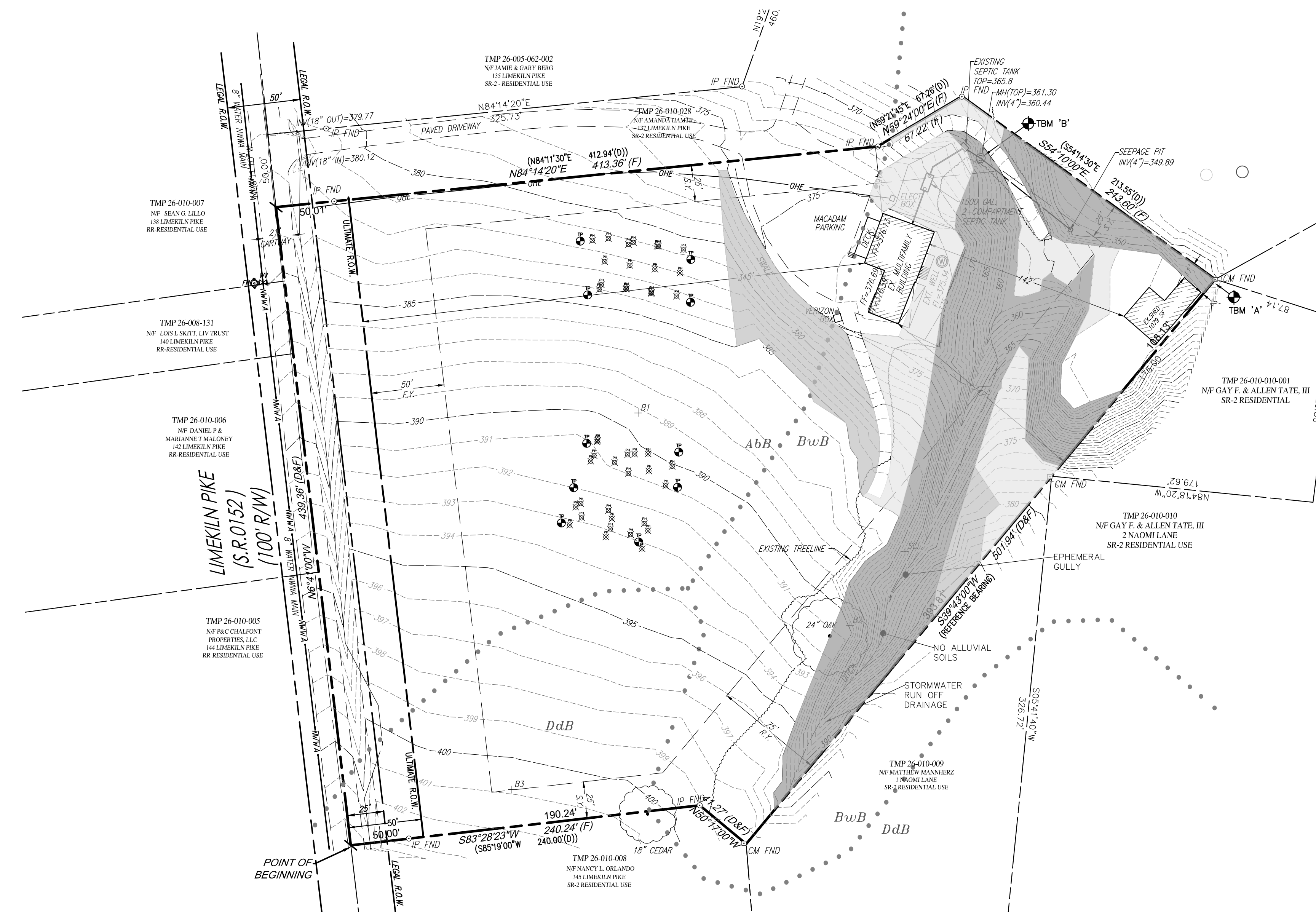
**SITE DATA**  
137 SOUTH LIMEKILN PIKE  
NEW BRITAIN TOWNSHIP  
PARCEL ID# 26-010-027  
INSTRUMENT# 2014058701  
LRB 2653 PG 1089

**ZONING**  
ZONING DISTRICT: SR-2 SUBURBAN RESIDENTIAL DISTRICT  
EXISTING USE: B7 APARTMENT BUILDING-4 UNITS (REGISTERED EXISTING NON-CONFORMING USE)  
PROPOSED USE LOT 1: B7 & H2 (SAME AS EXISTING)  
PROPOSED USE LOT 2: B1 SINGLE FAMILY DETACHED DWELLING (PERMITTED BY RIGHT)

**SITE CAPACITY CALCULATIONS (\$27-2402)**

A. GROSS SITE AREA (GSA) 4.991 AC.  
B. BASE SITE AREA LESS ULTIMATE RIGHT-OF-WAY LIMEKILN PIKE = 0.504 AC.  
C. LAND WITH RESOURCE RESTRICTIONS AND RESOURCE PROTECTION LAND. 4.487 AC.

NATURAL RESOURCES	Protection Ratio	NO RESOURCE OVERLAP		ACTUAL RESOURCE AREA	
		Area of Land in Resources (AC)	Resource Protection Land (AC x Protection Ratio)	Area of Land in Resources (AC)	Acres of Land to be Disturbed (AC)
Watercourses	1.000	0.000	0.000	0.000	0.000
Riparian Buffer	1.000	0.000	0.000	0.000	0.000
Floodplain	1.000	0.000	0.000	0.000	0.000
Floodplain (Alluvial) Soils	1.000	0.000	0.000	0.000	0.000
Wetlands	1.000	0.000	0.000	0.000	0.000
Lakes or Ponds	1.000	0.000	0.000	0.000	0.000
Wetlands Margin	0.800	0.000	0.000	0.000	0.000
Woodlands	0.800	0.510	0.408	1.135	0.227
Steep Slopes 8-15%	0.600	0.123	0.074	0.326	0.130
Steep Slopes 15-25%	0.700	0.161	0.112	0.202	0.061
Steep Slopes 25% or Greater	0.850	0.641	0.544	0.641	0.096
Total Land with Resource Restrictions		1.434			
Total Land with with 1.00 Protection Ratio Resource Restrictions		0.000			
Total Resource Protection Land Required			1.139		
Total Resource Protection Land Provided			1.139		



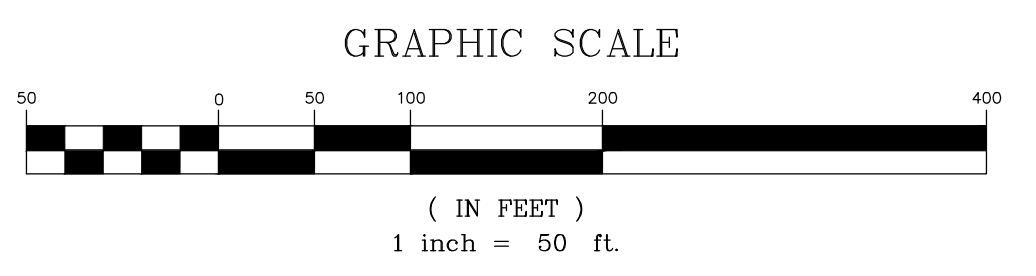
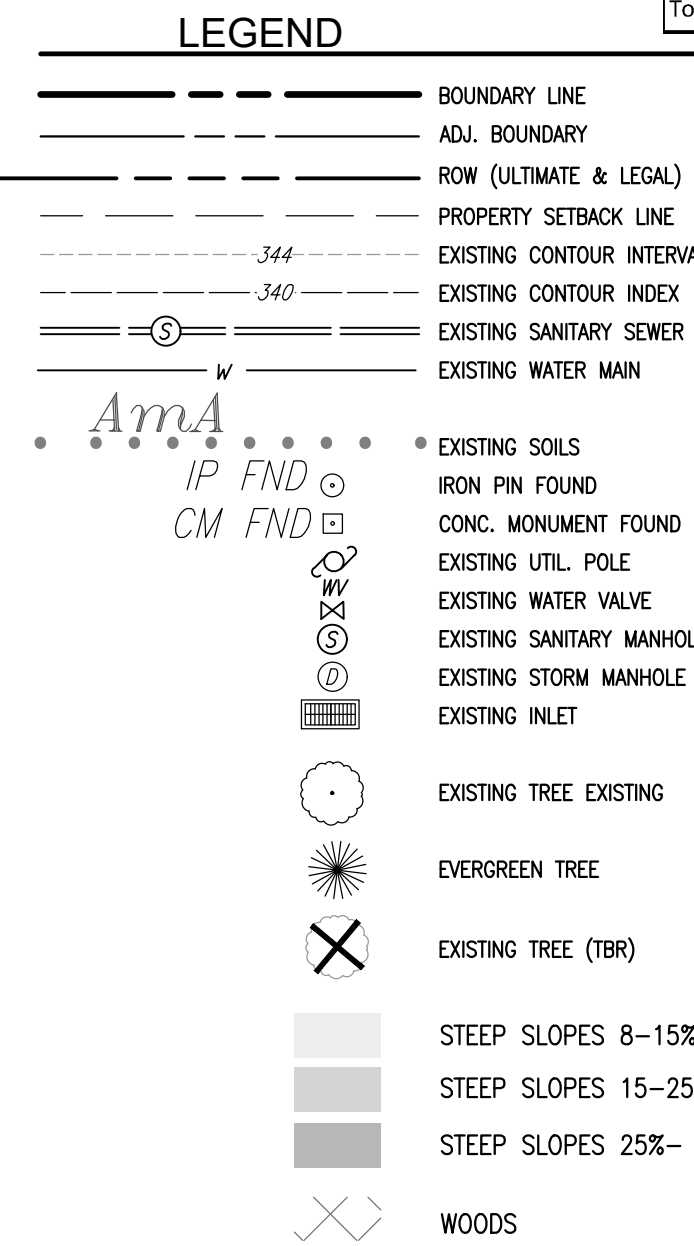
**SOILS**

SYMBOL	NAME	HSG	FARMLAND CLASSIFICATION	ALLUVIAL	HYDRIC SOIL RATING
AbB	ABBOTTSTOWN SILT LOAM 3-8% SLOPES	D	STATEWIDE IMPORTANCE	NONE	NO
BwB	BUCKINGHAM SILT LOAM 3-8% SLOPES	C/D	STATEWIDE IMPORTANCE	NONE	NO
DdB	DOYLESTOWN SILT LOAM 3-8% SLOPES	C	NOT PRIME	NONE	YES

SOIL INFORMATION BASED ON USDA-NRCS WEB SOIL SURVEY - SOIL SURVEY AREA OF BUCKS COUNTY, PENNSYLVANIA - SURVEY DATA VERSION 18, AUGUST 31, 2021.

**SOILS AND WETLANDS NOTES:**  
SOILS EVALUATION PERFORMED BY T.F. SZCZEPANSKI, PH.D. ON 04/25/2022 DETERMINED THE FOLLOWING:  
• NO HYDRIC CLASS SOILS PRESENT  
• NO WETLANDS PRESENT  
• NO WATERS PRESENT. EPHEMERAL GULLY FEATURES CREATED BY STORMWATER RUNOFF

- SURVEY NOTES:**
- THE ELEVATIONS AS SHOWN HEREON ARE REFERENCED TO NAVD 88 AS PER INFORMATION OBTAINED UTILIZING KEYNETOPS, A TRIMBLE VRS NETWORK.
  - BENCHMARK INFORMATION:**  
• TBM 'A' - TOP OF A FOUND CONCRETE MONUMENT. ELEVATION = 347.14 FEET (NAVD 88)  
• TBM 'B' - RIM OF SANITARY SEWER MANHOLE. ELEVATION = 361.30 FEET (NAVD 88)
  - BOUNDARY INFORMATION TAKEN FROM THE DEED OF RECORD FOUND IN INSTRUMENT NO. 2014058701 AS RECORDED IN THE OFFICE OF THE BUCKS COUNTY RECORDER OF DEEDS.
  - FIELD SURVEY PERFORMED BY R.L. SHOWALTER & ASSOCIATES, FEBRUARY 2012, AND RESURVEYED ON AUGUST 15, 2022.
  - PLAN REFERENCES:  
4.1. INSTRUMENT #1100010477, RECORDED 02/14/1968 PLAN BOOK 51 PAGE 28; FINAL PLAN OF LOTS SECTION II, VALLEY VIEW, FOR JACK WALKER, CHALFONT, PA, DATED 12/18/1967.  
4.2. INSTRUMENT #1100010206, RECORDED 06/30/1967 PLAN BOOK 46 PAGE 8; FINAL PLAN OF LOTS SECTION I, VALLEY VIEW, FOR JACK WALKER, CHALFONT, PA, DATED 03/30/1966.  
4.3. REFER TO CROSS-EASEMENT FOR DRIVEWAYS AND UTILITIES AS RECORDED IN BOOK 2013 PAGE 1920 FOR THE EXISTING DRIVEWAY THAT CROSSES ADJACENT TWP 26-10-28.



**PA ONE CALL UTILITIES #2022212537**

USER NAME	ADDRESS	CONTACT	RESULTS
CHTUSA	1645 UPPER STATERD DOYESTOWN PA. 18901	JOHN SCHMIDT jschmidt@chtsa.org	CLEAR
COMCAST CABLE COMMUNICATIONS	190 SHOENMAKER RD POTTSTOWN PA. 19464	MIKE KIMBERLY mike_kimberly@cable.comcast.com	CLEAR
NWVA	200 WALNUT ST. NORTH WALES, PA. 19454	JOSEPH MURPHY JMURPHY@NWVA.ORG	PDF RECEIVED
NEW BRITAIN TWP	207 PARK AVE CHALFONT, PA. 18914	RYAN CRESSMAN RCRESSMAN@NEWBRITAIN.TOWNSHIP.ORG	CLEAR
PECO energy c/o usic	450 S. HENDERSON RD. KING OF PRUSSIA, PA. 19406	NIKKIA SIMPKINS NIKKIASIMP@USIC.LLC.COM	PLANS RECEIVED
VERIZON PA	1050 VIRGINIA DR FORT WASHINGTON, PA. 19034	DARLENE LEPPER JOHNSON 215-283-0690	PDF RECEIVED

**CALL BEFORE YOU DIG!**  
PENNSYLVANIA LAW REQUIRES 3 WORKING DAYS NOTICE FOR CONSTRUCTION PHASE AND 10 WORKING DAYS IN DESIGN STAGE-STOP CALL  
PENNSYLVANIA ONE CALL SYSTEM, INC.  
1-800-242-1776

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R. L. SHOWALTER AND ASSOCIATES, INC. ALL RIGHTS RESERVED.

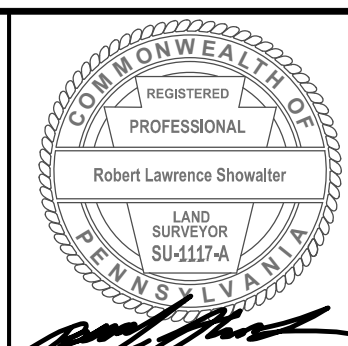
**REVISIONS**

NO.	DATE	COMMENT
03/02/2023	PER TWP ENGR 9/20/2022 REVIEW	

T.M.P. 26-010-027

**EXISTING FEATURES PLAN**

**R. L. Showalter & Associates, Inc.**  
116 East Butler Avenue  
Chalfont, PA 18914  
(215) 822-2990  
FAX (215) 822-5684  
EMAIL: showalterassociates@rlshowalter.com



SCALE: 1" = 50'  
DATE: 02-22-2021  
JOB NO.: #2021-004A  
DRAWN BY: TP/LAZ  
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SITUATE: NEW BRITAIN TOWNSHIP  
BUCKS COUNTY, PA  
PREPARED FOR:  
**CRAIG & PAULINE DEFELICE**  
110 SHEFFIELD COURT  
CHALFONT, PA 18914

SHEET  
**2 of 7**

**GRADING NOTES:**

- SITE GRADING SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING AND REPLACING ALL SOFT, YIELDING OR UNSUITABLE MATERIALS AND REPLACING WITH SUITABLE MATERIALS. ALL EXCAVATED OR FILLED AREAS SHALL BE COMPACTED TO 95% OF MODIFIED PROCTOR MAXIMUM DENSITY PER A.S.T.M. TEST D-1557. MOISTURE CONTENT AT TIME OF PLACEMENT SHALL BE NO MORE THAN 2% ABOVE NOR 3% BELOW OPTIMUM. CONTRACTOR SHALL SUBMIT A COMPACTION REPORT PREPARED BY A QUALIFIED SOILS ENGINEER, REGISTERED WITHIN THE STATE WHERE THE WORK IS PERFORMED, VERIFYING THAT ALL FILLED AREAS AND SUBGRADE AREAS WITHIN THE BUILDING PAD AREA AND AREAS TO BE PAVED HAVE BEEN COMPACTED IN ACCORDANCE WITH THESE PLANS AND SPECS.
- CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF EXISTING TOPOGRAPHIC INFORMATION AND UTILITY INVERT ELEVATIONS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION.
- SUBBASE MATERIAL FOR SIDEWALKS, CURB, OR ASPHALT SHALL BE FREE OF ORGANICS AND OTHER UNSUITABLE MATERIALS. SHOULD SUBBASE BE DEEMED UNSUITABLE, SUBBASE IS TO BE REMOVED AND FILLED WITH APPROVED FILL MATERIAL COMPACTED TO 95% OPTIMUM DENSITY (AS DETERMINED BY MODIFIED PROCTOR METHOD).
- THE MINIMUM SLOPE IN GRASSED AREAS SHALL NOT BE LESS THAN 2% AND THE MINIMUM IN PAVED AREAS SHALL NOT BE LESS THAN 1%.
- EROSION CONTROL MATTING SHALL BE PROVIDED ON ALL EARTH SLOPES AT 3:1 OR GREATER.

**UTILITY NOTES:**

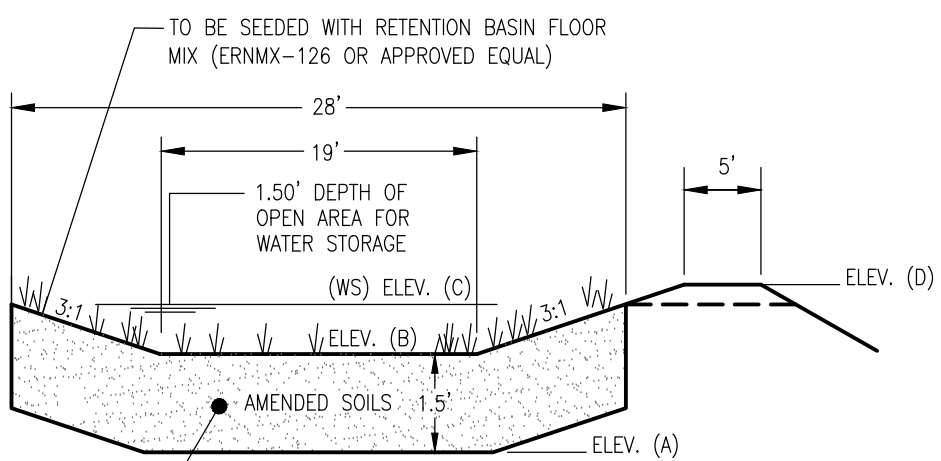
- CONTRACTOR TO CONFIRM THE HORIZONTAL LOCATION AND VERTICAL ELEVATION OF UTILITIES BEING CROSSED OR CONNECTED INTO PRIOR TO CONSTRUCTION. THE ENGINEER SHALL BE INFORMED IN WRITING OF ANY DISCREPANCIES OR CLEARANCE ISSUES PRIOR TO PROCEEDING WITH CONSTRUCTION.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY UTILITY "ONE-CALL" NUMBER 72 HOURS PRIOR TO ANY EXCAVATION ON THIS SITE.
- GAS, ELECTRIC, TELEPHONE AND CABLE TO BE DESIGNED BY RESPECTIVE PROVIDERS. DESIGN TO BE COORDINATED WITH CONTRACTOR.
- ALL SITE UTILITIES SHALL BE INSTALLED UNDERGROUND.
- THE PROPOSED RESIDENCE ON LOT 2 SHALL BE SERVICED WITH PUBLIC WATER AND ON-LOT SEPTIC. THE EXISTING BUILDING ON LOT 1 IS SERVICED BY AN EXISTING ON-LOT WELL AND AN EXISTING ON-LOT SEPTIC SYSTEM.

**LANDSCAPING NOTES:**

- THE LOCATION, DIMENSIONS AND SPACING OF REQUIRED PLANTINGS SHOULD BE ADEQUATE FOR THEIR PROPER GROWTH AND MAINTENANCE, TAKING INTO ACCOUNT THE SIZES OF SUCH PLANTINGS AT MATURITY AND THEIR PRESENT AND FUTURE ENVIRONMENTAL REQUIREMENTS, SUCH AS WIND, SOIL, MOISTURE AND SUNLIGHT. PLANTINGS SHOULD BE SELECTED AND LOCATED WHERE THEY WILL NOT CONTRIBUTE TO CONDITIONS HAZARDOUS TO PUBLIC SAFETY.
- INSTALLATION, ALL SHADE AND EVERGREEN TREES SHALL BE SUPPORTED WITH STAKES AND GUY WIRING IN ACCORDANCE WITH THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION (ANLA) STANDARDS. THE BACKFILL FOR EXCAVATED PLANTING AREAS SHALL BE COMPOSED OF NATIVE TOPSOIL AND SHALL BE MULCHED SIX INCHES BEYOND THE DRIFLINE.
- MAINTENANCE AND GUARANTEE, THE APPLICANT IS REQUIRED TO MAINTAIN AND GUARANTEE ALL PLANT MATERIAL UNTIL THE END OF THE EIGHTEEN-MONTH MAINTENANCE PERIOD. ANY PLANT MATERIAL THAT IS DEEMED, IN THE OPINION OF THE TOWNSHIP ENGINEER, NOT TO HAVE SURVIVED OR NOT TO HAVE GROWN IN A MANNER CHARACTERISTIC OF ITS TYPE, SHALL BE REPLACED WITHIN THE EIGHTEEN-MONTH MAINTENANCE PERIOD.
- PROTECT ALL PLANT MATERIAL FROM DEER DAMAGE AS REQUIRED UNTIL PROJECT COMPLETION AND ACCEPTANCE BY OWNER/MUNICIPALITY.

**PLANTING SCHEDULE**

NO.	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
<b>STREET TREES</b>						
8	AR	ACER RUBRUM	RED MAPLE	3"-3 1/2" CAL. MIN.	B&B	MATCH FORM
7	TC	TILIA CORDATA	LITTLE LEAF LINDEN	3"-3 1/2" CAL. MIN.	B&B	MATCH FORM
<b>BUFFER YARD ESMT PLANTINGS</b>						
<b>DECIDUOUS TREES</b>						
3	FG	FAGUS GRANDIFOLIA	AMERICAN BEECH	3"-3 1/2" CAL. MIN.	B&B	MATCH FORM
3	QA	QUERCUS ALBA	WHITE OAK	3"-3 1/2" CAL. MIN.	B&B	MATCH FORM
6	PA					
<b>FLOWERING TREES</b>						
5	CF	CORNUS FLORIDA	FLOWERING DOGWOOD	2" CAL. MIN.	B&B	MATCH FORM
4	PK	PRUNUS KWANZAN	KWANZAN CHERRY	2" CAL. MIN.	B&B	MATCH FORM
<b>DECIDUOUS &amp; EVERGREEN SHRUBS</b>						
9	VD	VIBURNUM DENTATUM	ARROWWOOD, SOUTHERN	30" HGT. MIN.	B&B	MATCH FORM
9	TO	TOXICARIA OCCIDENTALIS	AMERICAN ARBORVITAE	4" HGT. MIN.	B&B	MATCH FORM



SECTION A-A

RAINGARDEN CROSS SECTION W/ AMENDED SOILS DETAIL

N.T.S.

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ELEV. A	ELEV. B	WQV ELEV. C	TOR ELEV. D
390.50	392.50	393.50	394.00

NO.	DATE	COMMENT
03/02/2023	PER TWP ENGR 9/20/2022 REVIEW	

**GRADING & UTILITY PLAN**

**R. L. Showalter & Associates, Inc.**

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Chalfont, PA 18914  
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DATE: 02-22-2021  
JOB NO.: #2021-004A  
DRAWN BY: TP/LAZ  
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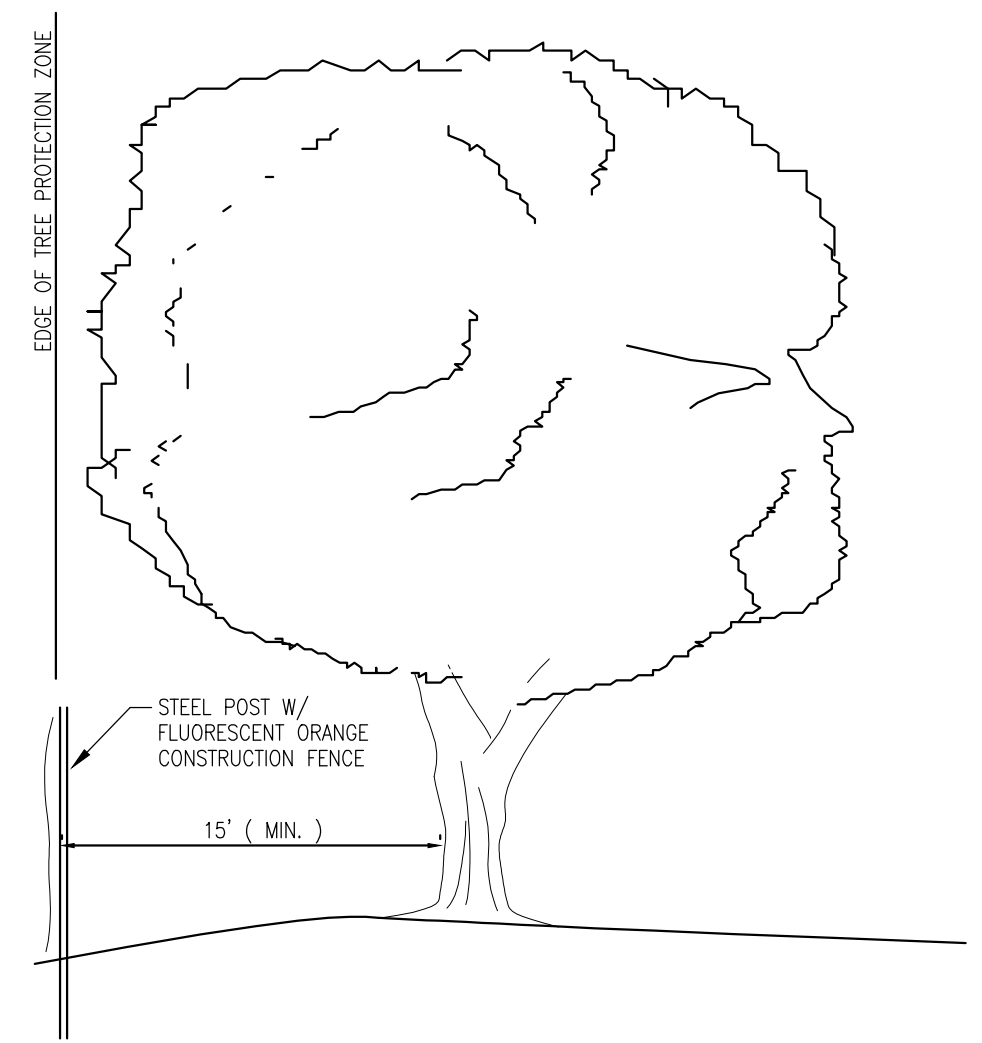
SITUATE: NEW BRITAIN TOWNSHIP  
BUCKS COUNTY, PA  
PREPARED FOR:  
**CRAIG & PAULINE DEFELICE**  
110 SHEFFIELD COURT  
CHALFONT, PA 18914

SHEET  
**3 of 7**

Project: 03/08/23 - 10:37 AM, By: mitch, File: F:\WORK\2021\2021-004A - Prestige & D'Angelo - NBT\ENGINEERING\21-004-PLAN.dwg-03-CP © 2018 R.L. SHOWALTER & ASSOCIATES, INC.

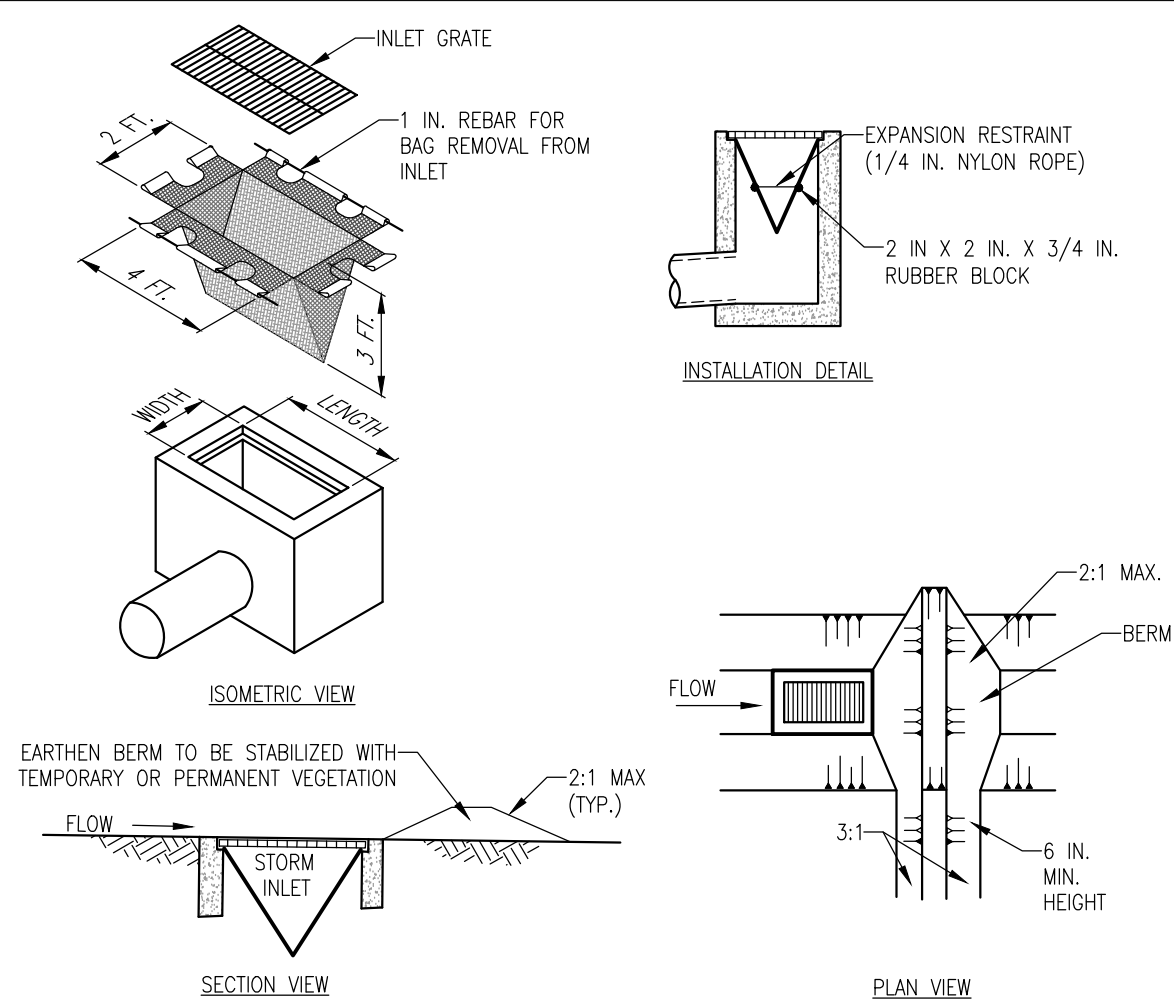






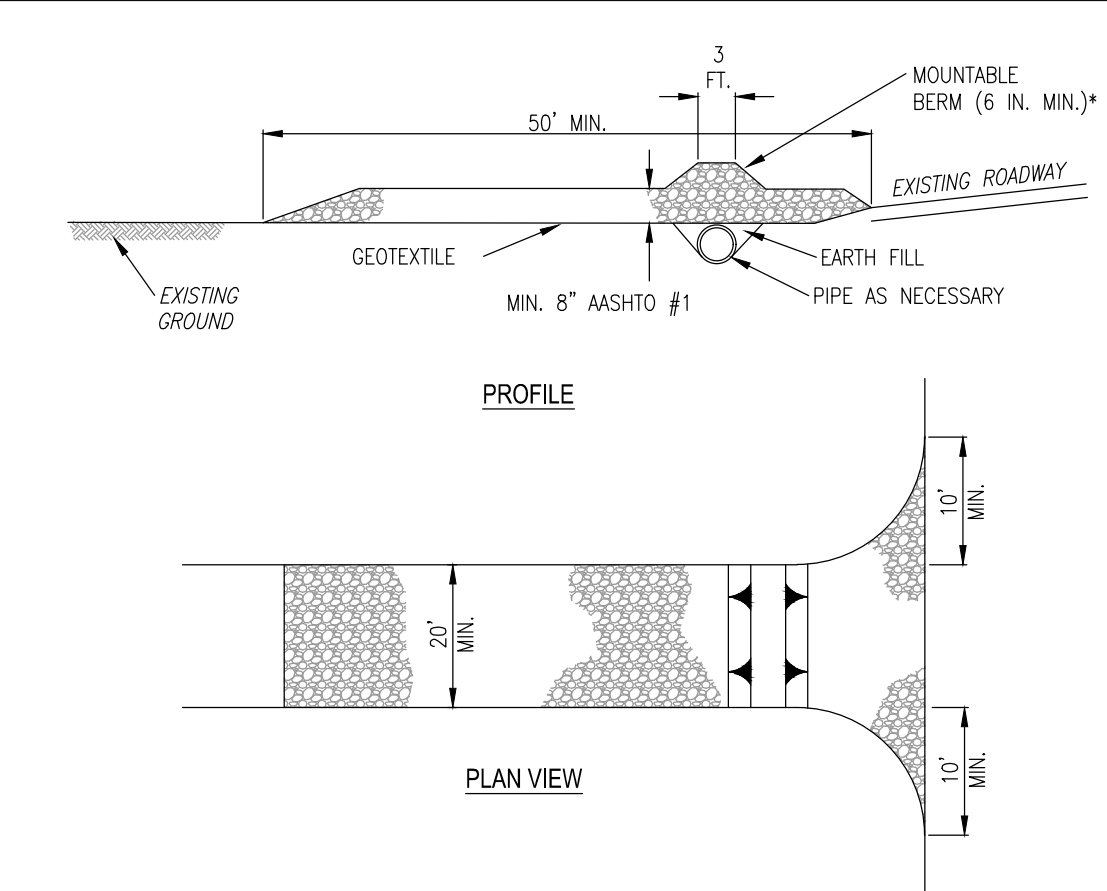
NOTE:  
48" HIGH FLUORESCENT ORANGE CONSTRUCTION FENCE ( INSTALLED ON STEEL POST 8" ON CENTER ) TO BE PLACED ALONG THE BOUNDARY OF THE TREE PROTECTION ZONE. BOUNDARY OF THE TREE PROTECTION ZONE SHALL BE MEASURED 15 FEET AWAY FROM THE TRUNK OR AT THE DRIFLINE ( WHICHEVER IS GREATER ).

**TREE PROTECTION - DETAIL**  
NOT TO SCALE



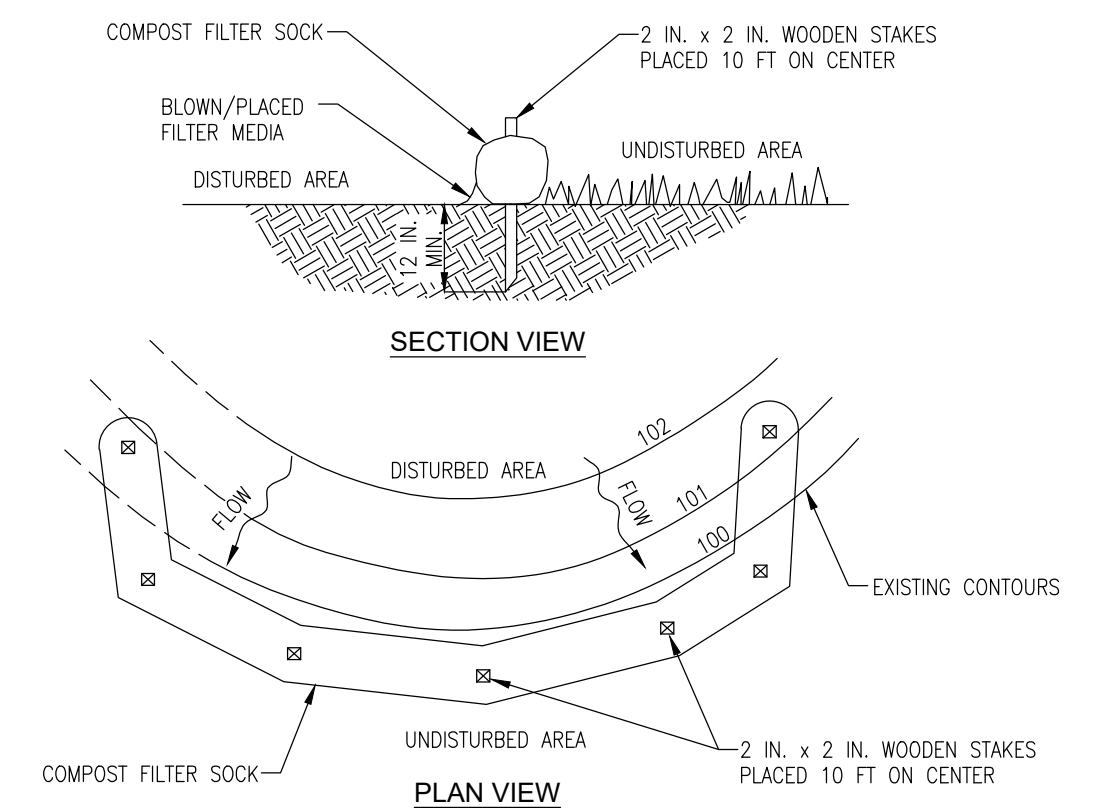
NOTES:  
MAXIMUM DRAINAGE AREA = 1/2 ACRE.  
INLET PROTECTION SHALL NOT BE REQUIRED FOR INLET TRIBUTARY TO SEDIMENT BASIN OR TRAP. BERMS SHALL BE REQUIRED FOR ALL INSTALLATIONS.  
ROLLED EARTHEN BERM IN ROADWAY SHALL BE MAINTAINED UNTIL ROADWAY IS STONED. ROAD SUBBASE BERM ON ROADWAY SHALL BE MAINTAINED UNTIL ROADWAY IS PAVED. EARTHEN BERM IN CHANNEL SHALL BE MAINTAINED UNTIL PERMANENT STABILIZATION IS COMPLETED OR REMAIN PERMANENTLY.  
AT A MINIMUM, THE FABRIC SHALL HAVE A MINIMUM GRAB TENSILE STRENGTH OF 120 LBS., A MINIMUM BURST STRENGTH OF 200 PSI, AND A MINIMUM TRAPEZOIDAL TEAR STRENGTH OF 50 LBS. FILTER BAGS SHALL BE CAPABLE OF TRAPPING ALL PARTICLES NOT PASSING A NO. 40 SIEVE.  
INLET FILTER BAGS SHALL BE INSPECTED ON A WEEKLY BASIS AND AFTER EACH RUNOFF EVENT. BAGS SHALL BE EMPTIED AND RINGED OR REPLACED WHEN HALF FULL OR WHEN FLOW CAPACITY HAS BEEN REDUCED SO AS TO CAUSE FLOODING OR BYPASSING OF THE INLET. DAMAGED OR CLOGGED BAGS SHALL BE REPLACED. A SUPPLY SHALL BE MAINTAINED ON SITE FOR REPLACEMENT OF BAGS. ALL NEEDED REPAIRS SHALL BE INITIATED IMMEDIATELY AFTER THE INSPECTION. DISPOSE ACCUMULATED SEDIMENT AS WELL AS ALL USED BAGS ACCORDING TO THE PLAN NOTES.  
DO NOT USE ON MAJOR PAVED ROADWAYS WHERE PONDING MAY CAUSE TRAFFIC HAZARDS.

**STANDARD CONSTRUCTION DETAIL #4-16**  
**FILTER BAG INLET PROTECTION - TYPE M INLET**  
NOT TO SCALE



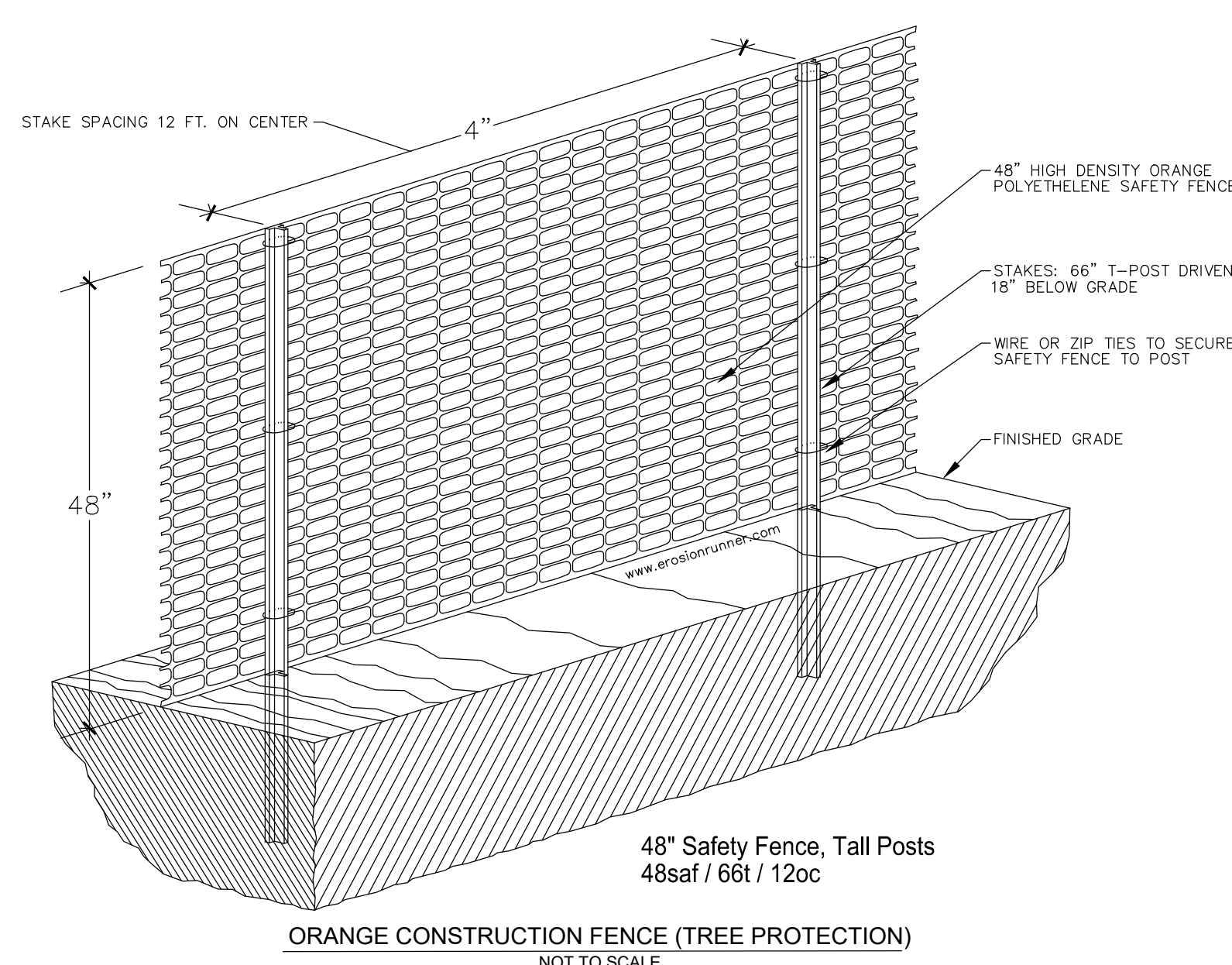
NOTES:  
REMOVE TOPSOIL PRIOR TO INSTALLATION OF ROCK CONSTRUCTION ENTRANCE. EXTEND ROCK OVER FULL WIDTH OF ENTRANCE.  
RUNOFF SHALL BE DIVERTED FROM ROADWAY TO A SUITABLE SEDIMENT REMOVAL BMP PRIOR TO ENTERING ROCK CONSTRUCTION ENTRANCE.  
MOUNTABLE BERM SHALL BE INSTALLED WHEREVER OPTIONAL CULVERT PIPE IS USED AND PROPER PIPE COVER AS SPECIFIED BY MANUFACTURER IS NOT OTHERWISE PROVIDED. PIPE SHALL BE SIZED APPROPRIATELY FOR SIZE OF DITCH BEING CROSSED.  
MAINTENANCE: ROCK CONSTRUCTION ENTRANCE THICKNESS SHALL BE CONSTANTLY MAINTAINED TO THE SPECIFIED DIMENSIONS BY ADDING ROCK. A STOCKPILE SHALL BE MAINTAINED ON SITE FOR THIS PURPOSE. ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS SHALL BE REMOVED AND RETURNED TO THE CONSTRUCTION SITE IMMEDIATELY. IF EXCESSIVE AMOUNTS OF SEDIMENT ARE BEING DEPOSITED ON ROADWAY, EXTEND LENGTH OF ROCK CONSTRUCTION ENTRANCE BY 50 FOOT INCREMENTS UNTIL CONDITION IS ALLEVIATED OR INSTALL WASH PACK. WASHING THE ROADWAY OR SWEEPING THE DEPOSITS INTO ROADWAY DITCHES, SEWERS, CULVERTS, OR OTHER DRAINAGE COURSES IS NOT ACCEPTABLE.

**STANDARD CONSTRUCTION DETAIL #3-1**  
**ROCK CONSTRUCTION ENTRANCE**  
NOT TO SCALE



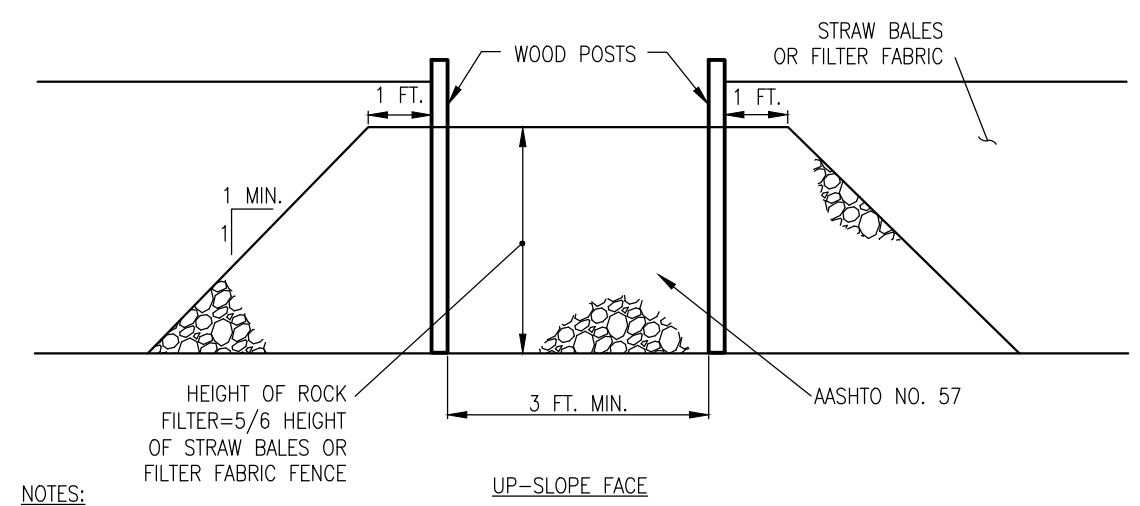
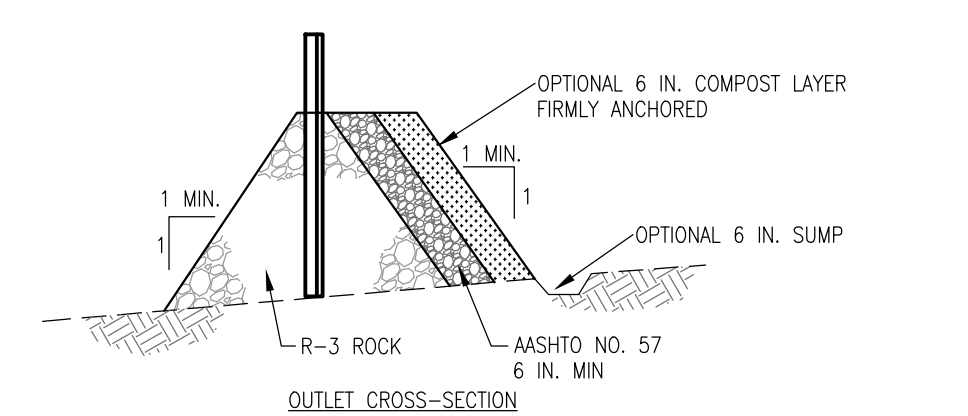
NOTES:  
SOCK FABRIC SHALL MEET STANDARDS OF TABLE 4.1 OF THE PA DEP EROSION CONTROL MANUAL. COMPOST SHALL MEET THE STANDARDS OF TABLE 4.2 OF THE PA DEP EROSION CONTROL MANUAL.  
COMPOST FILTER SOCK SHALL BE PLACED AT EXISTING LEVEL GRADE. BOTH ENDS OF THE BARRIER SHALL BE EXTENDED AT LEAST 8 FEET UP SLOPE AT 45 DEGREES TO THE MAIN BARRIER ALIGNMENT. MAXIMUM SLOPE LENGTH ABOVE ANY BARRIER SHALL NOT EXCEED THAT SPECIFIED FOR THE SIZE OF THE SOCK AND THE SLOPE OF ITS TRIBUTARY AREA.  
TRAFFIC SHALL NOT BE PERMITTED TO CROSS COMPOST FILTER SOCKS.  
ACCUMULATED SEDIMENT SHALL BE REMOVED WHEN IT REACHES 1/2 THE ABOVE GROUND HEIGHT OF THE BARRIER AND DISPOSED IN THE MANNER DESCRIBED ELSEWHERE IN THE PLAN.  
COMPOST FILTER SOCKS SHALL BE INSPECTED WEEKLY AND AFTER EACH RUNOFF EVENT. 5 SPECIFICATIONS OR DAMAGED SOCKS SHALL BE REPAIRED ACCORDING TO MANUFACTURER REPLACEMENT WITHIN 24 HOURS OF INSPECTION.  
BIODEGRADABLE COMPOST FILTER SOCKS SHALL BE REPLACED AFTER 6 MONTHS; PHOTODEGRADABLE SOCKS AFTER 1 YEAR. POLYPROPYLENE SOCKS SHALL BE REPLACED 5 RECOMMENDATIONS.  
ACCORDING TO MANUFACTURER UPON STABILIZATION OF THE AREA TRIBUTARY TO THE SOCK, STAKES SHALL BE REMOVED. THE SOCK MAY BE LEFT IN PLACE AND VEGETATED OR REMOVED. IN THE LATTER CASE, THE MESH SHALL BE CUT OPEN AND THE MULCH SPREAD AS A SOIL SUPPLEMENT.

**STANDARD CONSTRUCTION DETAIL #4-1**  
**COMPOST FILTER SOCK**  
NOT TO SCALE



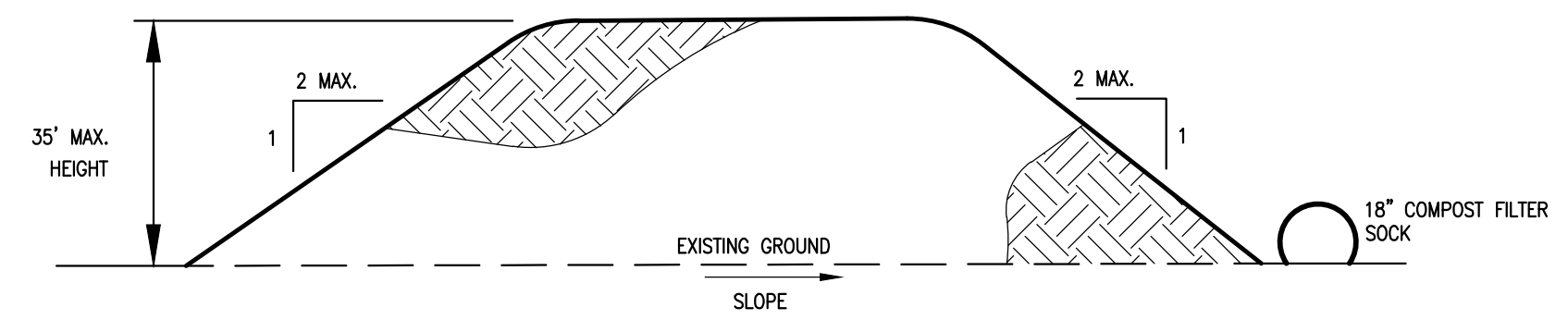
**48" Safety Fence, Tall Posts**  
**48saf / 66t / 12oc**

**ORANGE CONSTRUCTION FENCE (TREE PROTECTION)**  
NOT TO SCALE



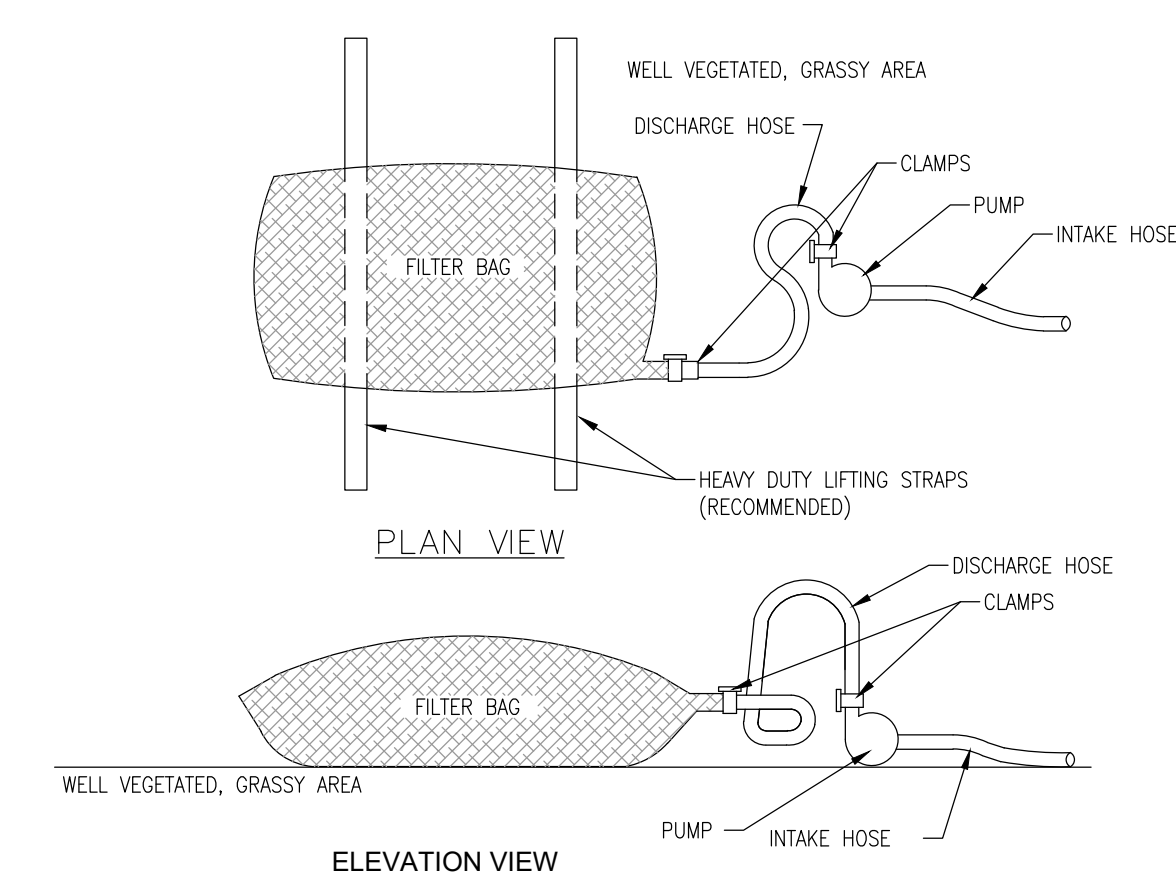
NOTES:  
A ROCK FILTER OUTLET SHALL BE INSTALLED WHERE FAILURE OF A SILT FENCE OR STRAW BALE BARRIER HAS OCCURRED DUE TO CONCENTRATED FLOW. ANCHORED COMPOST LAYER SHALL BE USED ON UPSLOPE FACE IN HQ AND EV WATERSHEDS.  
SEDIMENT SHALL BE REMOVED WHEN ACCUMULATIONS REACH 1/3 THE HEIGHT OF THE OUTLET.

**STANDARD CONSTRUCTION DETAIL #4-6**  
**ROCK FILTER OUTLET**  
NOT TO SCALE



NOTES:  
1. SILT SOCK SHALL BE PLACED AROUND TOPSOIL STOCKPILES TO PREVENT SEDIMENT FROM LEAVING THE SITE. IT SHOULD BE STAKED PER THE SILT SOCK DETAILS AS SHOWN ON THE PLAN.  
2. SEED STOCKPILE PER TEMPORARY SEEDING SPECIFICATIONS.

**STANDARD CONSTRUCTION DETAIL #3-16**  
**TOPSOIL STOCKPILE**  
NOT TO SCALE



NOTES:  
LOW VOLUME FILTER BAGS SHALL BE MADE FROM NON-WOVEN GEOTEXTILE MATERIAL SEWN WITH HIGH STRENGTH, DOUBLE STITCHED "J" TYPE SEAMS. THEY SHALL BE CAPABLE OF TRAPPING PARTICLES LARGER THAN 150 MICRONS. HIGH VOLUME FILTER BAGS SHALL BE MADE FROM WOVEN GEOTEXTILES THAT MEET THE FOLLOWING STANDARDS:

PROPERTY	TEST METHOD	MINIMUM STANDARD
AVG. WIDE WIDTH STRENGTH	ASTM D-4884	60 LB/IN
GRAB TENSILE	ASTM D-4632	205 LB
PUNCTURE	ASTM D-4833	110 LB
MULLEN BURST	ASTM D-3786	350 PSI
UV RESISTANCE	ASTM D-4355	70%
AOS % RETAINED	ASTM D-4751	80 SIEVE

A SUITABLE MEANS OF ACCESSING THE BAG WITH MACHINERY REQUIRED FOR DISPOSAL PURPOSES SHALL BE PROVIDED. FILTER BAGS SHALL BE REPLACED WHEN THEY BECOME 1/2 FULL OF SEDIMENT. SPARE BAGS SHALL BE KEPT AVAILABLE FOR REPLACEMENT OF THOSE THAT HAVE FAILED OR ARE FILLED.

BAGS SHALL BE PLACED ON STRAPS TO FACILITATE REMOVAL UNLESS BAGS COME WITH LIFTING STRAPS ALREADY ATTACHED. BAGS SHALL BE LOCATED IN WELL-VEGETATED (GRASSY) AREA, AND DISCHARGE ONTO STABLE, EROSION RESISTANT AREAS. WHERE THIS IS NOT POSSIBLE, A GEOTEXTILE UNDERLAYMENT AND FLOW PATH SHALL BE PROVIDED.

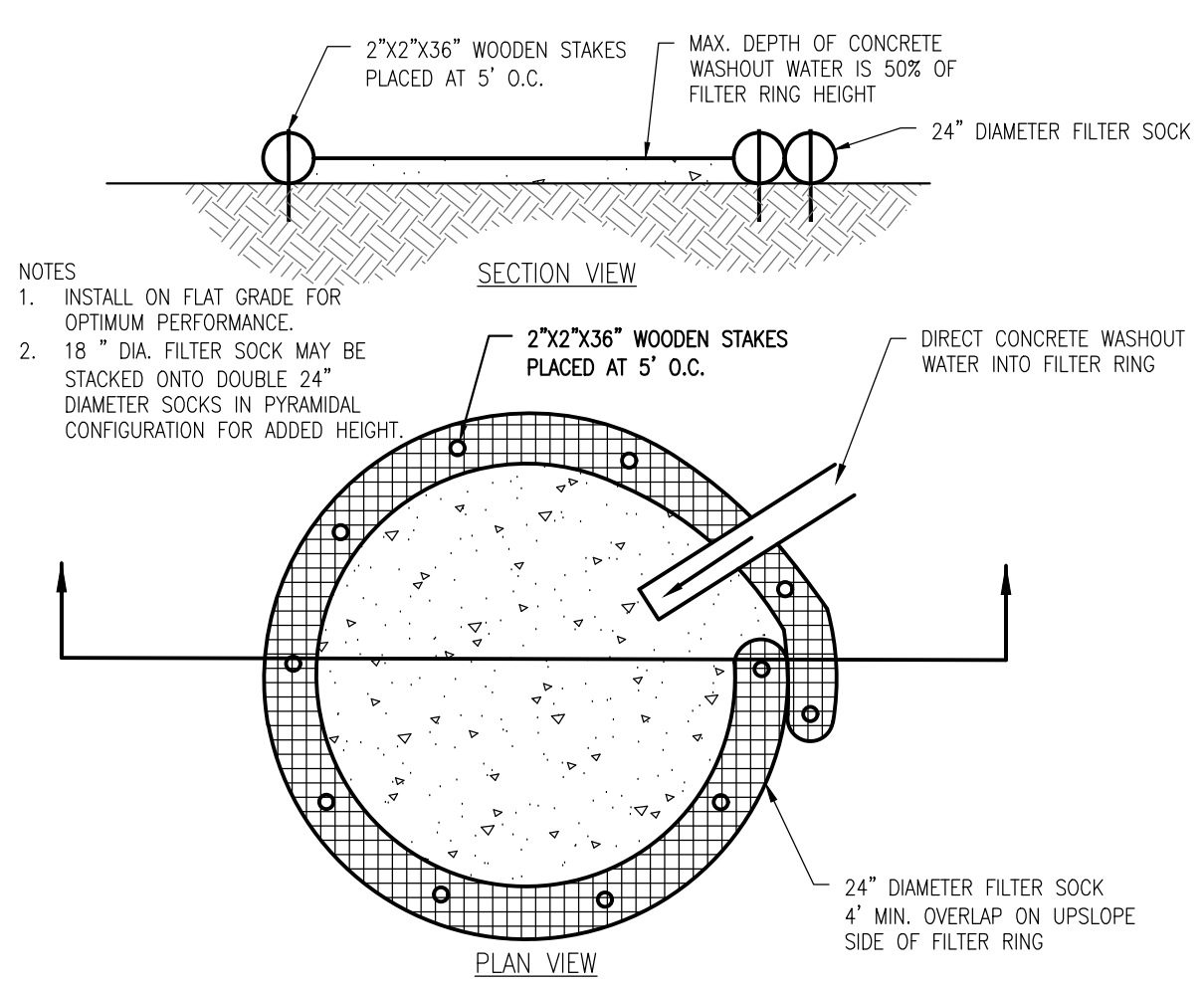
BAGS MAY BE PLACED ON FILTER STONE TO INCREASE DISCHARGE CAPACITY. BAGS SHALL NOT BE PLACED ON SLOPES GREATER THAN 5% FOR SLOPES EXCEEDING 5% CLEAN ROCK OR OTHER NON-ERODIBLE AND NON-POLLUTING MATERIAL MAY BE PLACED UNDER THE BAG TO REDUCE SLOPE STEEPNESS. NO DOWNSLOPE SEDIMENT BARRIER IS REQUIRED FOR MOST INSTALLATIONS. COMPOST BERM OR COMPOST FILTER SOCK SHALL BE INSTALLED BELOW BAGS LOCATED IN HQ OR EV WATERSHEDS, WITHIN 50 FEET OF ANY RECEIVING SURFACE WATER OR WHERE GRASSY AREA IS NOT AVAILABLE.

THE PUMP DISCHARGE HOSE SHALL BE INSERTED INTO THE BAGS IN THE MANNER SPECIFIED BY THE MANUFACTURER AND SECURELY CLAMPED. A PIECE OF PVC PIPE IS RECOMMENDED FOR THIS PURPOSE.

THE PUMPING RATE SHALL BE NO GREATER THAN 750 GPM OR 1/2 THE MAXIMUM SPECIFIED BY THE MANUFACTURER, WHICHEVER IS LESS. PUMP INTAKES SHALL BE FLOATING AND SCREENED.

FILTER BAGS SHALL BE INSPECTED DAILY. IF ANY PROBLEM IS DETECTED, PUMPING SHALL CEASE IMMEDIATELY AND NOT RESUME UNTIL THE PROBLEM IS CORRECTED.

**STANDARD CONSTRUCTION DETAIL #3-16**  
**PUMPED WATER FILTER BAG**  
NOT TO SCALE



NOTES:  
1. INSTALL ON FLAT GRADE FOR OPTIMUM PERFORMANCE.  
2. 18" DIA. FILTER SOCK MAY BE STACKED ONTO DOUBLE 24" DIAMETER SOCKS IN PYRAMIDAL CONFIGURATION FOR ADDED HEIGHT.

**TYPICAL COMPOST SOCK WASHOUT**  
INSTALLATION  
NOT TO SCALE

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T.M.P. 26-010-027

**EROSION & CONTROL DETAIL PLAN**

**R. L. Showalter & Associates, Inc.**  
116 East Butler Avenue  
Chalfont, PA 18914  
(215) 822-2990  
FAX (215) 822-5684  
EMAIL: showalterassociates@rlshowalter.com

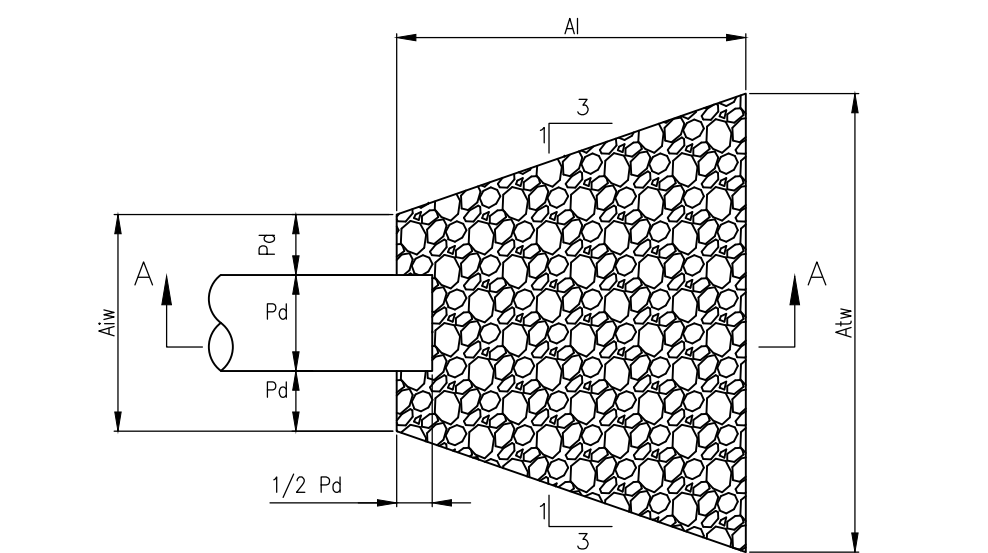


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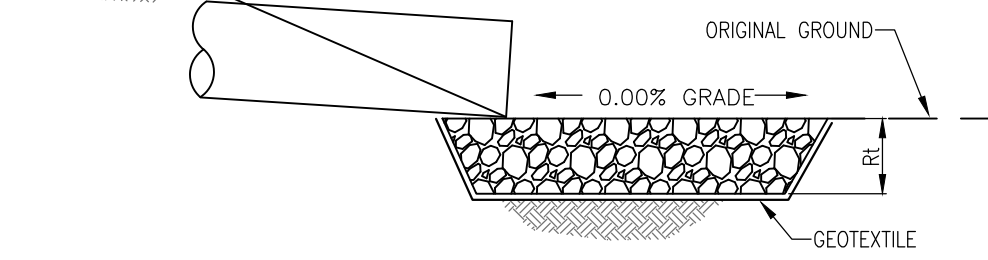
SITUATE: NEW BRITAIN TOWNSHIP  
BUCKS COUNTY, PA  
PREPARED FOR:  
**CRAIG & PAULINE DEFELICE**  
110 SHEFFIELD COURT  
CHALFONT, PA 18914

SHEET  
**5 of 7**

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PLAN VIEW



SECTION A-A

OUTLET NO.	PIPE DIA Pd (IN)	RIPRAP			APRON	
		SIZE R (IN)	THICK. Rt (IN)	LENGTH Lt (FT)	INITIAL WIDTH Aw (FT)	TERMINAL WIDTH Alw (FT)
DRIVEWAY	15	3	9	8	3.75	11.75
Basin	12	3	9	6	3.00	5.4

NOTES:

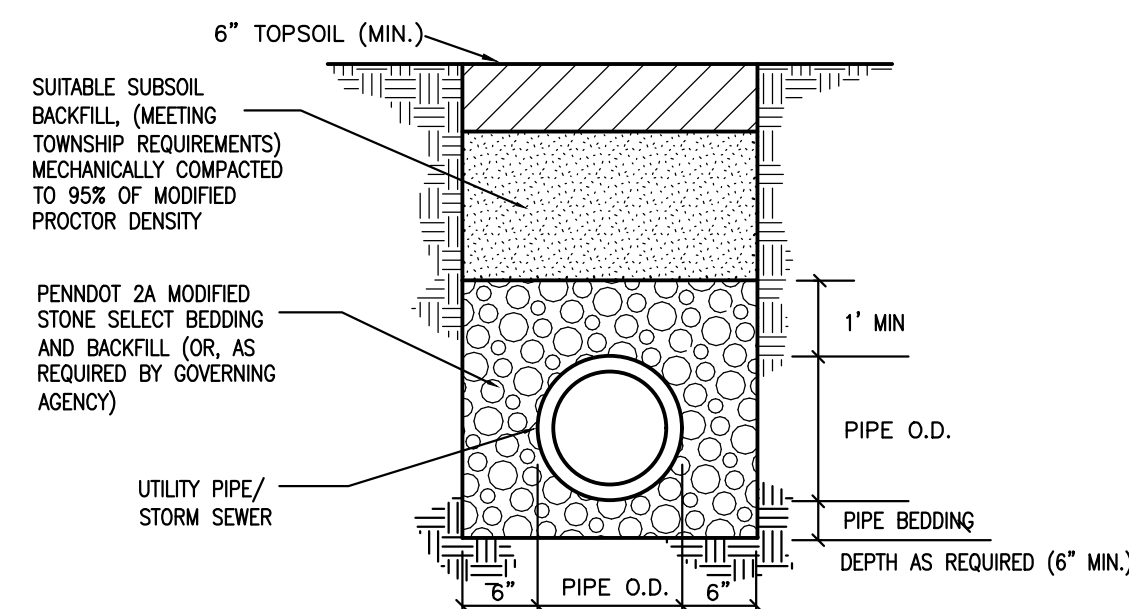
ALL APRONS SHALL BE CONSTRUCTED TO THE DIMENSIONS SHOWN. TERMINAL WIDTHS SHALL BE ADJUSTED AS NECESSARY TO MATCH RECEIVING CHANNELS.

ALL APRONS SHALL BE INSPECTED AT LEAST WEEKLY AND AFTER EACH RUNOFF EVENT. DISPLACED RIPRAP WITHIN THE APRON SHALL BE REPLACED IMMEDIATELY.

EXTEND RIPRAP ON BACK SIDE OF APRON TO AT LEAST 1/2 DEPTH OF PIPE ON BOTH SIDES TO PREVENT SCOUR AROUND THE PIPE.

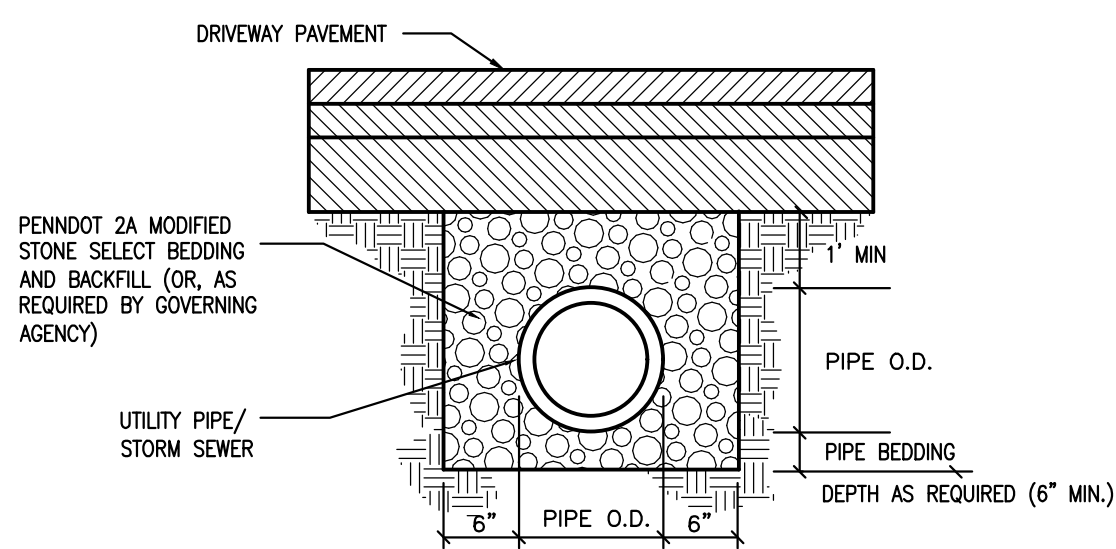
STANDARD CONSTRUCTION DETAIL #9-2  
RIPRAP APRON AT PIPE OUTLET - NO FLARED ENDWALL

NOT TO SCALE



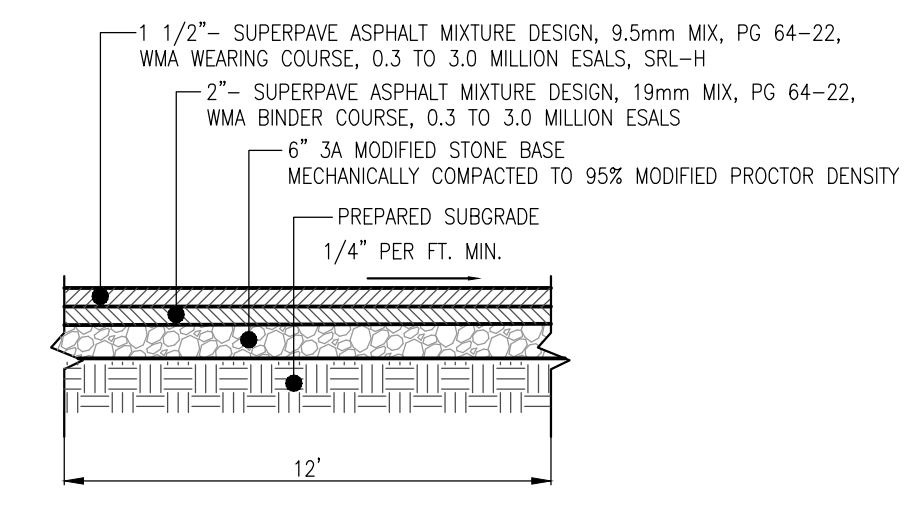
TYPICAL TRENCH DETAIL (UNPAVED AREAS)

NOT TO SCALE



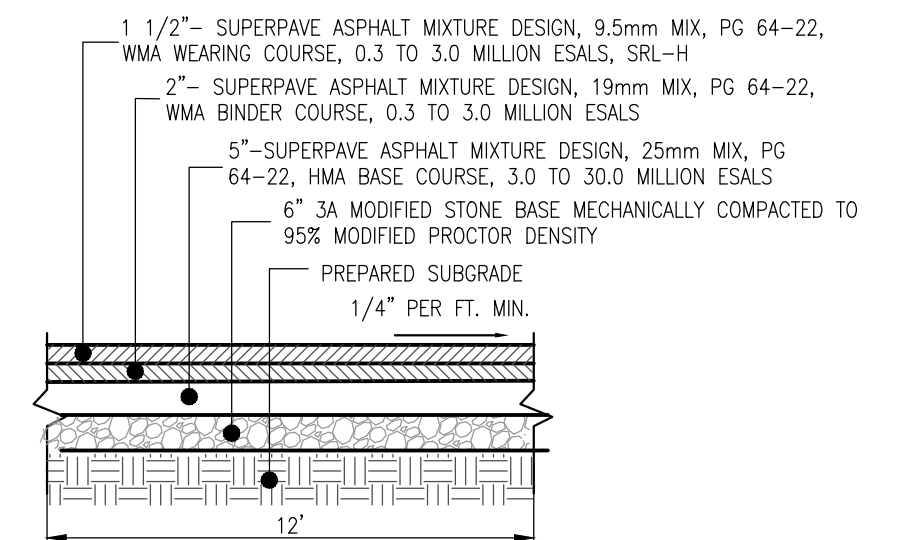
TYPICAL TRENCH DETAIL (PAVED AREAS)

NOT TO SCALE



TYP. DRIVEWAY PAVING SECTION (ON-LOT ONLY)

NOT TO SCALE



TYP. DRIVEWAY PAVING SECTION (WITHIN ULTIMATE R/W)

NOT TO SCALE

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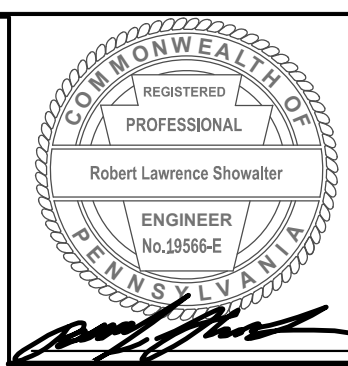
T.M.P. 26-010-027

DETAIL  
PLAN

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• Engineering • Planning • Surveying •



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SITUATE: NEW BRITAIN TOWNSHIP  
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110 SHEFFIELD COURT  
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# STORMWATER MANAGEMENT REPORT

For  
**Craig & Pauline Defelice**  
**TMP 26-10-027**

**New Britain Township**  
**Bucks County, PA**

**August 16, 2022**  
**Revised March 2, 2023**

**Prepared For:**  
**137 South Limekiln Pike**  
**Chalfont, Pennsylvania**

**Prepared By:**  
**R.L. Showalter & Associates, Inc.**  
**116 E. Butler Ave.**  
**Chalfont, PA 18914**

**PROJECT #: 2021-004A/bmsi**



A handwritten signature in black ink, appearing to read "Robert L. Showalter", written over a horizontal line.

## Table of Contents

<b>Project Narrative.....</b>	<b>1</b>
<b>Volume Calculations – Simplified Method.....</b>	<b>1-3</b>
<b>USDA Soils Data</b>	
<b>Penn’s Trail Environmental, LLC Stormwater Infiltration Study &amp; Report</b>	
<b>Basin Report</b>	

## Project Narrative

### *Existing Site Conditions*

The subject property is an existing single-family home in New Britain Township, Bucks County, PA. The site is approximately 4.3 acres and has frontage on Limekiln Pike. The primary land cover for the past 5 and 50 years is residential and open space with the existing residence built prior to 1971 – the general area is residential with several subdivisions surrounding the site for the same time period. The site is located in the Neshaminy Creek Watershed.

### *Proposed Site Conditions*

The site is proposed to be subdivided into two lots – one containing the existing residence and one new lot. A single family residence with driveway and associated utilities and stormwater management facilities is proposed for the new lot. Runoff from the area of proposed improvements will be captured and treated in a proposed rain garden.

### *Volume Calculations - Simplified Method*

Per New Britain Township Stormwater Management Ordinance 26-106, regulated activities less than 1 acre that create impervious surfaces between 1,000 and 5,000 SF are exempt from peak rate control requirements. The property is exempt from site plan requirements as it is a residential project. Volume Control is provided per Neshaminy Creek Watershed Act 167 Plan.

### *Step 1: Determine Total Additional Impervious Surfaces*

IMPERVIOUS SURFACE SUMMARY				
	TOTAL PRE-DEV. (SF)	TO BE REMOVED (SF)	NEW PROPOSED (SF)	TOTAL (SF)
<b>LOT 1 (EXISTING)</b>				
EXISTING BUILDINGS	3113 SF	0		3113 SF
EXISTING DECK	238 SF	0		238 SF
EXISTING PAVING	9921 SF	633		9288 SF
EXISTING PATIO/STEPS/CONCRETE WALKS	313 SF	0		313 SF
<b>TOTAL</b>				<b>12952 SF</b>
<b>LOT 2 (PROPOSED)</b>				
PROPOSED BUILDINGS			2649 SF	2649 SF
PROPOSED PAVING			1795 SF	1795 SF
PROPOSED PATIO/STEPS/WALKS			221	221
PROPOSED FUTURE ALLOWANCE			SF	334 SF
<b>TOTAL (Including Future Allowance)</b>				<b>4999 SF</b>

### *Step 2: Determine Total Required Volume Control*

Capture the runoff volume from the first 2” of runoff from the new impervious surfaces.

$$\begin{aligned}
 \text{Volume (CF)} &= \text{Total impervious area (SF)} \times 2'' \text{ Runoff} \times 1\text{ft}/12\text{in} \\
 &= 4,999 \text{ SF} \times 2'' \text{ Runoff} \times 1\text{ft}/12\text{in} \\
 &= 833 \text{ CF}
 \end{aligned}$$

**Step 3: Determine Total Volume Control by Proposed BMPs**

***Structural BMPs***

***Rain Garden Basin***

Note that the volume given below accounts for only the open air volume of the rain garden up to the emergency spillway elevation.

Volume Provided (CF) = 1,213 CF

*Total Volume Provided (CF) = 1,213*

**1,213 CF TOTAL > 833 REQUIRED**

***Infiltration***

A subsurface soils and permeability investigation was completed at the project site by Penn's Trail Environmental, LLC on August 4, 2022. Two (2) test pits were completed to a depth of approximately 36" where slowly diggable material indicating bedrock was encountered. Redoxomorphic features were noted from 10-13", however, these were determined not be signs of a true groundwater table. Soil characteristics were indicative of Klinesville soils, and noted to be better drained than mapped.

USDA Soil Mapping indicates Abbottstown, Buckingham and Doylestown as the predominant soil series for the site.

An infiltration rate of 0.155 with a factor of safety of 2 was used for calculations based on the results of the field testing. Minimum infiltration rates are assumed for the design the rain garden and it has been sized to accommodate the required storage volume. A small emergency spillway is proposed to handle overflow should the facilities reach capacity, and runoff would then flow overland toward the woodlands in the rear of the property. Should groundwater or bedrock be encountered during the excavation of the stormwater facility, and/or if field conditions vary from our assumptions the rain garden may need to be re-configured.

### *Dewatering*

Runoff from the proposed impervious surfaces is collected via underground piping and conveyed to the proposed rain garden BMP. Significant portions of the property are proposed to be preserved to maintain groundcover and natural soil states. The rain garden will provide infiltration of roof runoff.

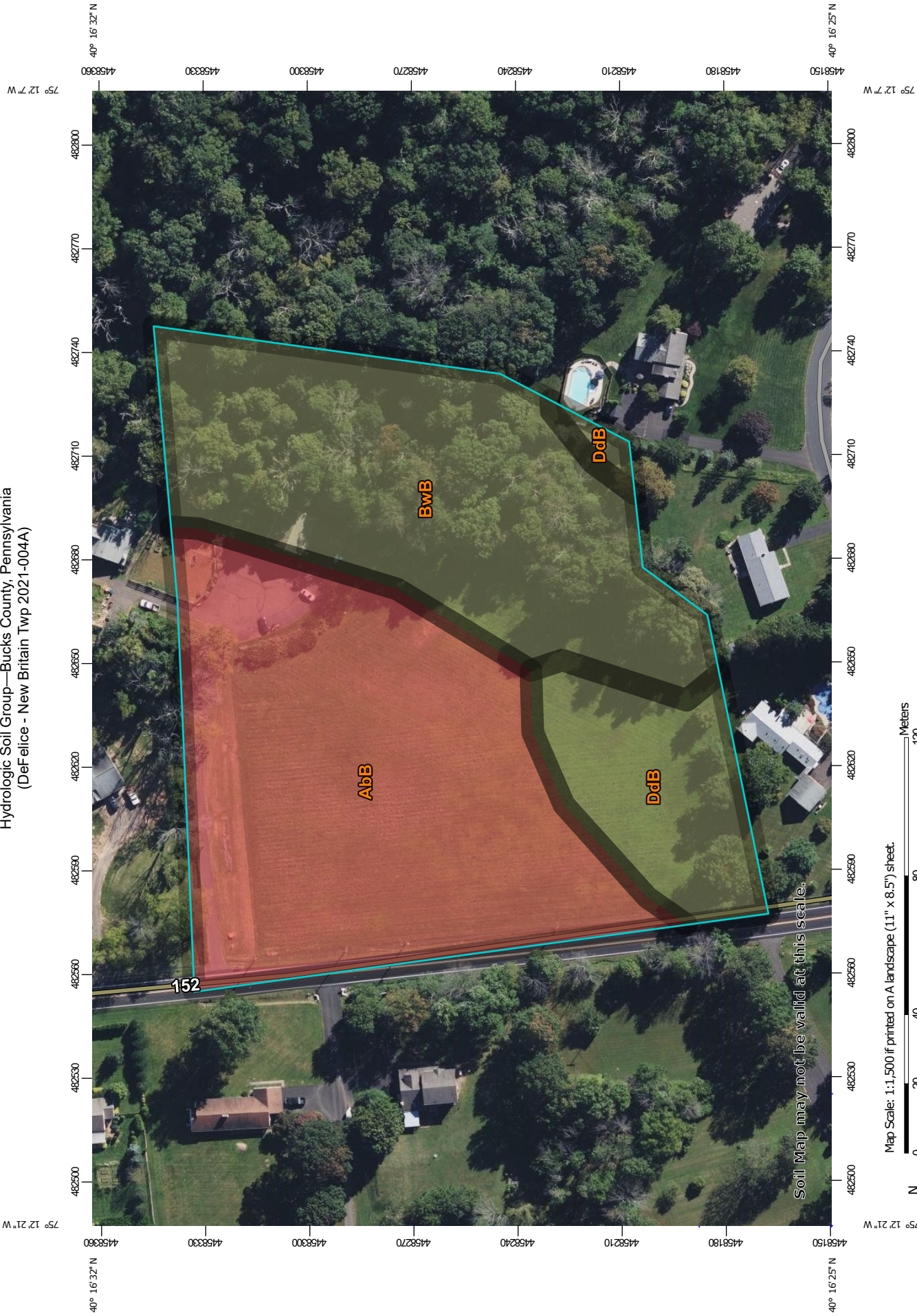
The minimum required volume control for the site is 833 CF. The rain garden basin design provides a volume of 1,213 CF below the emergency spillway for infiltration. The design infiltration rate was calculated to be 0.08 in/hr after applying a Factor of Safety of 2. Due to the minimal infiltration rate, the basin bottom will be amended soils. The infiltration rate was assumed to be 0.5 in/hr as specified for the amended soils in the basin.

Rain Garden:                      Volume Provided Below Emergency Spillway: 1,213 CF

#### *Rain Garden Dewatering Time*

$$\begin{aligned} &= \text{Infiltration Volume} / (\text{Surface Area (SF)} \times \text{Infiltration Design Rate (ft/hr)}) \\ &= 1,213 \text{ CF} / ((964 \text{ SF}) \times (0.5 \text{ in/hr} \times 1 \text{ ft} / 12 \text{ in})) \\ &= 30.2 \text{ hours} \end{aligned}$$

Hydrologic Soil Group—Bucks County, Pennsylvania  
(DeFelice - New Britain Twp 2021-004A)


























Map Scale: 1:1,500 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



## MAP LEGEND

<b>Area of Interest (AOI)</b>	 C
<b>Soils</b>	 C/D
<b>Soil Rating Polygons</b>	 D
<b>Soil Rating Lines</b>	 Not rated or not available
<b>Water Features</b>	 Streams and Canals
<b>Transportation</b>	 Rails
	 Interstate Highways
	 US Routes
	 Major Roads
	 Local Roads
<b>Background</b>	 Aerial Photography
<b>Soil Rating Polygons</b>	 A
	 A/D
	 B
	 B/D
	 C
	 C/D
	 D
	 Not rated or not available
<b>Soil Rating Points</b>	 A
	 A/D
	 B
	 B/D

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Bucks County, Pennsylvania  
Survey Area Data: Version 18, Aug 31, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 28, 2020—Sep 19, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
AbB	Abbottstown silt loam, 3 to 8 percent slopes	D	3.0	48.1%
BwB	Buckingham silt loam, 3 to 8 percent slopes	C/D	2.4	37.8%
DdB	Doylestown silt loam, 3 to 8 percent slopes	C/D	0.9	14.1%
<b>Totals for Area of Interest</b>			<b>6.3</b>	<b>100.0%</b>

### Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

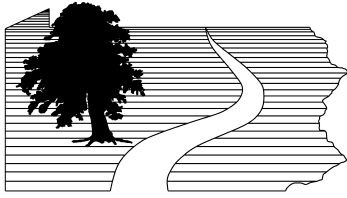
If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

## Rating Options

*Aggregation Method: Dominant Condition*

*Component Percent Cutoff: None Specified*

*Tie-break Rule: Higher*



## **Penn's Trail Environmental, LLC**

**21 E. Lincoln Ave – Suite 160**

**Hatfield, PA 19440**

**Phone: (215) 362-4610**

**e-mail: staff@pennstrail.com**

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Prestige Property Partners  
1126 Horsham Rd.  
Maple Glen, PA 19002

August 4, 2022

**RE: Stormwater Infiltration Study & Report**  
**137 S. Limekiln Pike Tract**  
**New Britain Twp., Bucks Co., PA**  
**PTE #5933**

Dear Mr. D'Angelo,

Penn's Trail Environmental, LLC has performed a subsurface soil and permeability investigation on the referenced parcel. The intent of this investigation was to evaluate the subsurface soil profile and determine the permeability characteristics of the areas indicated for proposed stormwater disposal via infiltration. Test excavations were developed with a backhoe and described in accordance with United States Department of Agriculture-Natural Resource Conservation Service (USDA-NRCS) methodology. In-situ permeability testing was conducted using the Double Ring Infiltrometer (DRI) method as described by ASTM-D3385-09 standards.

Current regulation requires that stormwater control be designed for this proposed new land development project. Permeability testing is required to determine if infiltrative capacity of the subsoil is present. Test locations were positioned at the direction of the project engineer. Depth of testing was determined by final constructed grade of the stormwater facilities or adjusted for shallow bedrock or groundwater encountered in test excavations. A backhoe was required for excavation of the test probes and establishment of the double rings.

Soil profile descriptions were developed at each test point and include information such as texture, structure, soil depth, and indication (or lack thereof) of a seasonal high-water table or restricted drainage as would be indicated by redoximorphic features.

Redox features often occur when infiltrating water encounters a slowly permeable layer as it moves downward through the soil profile. These features do not indicate a true water table or zone that is saturated for prolonged periods by regional groundwater at this site. Regional groundwater was not encountered at this site, and redox features observed are an indicator of infiltration issues which are addressed by permeability testing and should not be considered a limiting design factor unless permeability rates reveal that to be the case.

Pre-development USDA-NRCS soil mapping at this site, or more specifically the test locations, was the Abbottstown, Buckingham, and Doylestown soil series. The Abbottstown series consists of deep and very deep, somewhat poorly drained soils. They formed in residuum from acid red shale, siltstone and sandstone. They are on concave upland slopes of 0 to 15 percent. Saturated hydraulic conductivity is moderately low to moderately high above the fragipan and moderately low in and below the fragipan. Diagnostic horizons and other features recognized in this pedon are an ochric epipedon from the surface of the soil to a depth of 10 inches, an argillic horizon from 10 to 30 inches (Bt and Btg horizons), a fragipan from 19 to 30 inches (Btxg horizon) and lithic contact (slightly weathered shale bedrock) at 59 inches (R horizon).

The Buckingham series consists of very deep, somewhat poorly drained soils on head slopes, in drainage ways and U-shaped valleys on hills. Saturated hydraulic conductivity is very high to high above the fragipan, and moderately low to moderately high in the fragipan. They are

formed in colluvium derived from weathered gray and red shale, siltstone and sandstone materials. Saturated hydraulic conductivity is very high to high above the fragipan, and moderately low to moderately high in the fragipan. Depth to Bedrock is greater than 80 inches. Depth to the fragipan is 20 to 40 inches. Redox depletions and/or iron concentrations are under the A or Ap horizon. Diagnostic horizons and features in this pedon include an ochric epipedon from the surface to a depth of 7 inches (A1 and A2 horizons), an argillic horizon from 7 to 70 inches (BA, Bt1, Bt2, Btxb1, and Btxb2 horizons), and fragipan -from 30 to 70 inches (Btxb1, and Btxb2 horizons).

The Doylestown series consists of deep, poorly drained soils. Permeability is slow. These soils formed in silty materials, presumably eolian deposits, over soil materials weathered from a variety of parent materials, but principally red shale. Solum thickness and thickness of the silt mantle ranges from 40 to 60 inches. Depth to bedrock ranges from 3 1/2 to 6 feet. Depth to the fragipan ranges from 15 to 25 inches. Diagnostic horizons and features recognized in this pedon are an ochric epipedon from the surface of the soil to a depth of 14 inches (Ap and BEg horizons), an argillic horizon from 14 to 48 inches (Btg and Btx horizons), a fragipan horizon from 20 to 48 inches (Btx horizon), and an aqualfs feature between 8 and 20 inches with a dominant color with chroma of 2 or less.

The soil at the testing locations were found to be better drained than mapped. The soils derived primarily from sandstone and shale are more accurately classified as Klinesville soil series and taxadjuncts thereto. While deviation from published mapping was encountered at this site, this investigation was not conducted for the purpose of disputing current mapping or as a re-mapping effort.

Soil profiles of backhoe excavated test pits were developed to depths at or near final constructed grade of proposed stormwater control facilities. The most restrictive barriers from the point of infiltration to contacting the base flow groundwater table were determined. The most common of these barriers in our region include restrictive soil horizons, varying lithology, fracturing of the bedrock or insufficient fracturing of the bedrock, and encountering groundwater among other factors. Our field observations, as reported on the attached soil profile data sheets, indicate that slowly diggable conditions were encountered in the test pits. Redoximorphic features were noted in test pit 1 throughout the lower argillic horizons. Subsequent detailed testing more accurately predicts the ability of the soil to efficiently infiltrate stormwater and has been attached.

Testing sought to identify zones that would potentially allow the infiltration of stormwater. The testing protocol used considers regional construction practices, the likelihood of “silting in” during and following construction and the subsurface characteristics of the soil and geology. The determination at this site was that bedrock presents the most restrictive condition to establish installation depth for infiltration of stormwater. The double rings were established at a level with sufficient residual subsoil above groundwater and bedrock to seat and seal the rings permitting unsaturated flow through the soil to the water table.

The recommended acceptable range for subsurface disposal of stormwater is 0.10 inches per hour to 10.0 inches per hour according to current BMP guidance. Surface basins where additional storage is economical can have much slower rates and still provide some infiltration. Our office recommends that the design engineer assume zero infiltration for any stormwater area which achieves less than 0.10 inches per hour.

There are various means to arrive at an infiltrative rate for the substratum following testing. Our method is to average the last four stabilized readings as established in the PA BMP Manual. Another is to use the “last” reading as is common for percolation testing for wastewater disposal. Averaging more accurately reflects what would likely occur during a rain (soil saturation) event.

Testing was conducted at discreet locations selected by the project engineer using double ring infiltrometers. Data sheets containing the information recorded for the soil profile descriptions and double ring infiltrometers have been included as attachments to this report. A table summarizing the field data can be found below:

<b>Stormwater Testing Summary</b>						
<b>Test Location</b>	<b>Depth of Test Pit</b> Inches	<b>Depth to Water</b> Inches	<b>Depth to Rock</b> Inches	<b>Depth of Testing</b> Inches	<b>Infiltration Rate</b> Inches per hour	<b>Geometric mean</b> Inches/hour
1A	36	---	36*	12	0.10	0.155
1B	36	---	36*	12	0.24	

\* very slowly diggable

The soil encountered demonstrated varied infiltration rates. Subsurface conditions may change following construction and resultant redirection of surface water following development. Results suggest that the geometric mean of the tested locations infiltration rates are within the recommended guidelines of 0.10 inches per hour provided a safety factor of two is not applied. Regardless, this site is marginally suitable even after the safety factor is applied.

Stormwater control devices can include surface and subsurface facilities that allow the design engineer flexibility in reducing velocity containing and disposing of stormwater on this site in select areas due to the channery composition of the soil at this site. Surface features such as vegetated swales and berms can be employed to reduce overland flow and retain water in-situ thus extending contact time and providing for additional infiltration.

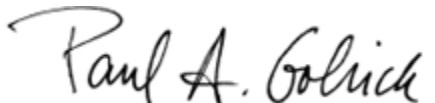
Our findings are a result of testing conducted in specific locations and conditions. Should evidence contrary to the findings in this report be discovered prior to, during, or after construction of the stormwater control devices, our office must be notified immediately so our recommendations can be reviewed and revised if necessary.

Penn's Trail Environmental, LLC expresses no guarantee that the soil conditions following excavation will be identical to those encountered during this investigation. We recommend that caution is exercised during construction to minimize compaction, or other disturbance in those areas intended for use as infiltration areas.

Please review the enclosed information and if any questions arise do not hesitate to contact our office.

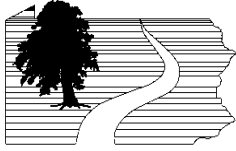
Sincerely,

**Penn's Trail Environmental, LLC**



Paul A. Golrick  
Soil Scientist

# Penn's Trail Environmental, LLC



21 East Lincoln Ave - Suite 160  
 Hatfield, PA 19440  
 ph. (215) 362-4610

Date: 8/4/22 Pit # 7 PTE # 5933  
 Project: 137 S. Limekiln Pike  
 Location: 137 S. Limekiln Pike  
New Britain Twp., Bucks Co., PA  
 Soil Series Klinesville

Horizon	Depth (in.)	Color	Redox Features	Texture	Structure	Consistence	Boundary
Ap	0-10	7.5YR 4/3	---	Very gravelly silt loam	Strong fine gr	friable	Clear wavy
Bt	10-13	7.5YR 5/3	few distinct	very channery silt loam	Moderate medium sbk	friable	Clear wavy
Cr	13-36	5YR 4/4	---	Extremely channery silt loam	Moderate medium sbk	friable	Clear wavy
R	36+						

Soil Scientist: Terry Harris

## Notes

### EPIPEDON

Ochric

### SUBSURFACE HORIZON(S)

Argillic

### SOIL ORDER

Inceptisol

### DRAINAGE CLASS

Somewhat Excessively Well Drained

### LANDFORM

Upland

### POSITION

Shoulder

### PARENT MATERIAL

Residuum

### BEDROCK LITHOLOGY

Shale

### REDOX FEATURES

#### **Abundance**

*Few* ..... <2%

*Common* .. 2-20%

*Many* .....>20%

#### **Contrast**

##### *faint*

hue & chroma of matrix and redox are closely related.

##### *distinct*

matrix & redox features vary 1-2 units of hue and several units of chroma & value.

##### *prominent*

Matrix & redox features vary several units in hue, value & chroma.

### STRUCTURE

#### **Grade**

*Structureless* - No observable aggregation or arrangement of lines of weakness.

*Weak* - Poorly formed, indistinct peds barely observable in place.

*Moderate* - Well-formed, distinct peds moderately durable & evident in place.

*Strong* - Durable peds evident in undisturbed soil & become separated when disturbed.

### COURSE FRAGMENTS (% of profile)

#### **15-35%**

gravelly  
 channery  
 cobbly  
 flaggy  
 stony

#### **35-65%**

very gravelly  
 very channery  
 very cobbly  
 very flaggy  
 very stony

#### **>65%**

extremely gravelly  
 extremely channery  
 extremely cobbly  
 extremely flaggy  
 extremely stony

### BOUNDARY

#### **Distinctness**

*abrupt* ..<1" (thick)

*clear* .....1-2.5"

*gradual* ...2.5-5"

*diffuse*... ..>5"

#### **Topography**

*smooth* - boundary is nearly level

*wavy* - pockets with width greater than depth

*irregular* - pockets with depth greater than width

*broken* - boundary is discontinuous

and interrupted

#### **Type**

*pl* - platy

*pr* - prismatic

*cpr* - columnar

*gr* - granular

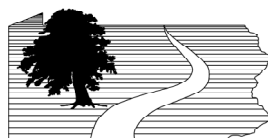
*abk* - angular blocky

*sbk* - subangular blocky

## Double Ring Infiltrometer Data Reporting Sheet

Job Name:	<b>Prestige Property Partners</b>	Job #:	<b>5933</b>
Location:	137 S. Limekiln Pike	Date:	8/4/2022
Township:	New Britain	Ring #:	1A
County:	Bucks	Technician:	Devon Tarantino
Witness:		Tax Parcel:	26-010-027
Water Temp:	70's °F	Weather:	sunny 90's °F
Test Depth:	12 inches	pH:	6.9

Time (hr:min)	Interval (min.)	Inner Ring Drop (in.)	Inner Ring Volume change (ml)	Outer Ring Drop (in.)	Outer Ring Volume Change (ml)	Rate (ml/min)	Infiltration rate (in/hr)
8:00 AM	<del>X</del>		fill		fill	<del>X</del>	<del>X</del>
8:30 AM	30	1/8	70	4/8	400	2.33	0.30
9:00 AM	30	1/8	30	3/8	340	1.00	0.13
9:30 AM	30	< 1/8	20	2/8	220	0.67	0.09
10:00 AM	30	< 1/8	10	2/8	220	0.33	0.04
10:30 AM	30	1/8	40	2/8	230	1.33	0.17
11:00 AM	30	< 1/8	20	2/8	220	0.67	0.09
<i>Average</i>	<del>X</del>		22.50		222.50	0.75	0.10

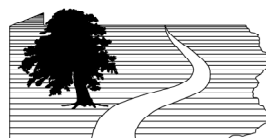




## Double Ring Infiltrometer Data Reporting Sheet

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County:	Bucks	Technician:	Devon Tarantino
Witness:		Tax Parcel:	26-010-027
Water Temp:	70's °F	Weather:	sunny 90's °F
Test Depth:	12 inches	pH:	6.9

Time (hr:min)	Interval (min.)	Inner Ring Drop (in.)	Inner Ring Volume change (ml)	Outer Ring Drop (in.)	Outer Ring Volume Change (ml)	Rate (ml/min)	Infiltration rate (in/hr)
8:01 AM	<del>X</del>		fill		fill	<del>X</del>	<del>X</del>
8:31 AM	30	3/8	190	4/8	410	6.33	0.82
9:01 AM	30	2/8	110	2/8	200	3.67	0.47
9:31 AM	30	1/8	50	1/8	110	1.67	0.22
10:01 AM	30	1/8	60	1/8	110	2.00	0.26
10:31 AM	30	1/8	50	1/8	130	1.67	0.22
11:01 AM	30	1/8	60	1/8	110	2.00	0.26
<i>Average</i>	<del>X</del>		55.00		115.00	1.83	0.24





# Pond Report

## Pond No. 1 - Prop Rain Garden

### Pond Data

Contours -User-defined contour areas. Conic method used for volume calculation. Begining Elevation = 392.50 ft

### Stage / Storage Table

Stage (ft)	Elevation (ft)	Contour area (sqft)	Incr. Storage (cuft)	Total storage (cuft)
0.00	392.50	964	0	0
0.50	393.00	1,158	530	530
1.50	394.00	1,588	1,367	1,897

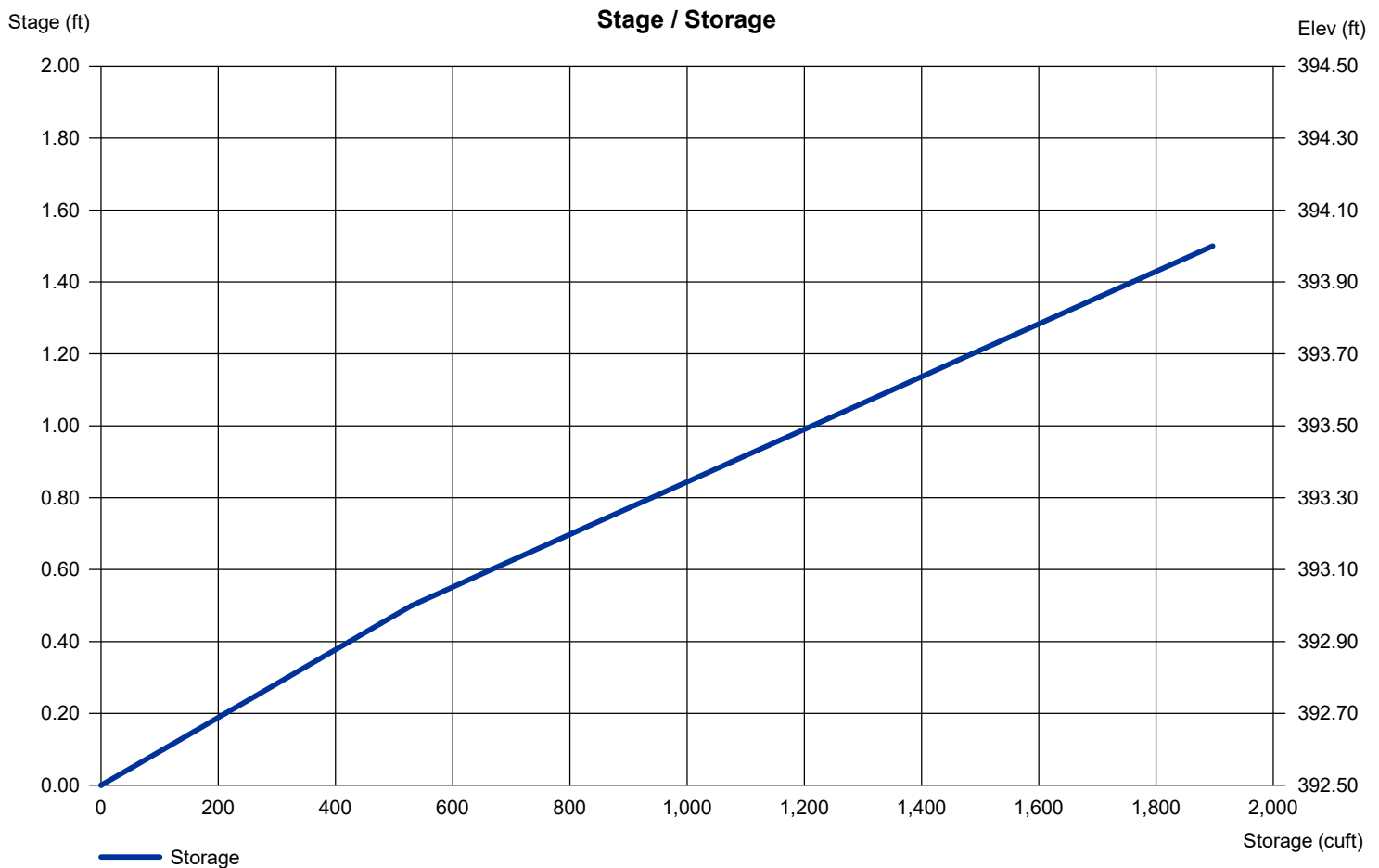
### Culvert / Orifice Structures

	[A]	[B]	[C]	[PrfRsr]
Rise (in)	= 0.00	0.00	0.00	0.00
Span (in)	= 0.00	0.00	0.00	0.00
No. Barrels	= 0	0	0	0
Invert El. (ft)	= 0.00	0.00	0.00	0.00
Length (ft)	= 0.00	0.00	0.00	0.00
Slope (%)	= 0.00	0.00	0.00	n/a
N-Value	= .013	.013	.013	n/a
Orifice Coeff.	= 0.60	0.60	0.60	0.60
Multi-Stage	= n/a	No	No	No

### Weir Structures

	[A]	[B]	[C]	[D]
Crest Len (ft)	= 2.00	0.00	0.00	0.00
Crest El. (ft)	= 393.50	0.00	0.00	0.00
Weir Coeff.	= 2.60	3.33	3.33	3.33
Weir Type	= Broad	---	---	---
Multi-Stage	= No	No	No	No
Exfil.(in/hr)	= 0.000 (by Contour)			
TW Elev. (ft)	= 0.00			

Note: Culvert/Orifice outflows are analyzed under inlet (ic) and outlet (oc) control. Weir risers checked for orifice conditions (ic) and submergence (s).





April 18, 2023

File No. 22-08099

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

Reference: Prestige Partners, Minor Subdivision Review 2  
137 S. Limekiln Pike, TMP #26-010-027

Dear Matt:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the Minor Subdivision Plan for the above-referenced project. We offer the following comments for consideration by New Britain Township:

I. SUBMISSION

- A. Subdivision Plan prepared for Craig & Pauline Defelice, as prepared by R.L. Showalter & Associates, Inc., dated February 22, 2021, last revised March 2, 2023, Sheets 1 to 6 of 7.
- B. Stormwater Management Report for Craig & Pauline Defelice, as prepared by R.L. Showalter & Associates, Inc., dated August 16, 2021, last revised March 2, 2023.
- C. Waiver Requests letter for Prestige Property Partners, LLC – 2 Lot Subdivision, as prepared by R.L. Showalter & Associates, Inc., dated March 2, 2023.
- D. Will Serve letter for 137 South Limekiln Pike, as prepared by North Wales Water Authority, dated December 2, 2022.
- E. Septic System Permit documentation for 137 Limekiln Pike dated November 25, 2013 and repair documentation from David Morris Mechanical Services, dated February 3, 2014.
- F. Email correspondence related to public sewer at 137 Limekiln Pike from John Schmidt (CNBSA) dated September 14, 2022.
- G. Cross Easements for Driveways and Utilities for TMP #26-10-28 and #26-10-27 dated February 24, 2000.

II. REFERENCE DOCUMENTATION

- A. New Britain Township Zoning Hearing Board Decision dated March 24, 2023.

III. GENERAL

The property is located at 137 S. Limekiln Pike (S.R. 0152), north of Naomi Lane and consists of 4.99 acres within the SR-2 Suburban Residential District. The applicant proposes a minor subdivision to create one new B1 single-family dwelling lot on 2.29 acres as permitted by-right, with access onto Limekiln Pike. The existing, nonconforming multifamily use (B6) building will be retained on the remaining 2.12-acres with access to Limekiln Pike through an existing access easement on the adjacent parcel to the north. The proposed dwelling will take access from S. Limekiln Pike (S.R.0152) and is proposed to be served by public water from North Wales Water Authority and an on-lot septic system. Stormwater is proposed to be managed through a rain garden for a total of 4,999 sf of impervious surface area, including 334 sf for future. The area of disturbance totals 0.96 acres.

IV. REVIEW COMMENTS

A. Zoning Hearing Board Decision dated March 24, 2023

On February 16, 2023, the Township Zoning Hearing Board granted the Applicant's request for relief from the following Zoning Ordinance requirements. Both sections shall be noted on the plan once the Decision is formally rendered:

1. §27-305.B.B6.b.1 – To permit the legally established and existing nonconforming B6 multifamily use to continue on proposed Parcel 1 whereas the zoning ordinance requires a minimum tract area of five acres.
2. §27-2101.c – To permit the lot size to be reduced in such a way or to such an extent that the area of the lot becomes smaller than or nonconforming with the applicable requirements, i.e. from 4.99 acres to 2.12 acres.

B. Zoning Ordinance

1. §27-2401.c – For subdivision and land developments, restrictions meeting Township specifications must be placed in the deed for each site that has natural resource protection areas. A conservation easement is proposed over the minimum resource protection area. However, based on the 80% protection ratio for woodlands, a total of 0.91 acres of woodlands shall be protected. The proposed conservation easements on Lots 1 and 2 only appear to cover 0.84 acres of the existing woodlands. The easements shall be revised to cover the minimum required woodland area. A Declaration of Easement Agreement shall be prepared for both lots.

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 March 2, 2023:

1. §22-703.4.c. – From the requirement that lot lines shall be drawn at right angles to the street right-of-way line unless not feasible or undesirable due to existing, permanent, natural or man-made features. A waiver is requested to allow the property line to angle around the proposed backup septic area, which is required to be setback a minimum of 10 feet from the property line. The lot line is perpendicular to the ultimate right-of-way line up to the front yard setback line.
2. §22-705.3. – From the requirement for cartway widening and pavement mill and overlay along existing streets which abut the proposed subdivision. South Limekiln Pike (S.R. 0152) has a cartway width of 21 feet (10.5-foot half width), where a width of 52 feet (26-foot half-width) is required. We note that PennDOT is not requiring any road improvements along the street based on their January 6, 2023 correspondence.
3. §22-706. – From the requirement that curb and sidewalk be provided along the property frontage of every existing street abutting a proposed subdivision. We note that there are no curb or sidewalk along the frontage of the adjoining properties to the north or south. In addition, PennDOT is not requiring any road improvements along the street based on their January 6, 2023 correspondence.
4. §22-706. – From the requirement that concrete monuments be placed at all proposed lot corners not along the ultimate right-of-way and at the corner of septic easements. We support a waiver with the condition that in addition to the monuments shown on the plan, a monument be added to the plan at the proposed ultimate right-of-way along Parcel 2 at the southernmost corner.
5. We note that Resolution 2007-12 established a policy for the Board of Supervisors to grant or deny public improvement waivers under the Township's SALDO subject to a financial contribution. If waivers are granted from installing road improvements, the estimated cost for installing the full width road widening, curb and sidewalk, shall be submitted to determine the fee in-lieu-of contribution. The Board may consider at their sole discretion whether to require the improvements or grant waivers from these sections contingent on accepting a fee in-lieu of the improvements in the amount of 50% of the construction costs.

D. Subdivision and Land Development Ordinance

1. §22-401.8 – The applicant for a subdivision or land development shall, with the submission of a preliminary plan, notify all surrounding property owners (minor subdivision-adjacent property owners and major subdivisions and land developments within 1,000 feet of the proposed development perimeter).
2. §22-406.1.I – Legal descriptions shall be provided for the legal and ultimate rights-of-way, proposed lots, back up septic site easements and conservation easements.
3. §22-502 – The following information shall be provided on the Subdivision Plan:
  - a. The metes and bounds of the legal right-of-way line.
  - b. The distances between the title line, legal right-of-way line and ultimate right-of-way line.
4. §22-705.1.G – All plans that require access to a street or highway under the jurisdiction of PennDOT shall either require a highway occupancy permit prior to recording of final plans or an acknowledgment on the site plan of the requirement to obtain a highway occupancy permit prior to the issuance of a use and occupancy permit. All necessary PennDOT permits for the proposed driveway, grading and utility connections within the S. Limekiln Pike right-of-way shall be submitted to the Township.
5. §22-711.2 – The following erosion and sediment control comments shall be addressed:
  - a. It appears runoff from the rear yard may bypass the silt sock in the gap between the septic area and rain garden. The silt sock shall be extended to cover this area.
  - b. Erosion control matting shall be provided for the basin spillway. It shall be designed to handle the maximum velocity of flow to the rain garden in the event the rain garden overtops.
6. §22-711.3 – The Rain Garden Cross Section table notes an elevation of 390.50 for the bottom of the amended soils which is not consistent with the rain garden elevation of 392.50 and the amended soils depth of 1.5 feet. The amended soils and rain garden finished grade elevations shall be resolved.
7. §22-715.2.C(1) – The applicant shall dedicate land to the Township suitable for park and recreation use, or else provide a fee of \$2,500.00 to the Township.
8. §22-721.3 – A completed PADEP Sewage Facilities Planning Module shall be submitted with all preliminary plan applications submitted for subdivision with on-lot sewage disposal systems. Planning module approval or exemption is required to be obtained from the Pennsylvania Department of Environmental Protection (DEP) prior to plan approval.
9. §22-721.5 & 6 – If on-lot septic is proposed, a permit from the Bucks County Department of Health (BCDH) shall be provided for the on-lot sewage disposal system for the proposed lot. In addition, the septic system permit documentation for the existing on-lot system on Parcel 1 is from 2013. The applicant shall submit to the Township acknowledgment from a reputable inspection company indicating that the existing system for Lot 1 is currently functioning properly and adequate for the current multifamily use.
10. The Applicant is responsible for any other required reviews, approvals, permits, etc. (i.e., Bucks County Planning Commission, Bucks County Conservation District, PADEP, Fire Marshal, etc.


E. Stormwater Management Comments

1. §22-712.2.J. – As-constructed plans shall be submitted to the Township for review and approval upon completion of all facilities and prior to issuance of an occupancy permit.

2. §22-712.4.A. – Detention basins shall be designed to facilitate regular maintenance, mowing and periodic desilting. Though a rain garden is proposed, we recommend an outlet pipe with a valve be installed to allow the facility to be dewatered if needed due to low infiltration rates observed in the underlying soils.
3. §26-164.1 – The Applicant shall sign an Operation and Maintenance (O&M) agreement with the municipality covering all stormwater and storm sewer facilities and BMPs that are to be privately owned. The O&M agreement shall be transferred with transfer of ownership and shall be prepared by the Township Solicitor.
4. Township Resolution #2023-03 – The Applicant will be required to pay a fee for the proposed onsite BMP 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 BMP. The Applicant's professional shall submit a cost estimate for review and approval.

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

Sincerely,



Janene Marchand, P.E.  
Project Engineer  
Gilmore & Associates, Inc.

JM/tw

cc: Michael Walsh, Assistant Manager  
David Conroy, Director of Planning and Zoning  
Ryan Gehman, Assistant Planning and Zoning Officer  
Randy Teschner, Code Enforcement Officer  
Sean Gresh/Jeffrey Garton, Esquire, Begley, Carlin, & Mandio, LLP  
Robert L. Showalter, P.E., R.L. Showalter & Associates, Inc.  
Prestige Property Partners, LLC., Owner/ Applicant  
Craig D. Kennard, P.E., E.V.P., Gilmore & Associates, Inc.

Nate D. Fox, Esquire  
Direct Dial: 215.606.0178  
nate.fox@obermayer.com  
www.obermayer.com

Obermayer Rebmann Maxwell & Hippel LLP  
10 S. Clinton Street, Suite 300  
Doylestown, PA 18901  
P: 215.606.0760  
F: 215.348.1804

[www.obermayer.com](http://www.obermayer.com)

March 6, 2023

**VIA HAND DELIVERY  
AND EMAIL**

New Britain Township  
Ryan Gehman, Zoning Officer  
207 Park Avenue  
Chalfont, PA 18914  
[rgehman@nbtpa.us](mailto:rgehman@nbtpa.us)

**Re: *County Line Road and West Butler Avenue*  
*TMP Nos. – 26-006-101-004, 26-006-101, and 26-006-101-003*  
Conditional Use Application of Toll Mid-Atlantic L.P. Company, Inc.**

Dear Ryan:

Attached please find seven (7) copies of Applicant, Toll Mid-Atlantic L.P. Company, Inc.'s Conditional Use Application in connection with the above-referenced property along with a check for the required filing fee of \$2,500 and a flash drive containing an electronic copy of the complete application.

Please let me know if you have any questions or require any further information. Thank you.

Very truly yours,



Nate D. Fox, Esq.

Enclosures





# NEW BRITAIN TOWNSHIP

207 Park Avenue • Chalfont, PA 18914 • Telephone: (215) 822-1391

## CONDITIONAL USE HEARING APPLICATION

### Please Note:

**It is the applicant's responsibility to complete all pertinent sections of this form. Please contact the Zoning Officer prior to submittal if you need any assistance.**

### TOWNSHIP USE ONLY

Application #: \_\_\_\_\_  
Date Filed: \_\_\_\_\_  
Payment: \_\_\_\_\_  
Check #: \_\_\_\_\_  
Receipt #: \_\_\_\_\_

1. Date: 3/6/2023
2. Applicant:
  - (a) Name: Toll Mid-Atlantic L.P. Company, Inc.
  - (b) Mailing address: 250 Gibraltar Road  
Horsham, PA 19044
  - (c) Telephone number: 215-606-0178 (Attorney)
  - (d) State whether owner of legal title, owner of equitable title, or tenant with the permission of owner of legal title:  
Equitable title
3. Applicant's attorney, if any:
  - (a) Name: Nate Fox, Esq.
  - (b) Mailing Address: 10 S. Clinton Street, Suite 300  
Doylestown, PA 18901
  - (c) Telephone number: 215-606-0178
  - (d) Fax Number: 215-665-3165
4. Property:
  - (a) Present Zoning Use Classification: C-1 Commercial
  - (b) Tax Parcel Number: See attached Addendum
  - (c) Location (With reference to nearby intersections or prominent features):  
Frontage on West Butler Avenue and County Line Road
5. Proposed use:  
Use J31 - Planned Community Center Mixed (PCCM) with B5 Single-Family  
Attached Dwelling Use
6. Has any previous zoning applications been filed concerning this property? If yes, specify:  
Yes, a ZHB Decision granting dimensional relief for a PCCM including the Property  
was issued on May 17, 2018; Additionally a Conditional Use Decision dated  
August 8, 2018 approved the J31 PCCM Use on the Property

I (We) hereby certify that the above information is true and correct to the best of my (our) knowledge, information or belief.

  
\_\_\_\_\_  
Signature

### Notes:

- (1) One copy of plans (if size 8 1/2" x 11") or seven copies (if larger than size 8 1/2" x 11") must be attached to the application. The plan or plans must be prepared by a professional engineer or surveyor. The plan or plans must contain all information relevant to the application, including but not limited to, the following: the property related to a street, the dimensions and area of the lot, the dimensions and location of existing buildings or improvements, the dimensions and locations of proposed uses, buildings or improvements.
- (2) Filing fee, which must accompany this application, and which is not returnable once the application is accepted.  
Conditional Use Application Fee: \$2,500.00, plus Professional Services Agreement and escrow.

**NEW BRITAIN TOWNSHIP - BOARD OF SUPERVISORS**  
**ADDENDUM TO CONDITIONAL USE APPLICATION OF**  
**TOLL MID-ATLANTIC L.P. COMPANY, INC.**  
**BIRCH RUN AT NEW BRITAIN**

**Tax Parcel Nos. 26-006-101-004, 26-006-101, and 26-006-101-003**

Background

Applicant, Toll Mid-Atlantic L.P. Company, Inc., is the equitable owner of certain real property with frontage on County Line Road and West Butler Avenue in New Britain Township, Bucks County, more specifically identified as Tax Parcel Nos. 26-006-101 (“Wawa Parcel”), 26-006-101-003 (“Creamery Parcel”), and 26-006-101-004 (“Development Parcel”)(collectively, the “Property”).

The Property is located within the C-1 Commercial Zoning District pursuant to the New Britain Township Zoning Map and Zoning Ordinance (“ZO”). The Property has been approved as a Planned Community Center Mixed Use (PCCM), by an August 6, 2018 Conditional Use Adjudication, and was previously granted dimensional variance relief by a May 17, 2018 ZHB Decision.

The Property includes an existing Wawa convenience store and gas station on the Wawa Parcel and a flex space use on the Creamery Parcel, which have previously been approved and developed as part of the PCCM. The Development Parcel is unimproved except for an access drive and stormwater facilities which were approved under a previous application, and a structure and driveway which will be removed. Applicant now proposes to develop the Development Parcel with a B5 Single-Family Attached Dwelling use, including 44 three-story townhomes, as depicted on the Site Plans For Birch Run at New Britain attached hereto as Exhibit 2.

As a condition of the August 6, 2018 Adjudication, all future associated uses within the PCCM are required to be approved as a conditional use. By this Application, Applicant requests the Board of Supervisors hold a hearing on this application to amend the approved Conditional Use of the Property, or alternatively, to grant a new conditional use approval to permit the B5 Single-Family Attached Dwelling use as a sub-use within the PCCM.

In order to develop the Property as proposed, Applicant requests approval from the Board of Supervisors for the following deviations from the PCCM design regulations:

1. To the extent the ordinance restriction to a maximum of one ground sign per 500 feet of street frontage applies to the proposed internal roadways, Applicant requests a

modification of sign regulations pursuant to Section 27-305.J31.e.13.(d), to permit community identification ground signs on the Development Parcel at the intersection of the Access Road and Road A, and along Road B, as shown on the Site Plans. No signs will be located along the frontage of either County Line Road or West Butler Avenue. In the event the Board determines that this restriction applies, a waiver or modification is requested to permit a ground sign along Road B which has 302 feet of street frontage;

2. To permit maximum building heights of 37 feet under the Board's discretion pursuant to Section 27-305.J31.h.3, due to grade variation around the buildings, and where increased green and/or buffer areas are proposed for the site and the proposed building heights can be safely served by local fire service providers;
3. To permit disturbance of roughly 4,300 square feet of an existing conservation easement on the Wawa Parcel, as necessary to provide additional vehicular and pedestrian circulation between parcels in combination with a water line easement.

Applicant's request to amend the approved Conditional Use (or alternatively to grant conditional use approval) should be granted, as it satisfies all other applicable requirements under the ZO for the J31 PCCM Use, as well as the B5 residential sub-use. Specifically:

- a. All applicable area and dimensional requirements for the B5 residential sub-use are satisfied, except for the maximum building height deviation requested above;
- b. Less than 25% of the base site area will be part of the residential sub-use;
- c. Compliant open space will be provided in an amount greater than 1/3 of the residential sub-use and greater than 5% of the overall base site area;
- d. Minimum 25-foot buffers will be provided between the proposed residential and existing or proposed commercial uses; and
- e. The PCCM will comply with all Performance and Design, Signage, Parking, and Natural Resource Protection Standards, except for the signage and conservation easement disturbance requested above.

Additionally, the application satisfies the general requirements for conditional use approval pursuant to §27-3008 of the Zoning Ordinance. Specifically, the B5 residential sub-use will be:

1. In accordance with the Township Comprehensive Plan objectives as a compact, walkable community near the existing commercial Butler Avenue Corridor;

2. In the best interests of the Township, the convenience of the community, and the public welfare;
3. Suitable for the property in question, and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;
4. In conformance with all applicable requirements of this chapter and all Township ordinances;
5. Suitable in terms of effect on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard;
6. In accordance with sound standards of subdivision and land development practice where applicable; and
7. In accordance with the specific standards and criteria of this chapter.

Applicant is entitled to the grant of a conditional use when its application meets the requirements of the Zoning Ordinance. *In re Thompson*, 869 A.2d 659 (Pa. Cmwlth. 2006) (citing *Sheetz, Inc. v. Phoenixville Borough Council*, 804 A.2d 113 (Pa. Cmwlth. 2002); *Levin Board of Supervisors of Benner Township*, 669 A2d 1063 (Pa. Cmwlth. 1995); and *Bailey v. Upper Southampton Township*, 690 A.2d 1324 (Pa. Cmwlth. 1997)).

**NEW BRITAIN TOWNSHIP - BOARD OF SUPERVISORS**

**CONDITIONAL USE APPLICATION OF**

**TOLL MID-ATLANTIC L.P. COMPANY, INC.**

**BIRCH RUN AT NEW BRITAIN**

**Tax Parcel Nos. 26-006-101-004, 26-006-101, and 26-006-101-003**

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**EXHIBITS**

1. Agreement of Sale, dated September 13, 2022;
2. Site Plans for Birch Run at New Britain, by ESE Consultants, Inc. dated February 21, 2023;
3. Architectural Rendering of proposed townhomes;
4. Environmental Impact Statement Report;
5. Fiscal Impact Analysis;
6. Traffic System Inventory & Analysis;
7. Conditional Use Stormwater Management Narrative; and
8. Stormwater Management Plans Pre-Development

**AGREEMENT OF SALE**

**THIS AGREEMENT OF SALE** (this “**Agreement**”) is made this 13<sup>th</sup> day of September 2021, between **CTP MANAGEMENT LLC**, a Pennsylvania limited liability company having an address at 4309 County Line Road, Unit C, Chalfont, PA 18914 (“**Seller**”) and **TOLL MID-ATLANTIC LP COMPANY, INC.**, a Delaware corporation having an address at 1140 Virginia Drive, Fort Washington, PA 19034, or its nominee (“**Buyer**”).

**WITNESSETH:**

In consideration of the covenants and provisions contained herein, and subject to the terms and conditions hereinafter set forth, the parties hereto, intending to be legally bound, agree as follows:

1. Sale. Seller hereby agrees to sell and convey to Buyer, who hereby agrees to purchase from Seller, all that certain tract of land of approximately eight and eighty-five one hundredths (8.85) acres situate in the Township of New Britain, County of Bucks, Commonwealth of Pennsylvania, designated as Bucks County Tax Map Parcel Number 26-006-101-004, as more particularly described on Exhibit “A” attached hereto (the “**Property**”). The Property includes (i) all tenements, hereditaments, appurtenances, easements, covenants, permits, approvals, escrows and other rights arising from or appertaining to the land; (ii) all structures (including the existing residence), fixtures, systems, improvements, topsoil, trees, shrubbery and landscaping situated on, in or under or used in connection with the land; (iii) all agreements that are in force and effect and benefit the Property; (iv) all intangible property now or hereafter owned by Seller and used by Seller in the ownership or operation of the Property including all trademarks, logos and tradenames; and (v) all surveys, plans, specifications, reports, engineering work-product and other information to which Seller has access relating to the Property (all items set forth in this subparagraph (v) collectively, the “Seller’s Plans”), which Seller’s Plans shall be provided in electronic format and/or hard copy as requested by Buyer. Seller agrees to provide to Buyer copies of Seller’s Plans on or before the date of this Agreement in electronic format and/or hard copy as requested by Buyer.

2. Purchase Price. [REDACTED]

(a) [REDACTED]

(b)

[REDACTED]

(c)

[REDACTED]

(d)

[REDACTED]

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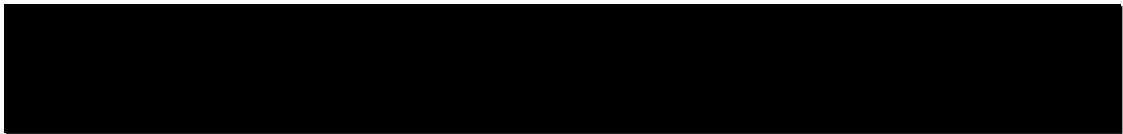
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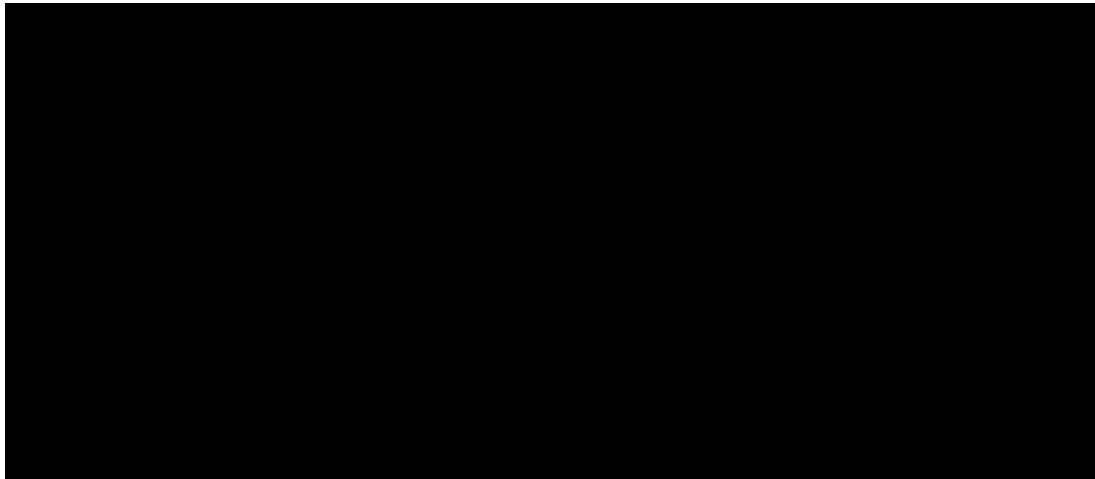
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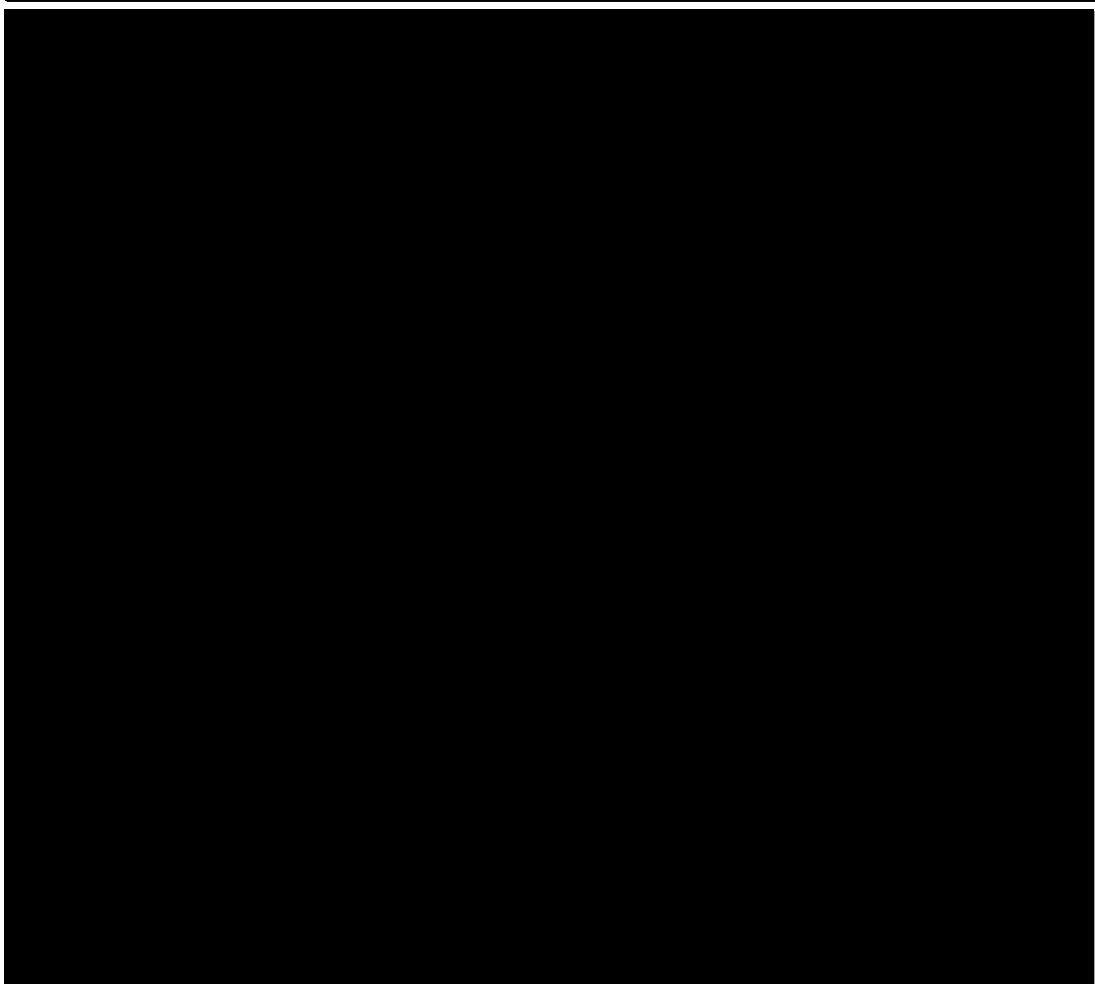


3. Title.

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13. Due Diligence Period.

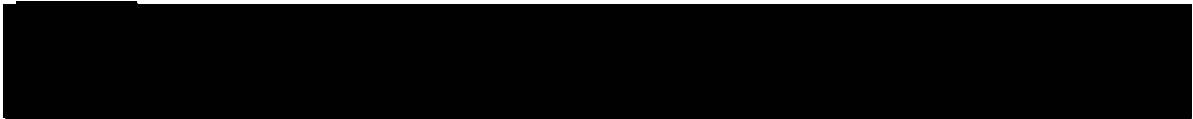
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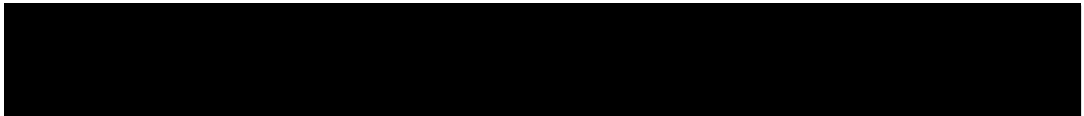
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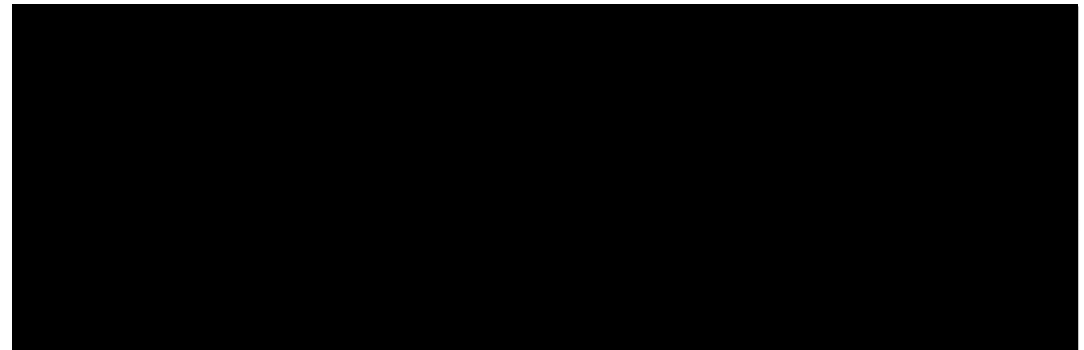
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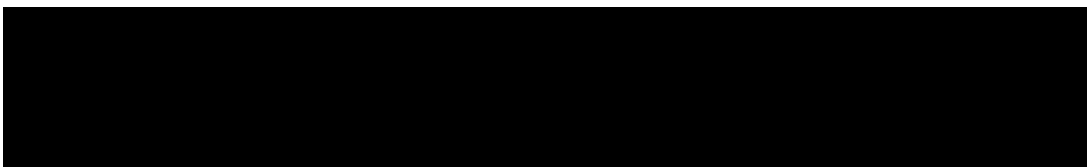
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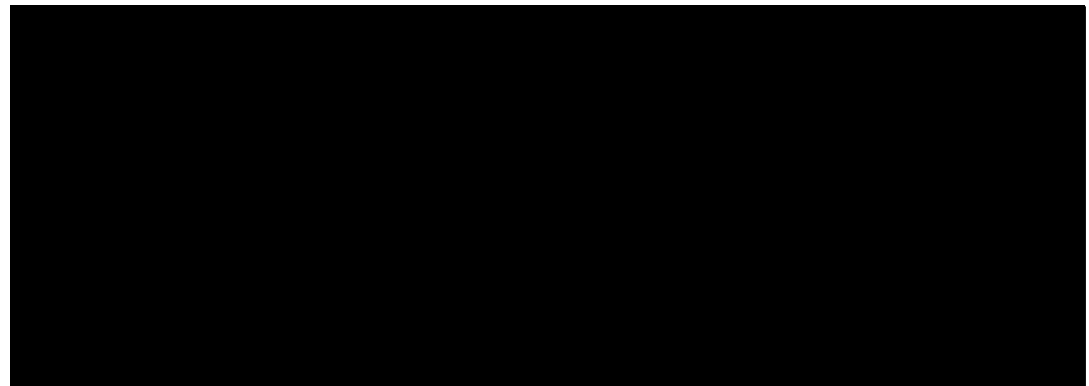
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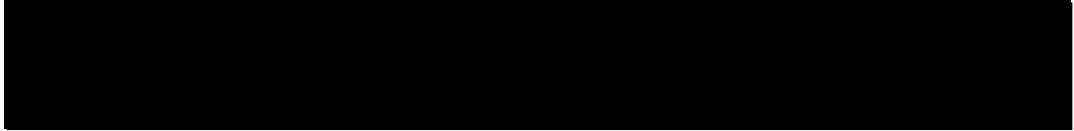
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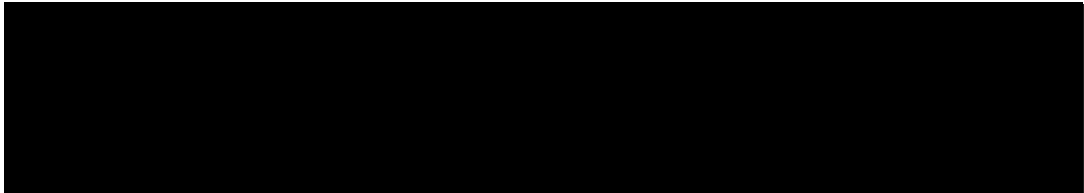
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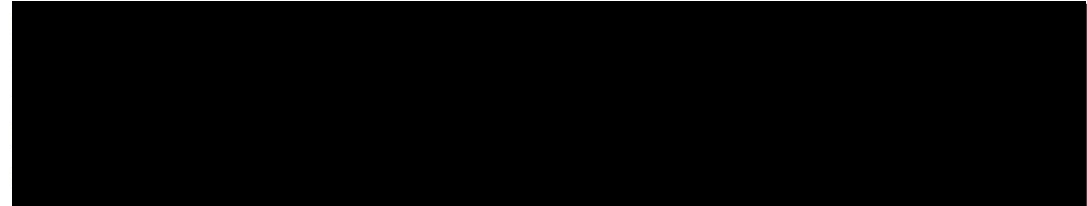
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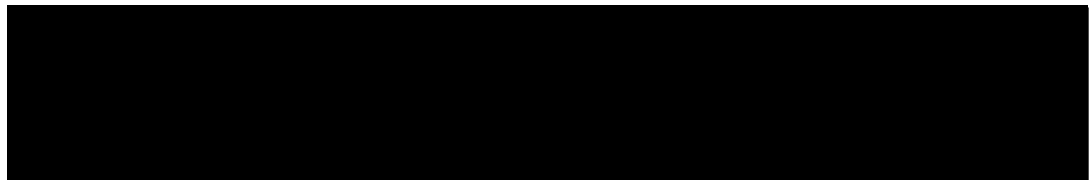
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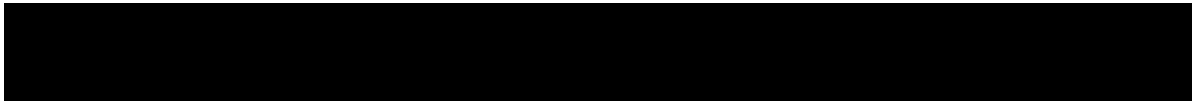
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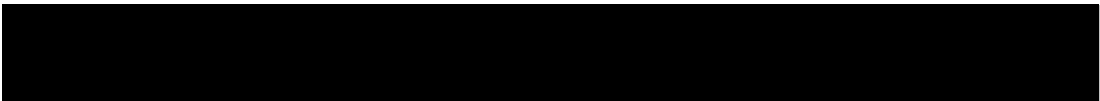
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16. Conditions to Buyer's Obligations.

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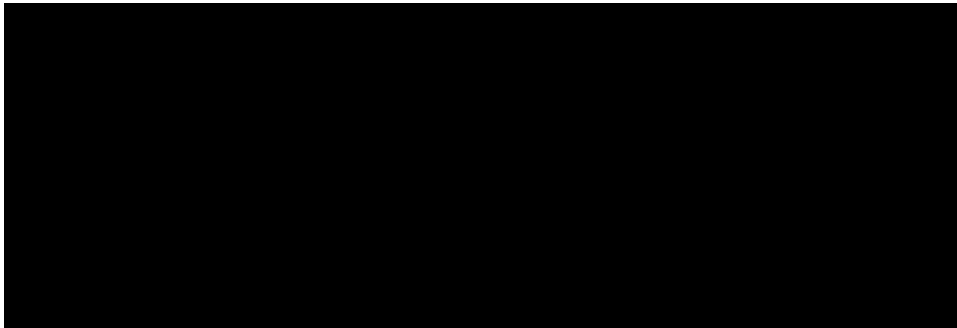
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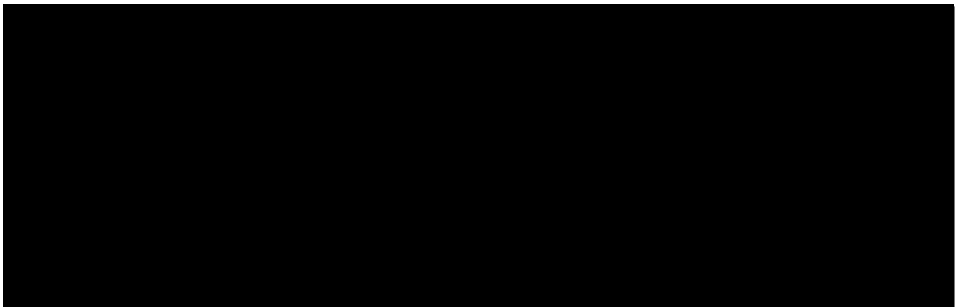
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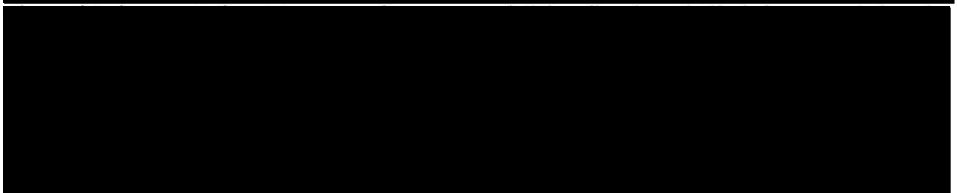
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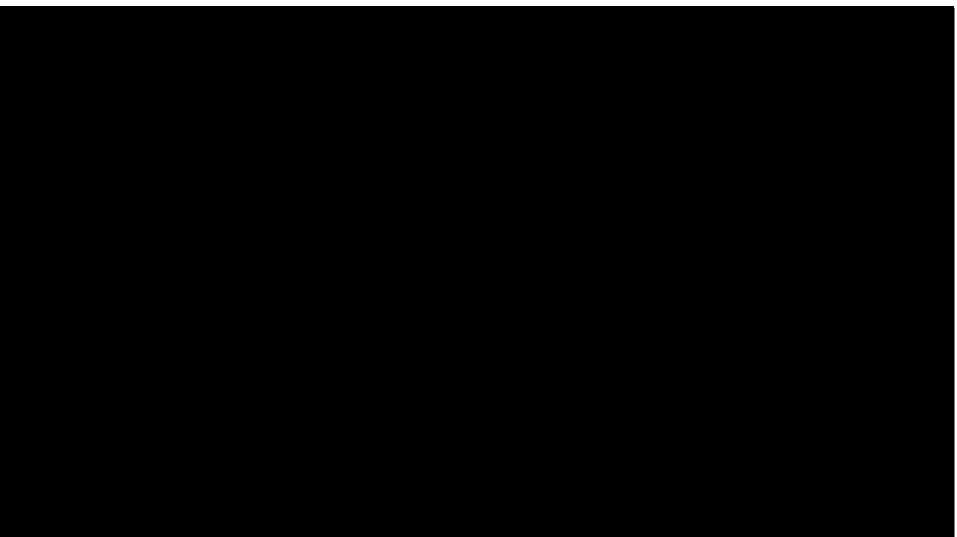
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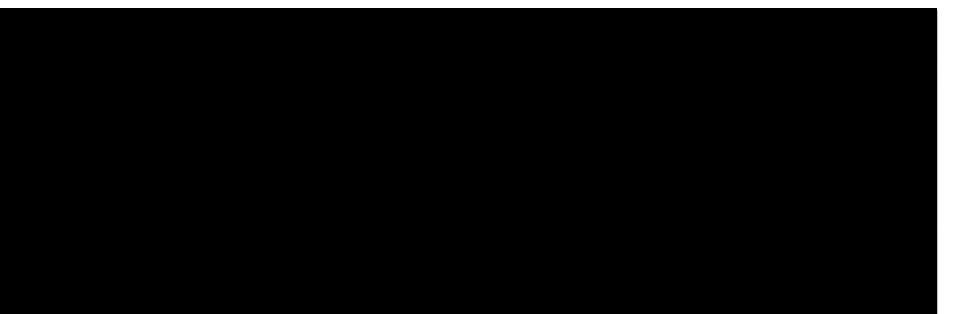
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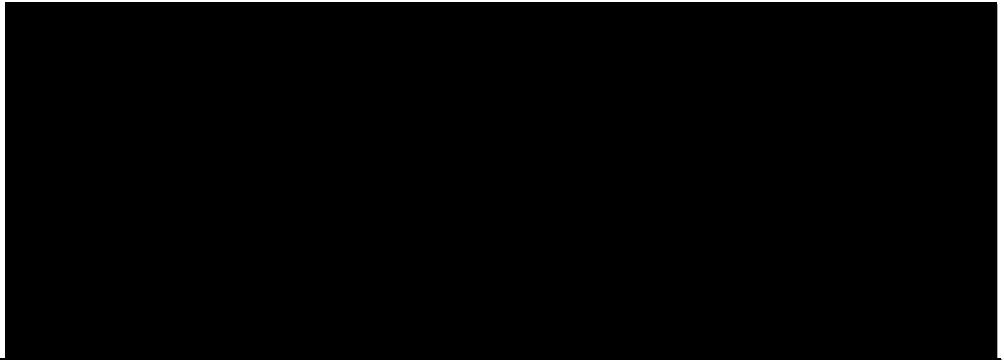
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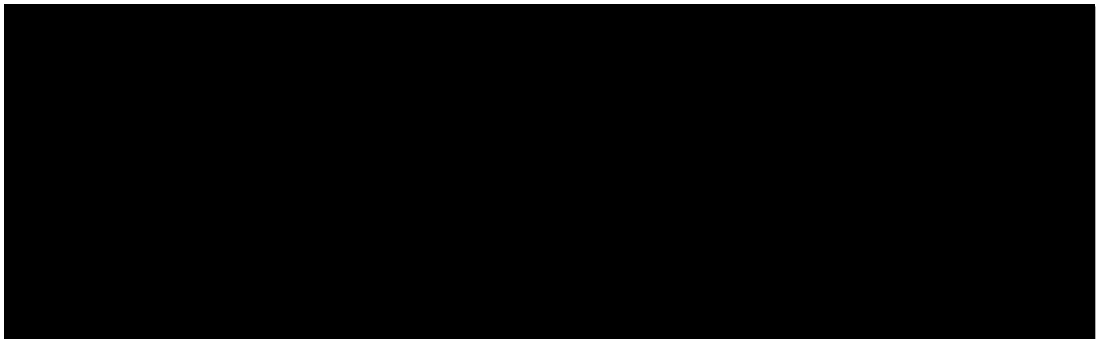


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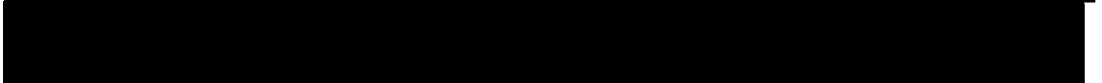


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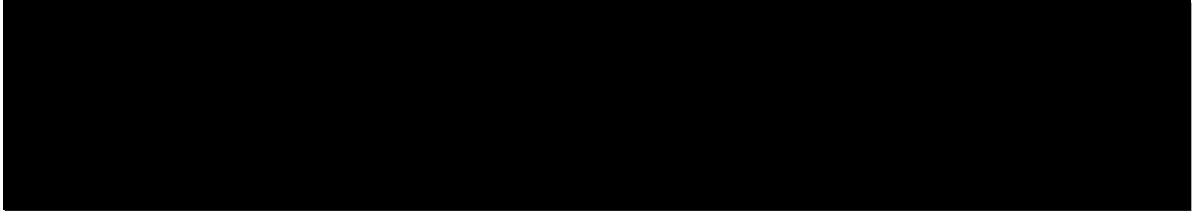
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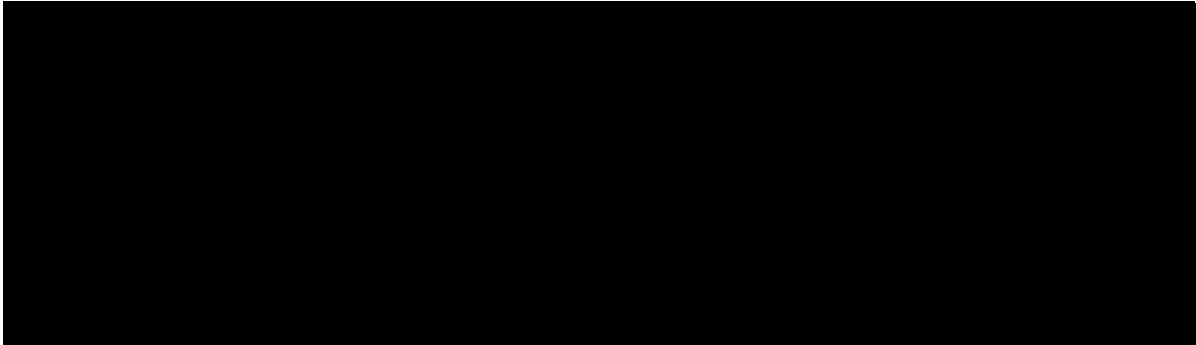
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18.



19.



To Seller:

CTP Management, LLC  
4309 County Line Road, Unit C  
Chalfont, PA 18914  
Attn: Mr. James D Shainline  
Mr. Richard K. Shainline  
Mr. Joseph J Franklin  
Email: [jshainline@creamerytire.com](mailto:jshainline@creamerytire.com)

To Buyer:

Toll Mid-Atlantic LP Company, Inc.  
c/o Toll Bros., Inc.  
1140 Virginia Drive  
Fort Washington, PA 19034  
Attn: Thomas J. Smith, III, Esquire, Assistant Vice President and Counsel  
Email: [tsmith@tollbrothers.com](mailto:tsmith@tollbrothers.com) and  
[legalnotices@tollbrothers.com](mailto:legalnotices@tollbrothers.com)

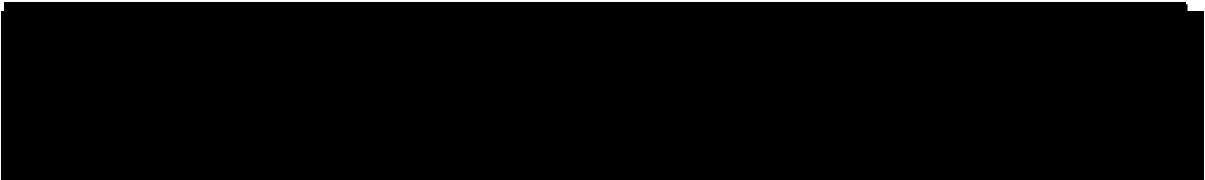
With a copy to:

Toll Mid-Atlantic LP Company, Inc.  
c/o Toll Bros., Inc.  
1140 Virginia Drive  
Fort Washington, PA 19034  
Attn: Christopher Gaffney, Regional President  
Email: [cgaffney@tollbrothers.com](mailto:cgaffney@tollbrothers.com)

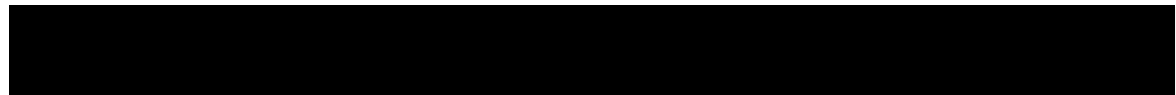
and

Toll Mid-Atlantic LP Company, Inc.  
c/o Toll Bros., Inc.  
1140 Virginia Drive  
Fort Washington, PA 19034  
Attn: John Dean, Division President  
Email: [jdean@tollbrothers.com](mailto:jdean@tollbrothers.com)

20.

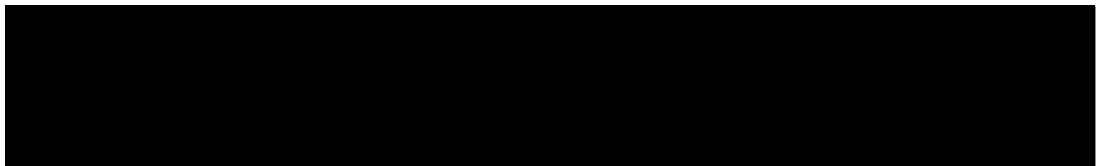


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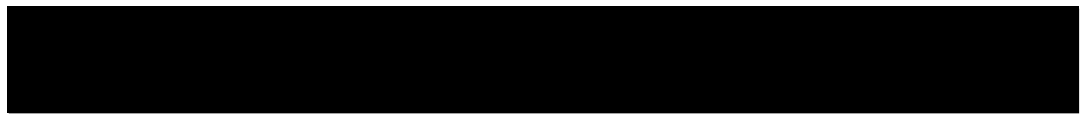


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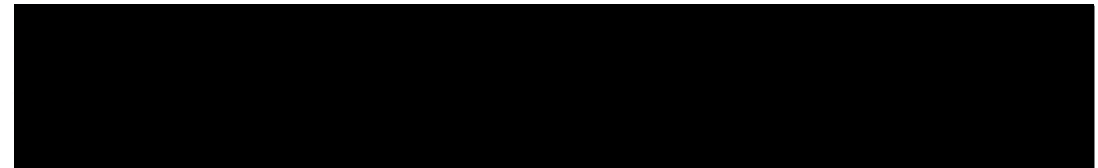
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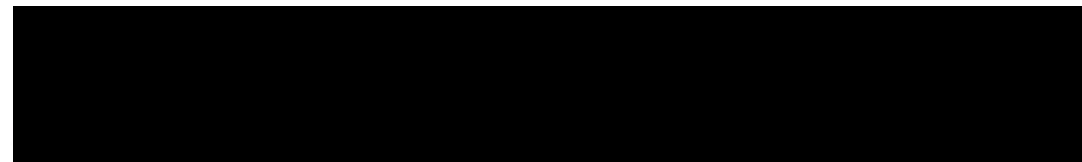
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(g)

[Redacted]

(h)

[Redacted]

(i)

[Redacted]

23. Escrow of Deposit.

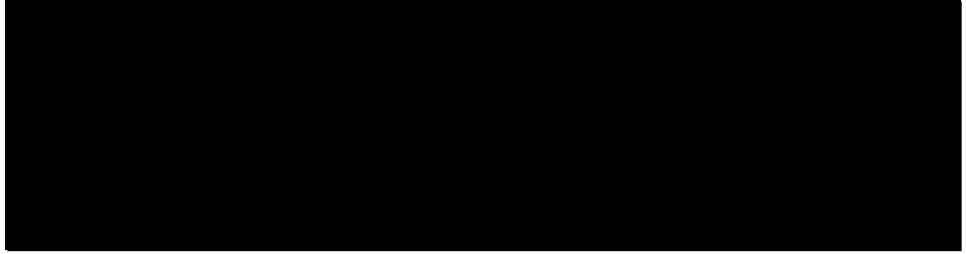
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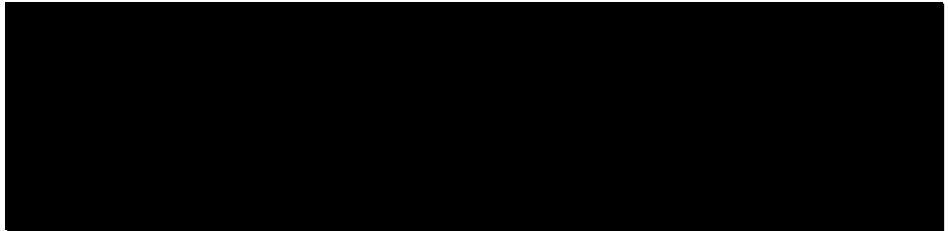
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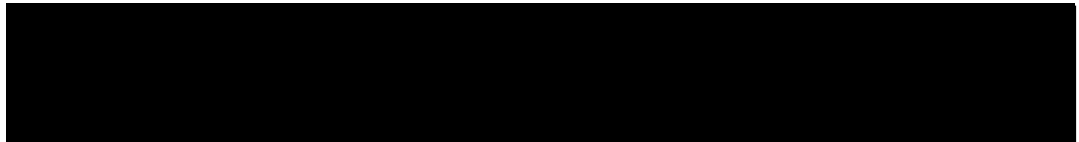
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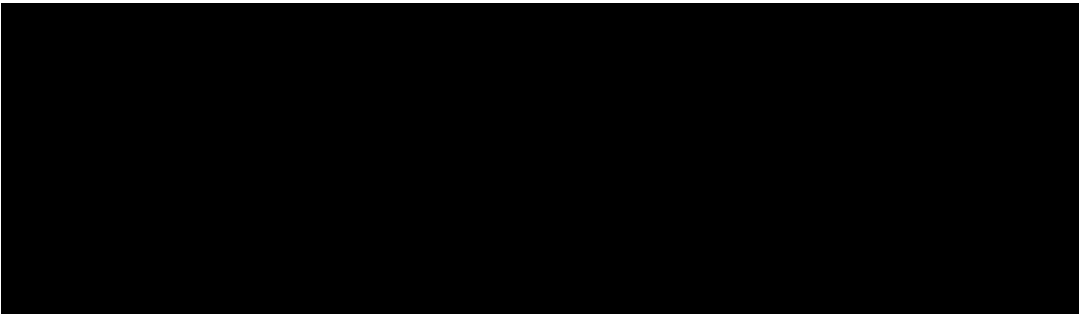
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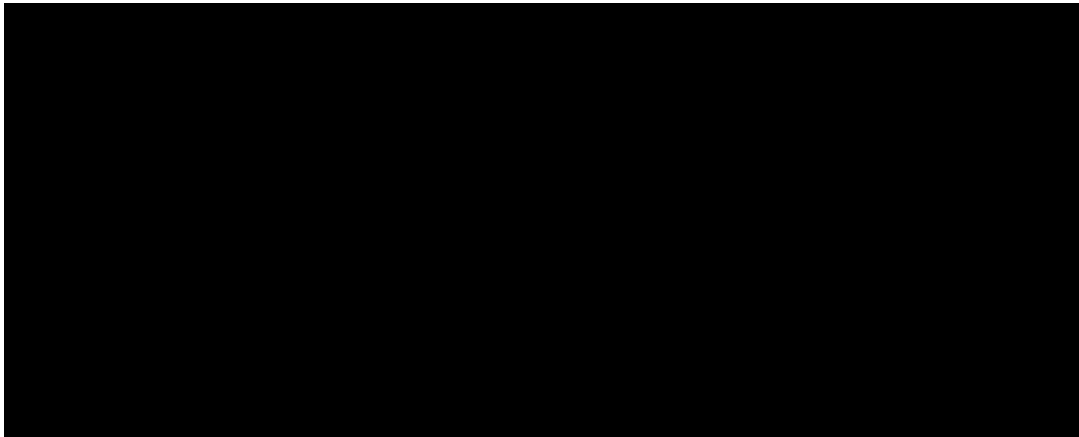
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(c)

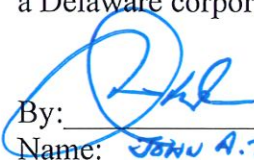


(d)



IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

**BUYER:**  
**TOLL MID-ATLANTIC LP COMPANY, INC.,**  
a Delaware corporation

By:   
Name: JOHN A. DEAN  
Title: DIV. PRESIDENT

Date of Execution: 9/13/21

**SELLER:**  
**CTP MANAGEMENT LLC,**  
a Pennsylvania limited liability company

By:   
Name: Jim Shainline  
Title: Member

Date of Execution: 9-3-21

EXHIBIT "A"

DESCRIPTION OF PROPERTY





**CONTROL POINT**  
ASSOCIATES, INC.  
traditional methods | modern approaches



New Britain Corporate Center  
1600 Manor Drive, Suite 210  
Chalfont, PA 18914  
Tel. 215.712.9800  
Fax. 215.712.9802  
www.cpasurvey.com

January 8, 2018  
02-060168-02

METES AND BOUNDS DESCRIPTION  
**T.M.P. 26-06-101-004**  
LANDS NOW OR FORMERLY  
CTP MANAGEMENT LLC  
NEW BRITAIN TOWNSHIP, BUCKS COUNTY  
COMMONWEALTH OF PENNSYLVANIA

BEGINNING AT A POINT ON THE TITLE LINE IN THE BED OF COUNTY LINE ROAD (A.K.A. L.R. 09033, S.R. 2038, VARIABLE WIDTH RIGHT-OF-WAY) AT THE INTERSECTION OF THE DIVIDING LINE BETWEEN T.M.P. 26-06-101-003, LANDS NOW OR FORMERLY CTP MANAGEMENT LLC AND T.M.P. 26-06-101-004, LANDS NOW OR FORMERLY CTP MANAGEMENT LLC, AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;

1. ALONG THE TITLE LINE IN THE BED OF COUNTY LINE ROAD (A.K.A. L.R. 09033, S.R. 2038, VARIABLE WIDTH RIGHT-OF-WAY), NORTH 49 DEGREES - 44 MINUTES - 00 SECONDS WEST, A DISTANCE OF 126.05 FEET TO A POINT, THENCE;
2. ALONG THE COMMON DIVIDING LINE BETWEEN T.M.P. 26-06-101-004; T.M.P. 26-06-065; T.M.P. 26-06-083; T.M.P. 26-06-084; T.M.P. 26-06-085; T.M.P. 26-06-086; 26-06-087; T.M.P. 26-06-088; 26-06-089 AND 26-06-090, NORTH 41 DEGREES - 26 MINUTES - 00 SECONDS EAST, A DISTANCE OF 1226.20 FEET TO A POINT, THENCE;
3. ALONG THE DIVIDING LINE BETWEEN T.M.P. 26-06-101-004 AND T.M.P. 26-06-096, LANDS NOW OR FORMERLY AMERICAN STORES PROPERTIES, INC., SOUTH 48 DEGREES - 07 MINUTES - 00 SECONDS EAST, A DISTANCE OF 506.01 FEET TO A POINT, THENCE;
4. ALONG THE COMMON DIVIDING LINE BETWEEN T.M.P. 26-06-101-004; 26-06-097, LANDS NOW OR FORMERLY GENCO; T.M.P. 26-06-098, LANDS NOW OR FORMERLY TA AND T.M.P. 26-06-099, LANDS NOW OR FORMERLY PRESTI, SOUTH 41 DEGREES - 26 MINUTES - 00 SECONDS WEST, A DISTANCE OF 301.73 FEET TO A POINT, THENCE;
5. ALONG THE DIVIDING LINE BETWEEN T.M.P. 26-06-101-004 AND T.M.P. 26-06-101, LANDS NOW OR FORMERLY JENTA CORP., NORTH 48 DEGREES - 34 MINUTES - 00 SECONDS WEST, A DISTANCE OF 180.01 FEET TO A POINT, THENCE;
6. ALONG THE COMMON DIVIDING LINE BETWEEN T.M.P. 26-06-101-004; T.M.P. 26-06-101 AND T.M.P. 26-06-101-005, LANDS NOW OR FORMERLY WAWA, INC., SOUTH 41 DEGREES - 26 MINUTES - 00 SECONDS WEST, A DISTANCE OF 563.86 FEET TO A POINT, THENCE;
7. ALONG THE COMMON DIVIDING LINE BETWEEN T.M.P. 26-06-101-004; T.M.P. 26-06-101-003 AND T.M.P. 26-06-101-005, NORTH 49 DEGREES - 44 MINUTES - 00 SECONDS WEST, A DISTANCE OF 200.00 FEET TO AN IRON PIPE, THENCE;

Corporate Headquarters 35 Technology Drive, Warren, NJ 07059 Tel: 908.668.0099 Fax: 908.668.9595

**Professional Land Surveying, Geospatial and Consulting Services**



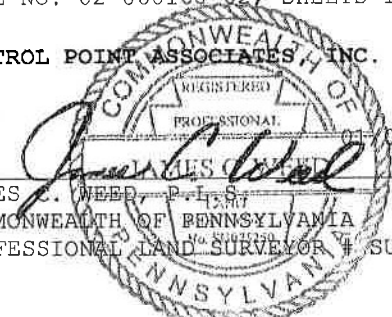
8. ALONG THE DIVIDING LINE BETWEEN T.M.P. 26-06-101-004 AND T.M.P. 26-06-101-003, SOUTH 41 DEGREES - 26 MINUTES - 00 SECONDS WEST, A DISTANCE OF 350.00 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 382,680 SQUARE FEET OR 8.785 ACRES

THIS PROPERTY SUBJECT TO RESTRICTIONS, COVENANTS AND/OR EASEMENTS EITHER WRITTEN OR IMPLIED.

THIS DESCRIPTION WAS WRITTEN BASED UPON A MAP ENTITLED "ALTA/NSPS LAND TITLE SURVEY, PROVCO PINEVILLE ACQUISITION LLC, WEST BUTLER AVENUE & COUNTY LINE ROAD, T.M.P. #'S 26-06-101, 26-06-101-004, 26-06-101-003, 26-06-101-005, NEW BRITAIN TOWNSHIP, BUCKS COUNTY, COMMONWEALTH OF PENNSYLVANIA", PREPARED BY CONTROL POINT ASSOCIATES, INC., DATED 10/18/2017, REVISION NO. 1 DATED 11/20/2017, FILE NO. 02-060168-02, SHEETS 1 & 2 OF 2.

CONTROL POINT ASSOCIATES, INC.

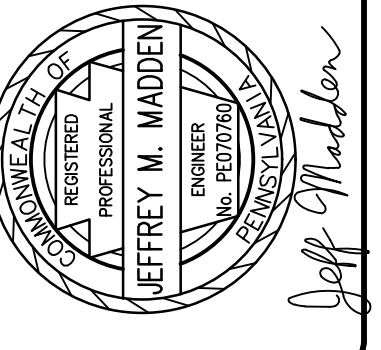
  
01/08/2018  
JAMES C. WEED, P.L.S. DATE  
COMMONWEALTH OF PENNSYLVANIA  
PROFESSIONAL LAND SURVEYOR # SU075250

S:\06\CP06168\02-060168-02-BEI\M&B\1-8-18\M&B\_26-06-101-004.docx  
PREPARED BY: JAA  
REVIEWED BY: JCW

# BIRCH RUN AT NEW BRITAIN

## (AKA NEW BRITAIN CTP PROPERTY) CONDITIONAL USE APPLICATION

TMP #26-06-101, #26-06-101-003, # 26-06-101-004  
COUNTY LINE ROAD AND WEST BUTLER AVENUE  
NEW BRITAIN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA



**ESE CONSULTANTS**  
ENGINEERING • PLANNING • SURVEYING • ENVIRONMENTAL

JEFF MADDEN  
REGISTERED PROFESSIONAL ENGINEER  
LICENSE NO. 101780  
MECHANICAL

Jeff Madden

ESE Consultants, Inc.  
1140 Virginia Drive • Fort Washington, PA 19034  
T: 215-914-2050

### OWNER OF RECORD

CTP MANAGEMENT LLC  
4123 CREAMERY ROAD  
CREAMERY, PA 19430  
610-489-2122

### EQUITABLE OWNER/APPLICANT

TOLL MID-ATLANTIC LP COMPANY, INC.  
1140 VIRGINIA DRIVE  
FORT WASHINGTON, PA 19034  
215-938-8000

### ENGINEER, PLANNER, LANDSCAPE ARCHITECT

ESE CONSULTANTS, INC.  
1140 VIRGINIA DRIVE  
FORT WASHINGTON, PA 19034  
215-914-2050

CONTACT:  
JEFF MADDEN, P.E.  
PROJECT ENGINEER

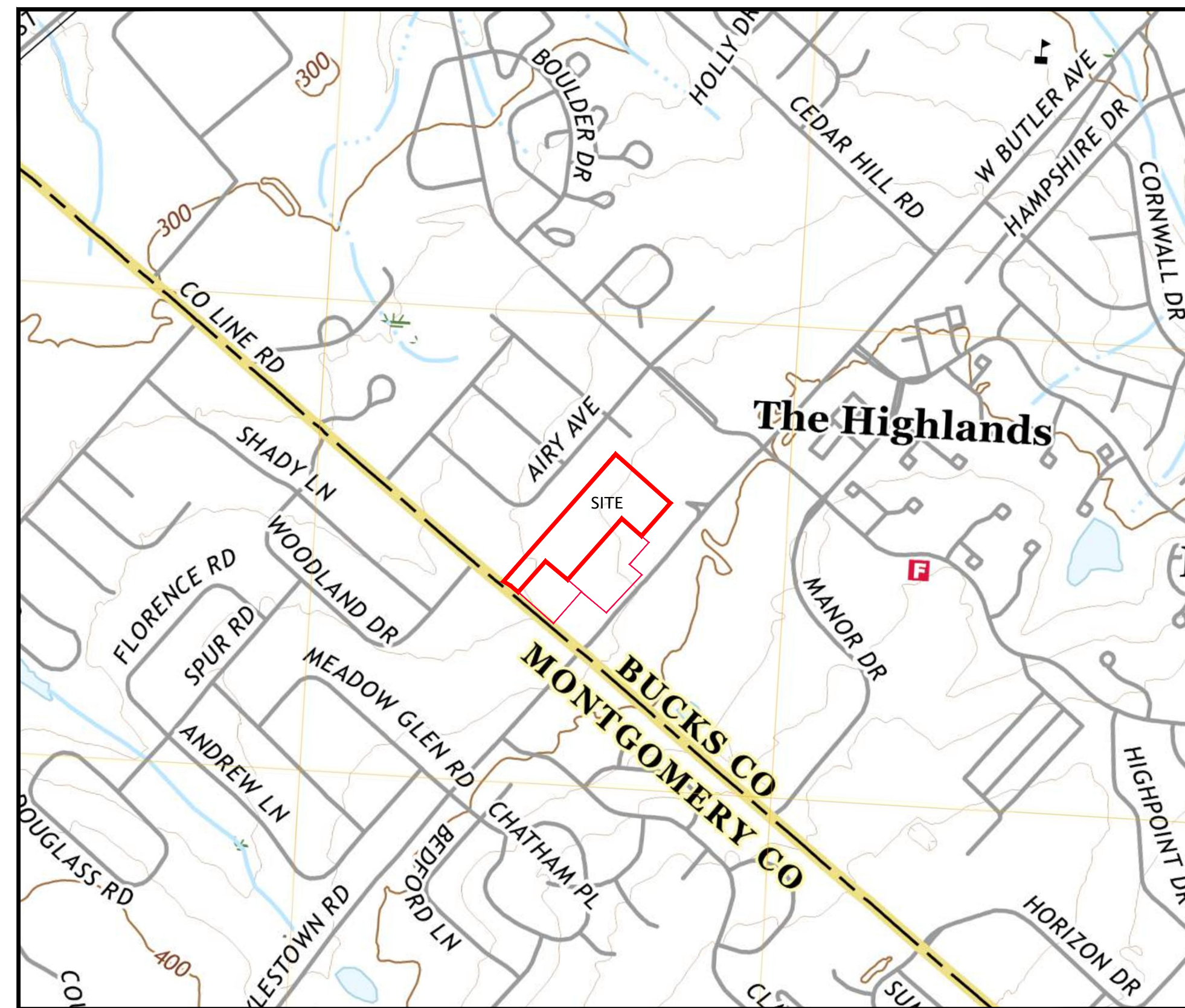
EMILY STEWART, RLA, AICP  
PLANNER & LANDSCAPE ARCHITECT

### SITE IMPACT NOTES:

- THE EXISTING GARAGE AND SUBSEQUENT STRUCTURES, ALONG WITH THE GRAVEL ACCESS DRIVE AND PARKING AREA WILL BE REMOVED. THE SHARED ACCESS DRIVE AND STORMWATER FACILITY NEAR COUNTY LINE ROAD WILL REMAIN.
- THE APPLICANT SEEKS TO AMEND THE CONDITIONAL USE APPROVAL TO PERMIT 44 TOWNHOMES, UNDER THE J31 PCCM- PLANNED COMMUNITY MIXED USE, SUB-USE B5 SINGLE FAMILY ATTACHED.
- THE APPLICANT SEEKING BOARD OR SUPERVISORS APPROVAL FOR THE FOLLOWING DEVIATIONS FROM THE PCCM DESIGN REGULATIONS:
  - SIGNAGE:** AS PERMITTED BY 27-305.J31.13.(d) APPLICANT IS REQUESTING TO PROVIDE A COMMUNITY IDENTIFICATION SIGN AT EACH ENTRANCE. THIS VIOLATES THE MAXIMUM PERMITTED NUMBER OF SIGNS PER 500 FEET OF STREET FRONTAGE.
  - BUILDING HEIGHT:** AS PERMITTED BY 27-305.J31.13.h.3. APPLICANT IS REQUESTING A MAXIMUM BUILDING HEIGHT OF 37 FT. (35 FT PERMITTED). SITE PLAN HAS INCREASED GREEN OPEN SPACE AREA AND DECREASED IMPERVIOUS BY PROPOSING A MORE VERTICAL TOWNHOME FOOTPRINT THUS SLIGHTLY EXCEEDING THE 35 FT BUILDING HEIGHT REQUIREMENT.
  - CONSERVATION EASEMENT DISTURBANCE:** APPLICANT IS REQUESTING TO DISTURB ROUGHLY ±4,300 SF OF AN EXISTING CONSERVATION EASEMENT ON THE WAWA PARCEL TO PROVIDE ADDITIONAL VEHICULAR AND PEDESTRIAN CIRCULATION BETWEEN PARCELS IN COMBINATION WITH A WATER LINE EASEMENT. MINIMAL IMPACT TO AREAS CLASSIFIED AS WOODLANDS IS EXPECTED.
- THE MAIN ENTRANCE TO THE PROPOSED RESIDENTIAL PORTION OF THE DEVELOPMENT IS PROPOSED FROM THE EXISTING SHARED ACCESS DRIVE ON COUNTY LINE ROAD. A SECONDARY MEANS OF ACCESS HAS BE ACQUIRED VIA A 30-FOOT WIDE EASEMENT ON THE WAWA PARCEL. THE ADDITIONAL ACCESS PROVIDES BOTH ADDITIONAL VEHICULAR AND PEDESTRIAN CIRCULATION TO ADJACENT PARCELS AS WELL AS THE SITE OUT TO W BUTLER AVE. SITE PLAN PROVIDES A 45 FOOT WIDE BUFFER ALONG THE NORTHERN EXISTING RESIDENTIAL AND COMMERCIAL PROPERTIES. EXISTING INVASIVE AND TREES IN POOR HEALTH ARE PROPOSED TO BE REMOVED AND NEW NATIVE LANDSCAPE BUFFER PLANTINGS ARE PROPOSED.
- THE PROPOSED DEVELOPMENT PROPOSES DISTURBANCE OF WETLAND MARGIN AREA FOR SITE GRADING DISTURBANCE FOR STORMWATER MANAGEMENT FACILITIES. NO DISTURBANCES TO WETLANDS AREA PROPOSED.

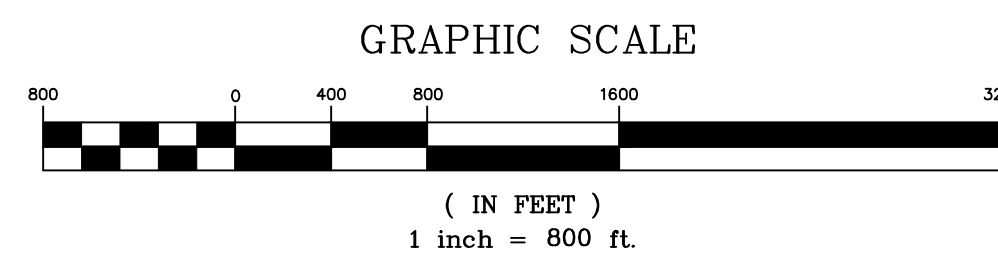
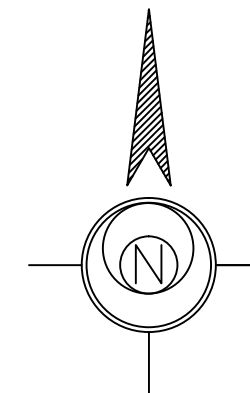
### GENERAL NOTES:

- THIS PLAN IS THE EXCLUSIVE PROPERTY OF ESE CONSULTANTS INC., AND TOLL BROTHERS INC. ALL RIGHTS AND REMEDIES ARE HEREBY RESERVED. THIS PLAN MAY NOT BE REPRODUCED OR DISTRIBUTED IN ANY WAY WITHOUT THE WRITTEN CONSENT OF ESE CONSULTANTS INC., AND TOLL BROTHERS INC.
- PROJECT PARCELS INCLUDE: WAWA PARCEL (TMP #26-06-101), CREAMERY TIRE PARCEL (TMP #26-06-101-003), RESIDENTIAL PARCEL (TMP #26-06-101-004).
- BOUNDARY & TOPOGRAPHY-EXISTING CONDITIONS PROVIDED BY: CONTROL POINT ASSOCIATES, INC. PLAN TITLED: ALTA/NSPS LAND TITLE SURVEY DATED: 1-24-2023.
- SITE DOES NOT CONTAIN AREAS WITHIN 100-YEAR FLOODPLAIN FEMA COMMUNITY PANEL: 42017C0288K DATED: 3/21/2017.
- SOILS INFORMATION PROVIDED BY THE NATURAL RESOURCE CONSERVATION SERVICES BUCKS COUNTY, PA
- WETLANDS INFORMATION HAS BEEN DELINEATED BY ESE CONSULTANTS, INC. FEBRUARY 2023. WETLAND JURISDICTION DETERMINATION FROM US ARMY CORPS OF ENGINEERS IS PENDING.
- ALL BASE INFORMATION IS CONSIDERED PRELIMINARY AND SUBJECT TO FIELD VERIFICATION AND SURVEY. SITE PLAN MAY VARY PENDING MORE ACCURATE INFORMATION.



### LOCATION MAP

SCALE: 1"=800'



SHEET INDEX		
SHEET NUMBER	REFERENCE NUMBER	SHEET TITLE-DESCRIPTION
1	CU 01.01	COVER SHEET & NOTES
2	CU 02.01	EXISTING RESOURCE & SITE ANALYSIS
3	CU 04.01	SCHEMATIC LANDSCAPE & DETAILS
4	CU 04.02	SITE PLAN & STORMWATER GRADING

### PROPOSED USE:

THE PURPOSED SITE PLAN PROPOSES THE DEMOLITION OF THE EXISTING 1-STORY METAL GARAGE AND ELIMINATION OF ITS GRAVEL ACCESS ROAD AND PARKING AREA. THE PROJECT IS INTENT IS TO PROVIDE 44 SINGLE FAMILY ATTACHED TOWNHOMES. SITE PLAN PROPOSES THESE RESIDENTIAL DWELLINGS IN CONJUNCTION WITH OPEN SPACE, LANDSCAPE BUFFERS, NATURAL RESOURCE PROTECTION AND STORMWATER MANAGEMENT FACILITIES. ALL COMMON LANDS ARE TO BE OWNED AND MAINTAINED BY A HOMEOWNERS ASSOCIATION.

### ZONING:

ZONING DISTRICT: C-1 COMMERCIAL  
PROPOSED USE: J31 PCCM- PLANNED COMMUNITY MIXED USE  
PROPOSED SUB-USE: B5 SINGLE FAMILY ATTACHED TOWNHOMES

### SITE DATA:

GROSS SITE AREA (TO TITLE LINE):	15.775 AC
W BUTLER AVE EX & ULT ROW:	.9090 AC
TOTAL SITE AREA:	14.866 AC (1)
WAWA PARCEL (TMP #26-06-101):	4.137 AC
CREAMERY TIRE PARCEL (TMP #26-06-101-003):	2.124 AC
RESIDENTIAL PARCEL (TMP #26-06-101-004):	8.605 AC

### ZONING REQUIREMENTS: (J31 PLANNED COMMUNITY CENTER MIXED-USE)

BULK REQUIREMENTS	REQUIRED	PROPOSED
MIN. BASE SITE AREA:	15 ACRES	14.866 AC (1)
UPDATED BASE SITE AREA:		13.37 AC
MAX. RESIDENTIAL SUB-USE:	25% (3.34 AC)	15.5% (2.08 AC)
MIN. OPEN SPACE:	1/3 RES.SUB-USE (.69 AC)	1.74 AC
BUFFER YARD:	25 FT	45 FT
BUILDING HEIGHT:	35 FT	37 FT (2)

- BASE SITE AREA BASED ON PREVIOUSLY APPROVED PLANS WITH VARIANCE GRANTED 4/19/18 PER WAWA SUBDIVISION PLANS PREPARED BY BOHLER ENGINEERING DATED LAST DATED 2019.11.01
- SEE SITE IMPACT NOTES (3.)

	CREAMERY TIRE	WAWA	RESIDENTIAL	TOTAL
SITE AREA:	2.124 AC	4.137 AC	8.605 AC	14.866 AC
-EXISTING ULT. RIGHTS-OF-WAY:	0 AC	0 AC	.56 AC	.56 AC
-EXISTING UTILITY EASEMENTS:	0 AC	.39 AC	0 AC	.39 AC
-NATURAL RESOURCE PROTECTION:	0 AC	.82 AC	.10 AC	.92 AC
BASE SITE AREA	2.12 AC	2.92 AC	7.94 AC	13.37 AC
-ULT. ROW PROPOSED ROADS:	0 AC	0 AC	1.31 AC	1.31 AC
-PROPOSED UTILITY ROW/EASEMENTS:	0 AC	0 AC	0 AC	0 AC
%100 PROTECTED RESOURCES:	0 AC	0 AC	.18 AC	.18 AC
SITE AREA, RATIO BASE	2.12 AC	2.92 AC	6.45 AC	11.49 AC
PERMITTED IMPERVIOUS:	75% (1.59 AC)	75% (2.19 AC)	35% (2.25 AC)	65% (7.46 AC)
PROPOSED IMPERVIOUS:	93.5% (1.98 AC)*	63.3% (1.85 AC)	24.8% (1.60 AC)	47% (5.43 AC)

\* EXISTING NON-CONFORMING CONDITION

### WAIVERS REQUESTED:

- 22-705.1.D TO PROVIDE DEAD END STREET TO ADJACENT PROPERTY FOR POTENTIAL FUTURE EXPANSION.
- 22-705.1.D 22-705.3.A
  - TO PROVIDE A 30-FOOT WIDE RIGHT-OF-WAY-WIDTH, LESS THAN REQUIRED 50-FOOT
  - TO PROVIDE A 24-FOOT CARTWAY, LESS THAN REQUIRED 28-FOOT
  - TO NOT PROVIDE THE REQUIRED 3-4 FOOT GRASS STRIP BETWEEN SIDEWALK AND CARTWAY
- 22-705.13.J DRIVEWAYS WILL NOT PROVIDE MINIMUM 10X20 TURNAROUND.
- 22-722.4.C.(7)(A) TO PROVIDE STREET TREES 50 FEET ON CENTER. TOTAL STREET TREES TO BE PROVIDED AS CALCULATED AND PLACED ALONG STREET WHERE FEASIBLE WITHOUT DRIVEWAY AND UTILITY CONFLICTS.
- 22-722.4.C.(7)(B) TO PROVIDE STREET TREES OUTSIDE PLANTING STRIP.
- 22-722.4.G. 15% OF SITE TO BE DESIGNED, BUILT AND MAINTAINED AS GREEN SPACE.

### 27-2402 SITE CAPACITY CALCULATIONS (RESIDENTIAL DEVELOPMENT):

NATURAL RESOURCES	PROTECTION RATIO	ACRES OF LAND IN RESOURCES	RESOURCE PROTECTION LAND	ACRES OF LAND TO BE DISTURBED
WATERCOURSES	1.00	0 AC	0 AC	0 AC
RIPARIAN BUFFER	1.00	0 AC	0 AC	0 AC
FLOODPLAIN	1.00	0 AC	0 AC	0 AC
FLOODPLAIN (ALLUVIAL SOILS)	1.00	0 AC	0 AC	0 AC
WETLANDS	1.00	.21 AC*	.21 AC*	0 AC*
LAKES/PONDS	1.00	0 AC	0 AC	0 AC
WETLANDS MARGINS	.80	.61 AC*	.48 AC*	.13 AC*
WOODLANDS	.65	0 AC	0 AC	0 AC
STEEP SLOPES 8%-15% **	.60	0 AC	0 AC	0 AC
STEEP SLOPES 15%-25% **	.70	0 AC	0 AC	0 AC
STEEP SLOPES 25% OR MORE **	.85	0 AC	0 AC	0 AC
TOTAL LAND IN RESOURCES		.82 AC		
TOTAL RESOURCE PROTECTION LAND			.69 AC	
TOTAL RESOURCE LAND PROVIDED			.69 AC	
TOTAL DISTURBED RESOURCES				.13 AC

\*AREAS ON RESIDENTIAL LOT ONLY  
\*\*PLAN ASSUMES ALL MAN-MADE SLOPES ARE EXEMPT

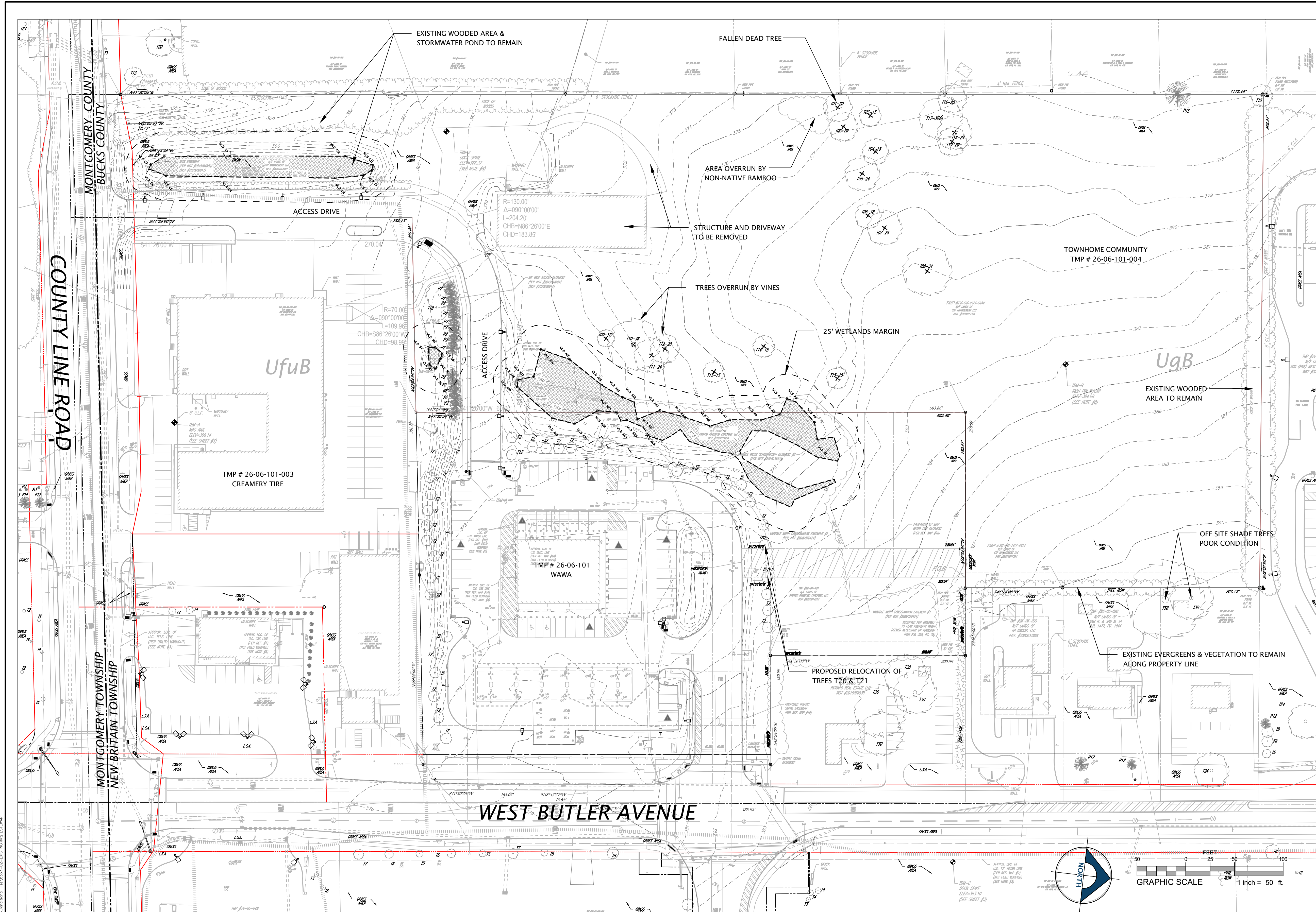
BASE SITE AREA:	7.94 AC
X MIN. OPEN SPACE:	x 5%
STANDARD MIN. OPEN SPACE:	.39 ACRES
REQUIRED OPEN SPACE:	.60 AC
LANDS WITH 1.00 PROTECTION RATIO:	.21 AC
+STANDARD MIN. OPEN SPACE:	.39 AC
NET BUILDABLE SITE AREA:	7.34 AC
BASE SITE AREA:	7.94 AC
SUBTRACT REQUIRED OPEN SPACE:	.60 AC
NUMBER OF DWELLINGS/LOTS:	N/A
NET BUILDABLE SITE AREA:	7.34 AC
MAX. DENSITY:	N/A
DWELLINGS PERMITTED:	N/A
RATIO BASE SITE AREA:	6.45 AC
PERMITTED IMPERVIOUS:	35%
MAXIMUM PERMITTED IMPERVIOUS SURFACE:	2.25 AC

REV.	DATE	DESCRIPTION

COVER SHEET & NOTES

BIRCH RUN AT NEW BRITAIN  
NEW BRITAIN TOWNSHIP, BUCKS COUNTY

DATE:	2-21-23	SCALE:	AS NOTED
DESIGN:	ESE	DRAWN:	EES
JOB NO.:	8363	FILE NAME:	01-COVER
REF. NO.:	CU 01.01		
SHEET NO.:	1	OF	4



INDIVIDUAL TREES TO BE IMPACTED

TREE #	SIZE	SPECIES	NOTES
T01	20"	N/A	FALLEN DEAD
T02	20"	CHESTNUT	
T03	15"	OAK	
T04	18"	CHESTNUT	
T05	24"	CHERRY	
T06	18"	OAK	
T07	24"	ASH	
T08	34"	ASH	
T09	12"	ELM	
T10	36"	OAK	POOR CONDITION
T11	24"	ELM	POOR CONDITION
T12	20"	ELM	POOR CONDITION
T13	15"	ELM	
T14	15"	ASH	
T15	15"	OAK	
T16	20"	ASH	
T17	30"	MAPLE	
T18	24"	WILLOW	
T19	20"	WILLOW	
T20	2"	MAPLE	TO BE RELOCATED
T21	2"	SWEET GUM	TO BE RELOCATED



**ESE CONSULTANTS**  
 ENGINEERING • PLANNING • SURVEYING • ENVIRONMENTAL

ESE Consultants, Inc.  
 1140 Virginia Drive • Fort Washington, PA 19034  
 T: 215-914-2050

LEGEND

	EXISTING STRUCTURE
	EXISTING CONTOURS
	EXISTING SPOT ELEVATION
	EXISTING IRON PIN
	EXISTING UTILITY POLE
	EXISTING SOIL LINE
	EXISTING TREE
	EXISTING TREE TO BE REMOVED
	EXISTING TREE LINE
	EXISTING OVERHEAD WIRE
	LOO/TREE PROTECTION
	EXISTING STREET LIGHT
	EXISTING FENCE LINE
	WETLANDS

**NATURAL RESOURCE PROTECTION (TOTAL SITE)**

NATURAL RESOURCES	PROTECTION RATIO	ACRES OF LAND IN RESOURCES	REQUIRED PROTECTION	PROPOSED PROTECTION
WATERCOURSES	1.00	0 AC	0 AC	0 AC
RIPARIAN BUFFER	1.00	0 AC	0 AC	0 AC
FLOODPLAIN	1.00	0 AC	0 AC	0 AC
FLOODPLAIN (ALLUVIAL SOILS)	1.00	0 AC	0 AC	0 AC
WETLANDS	1.00	.39 AC	.39 AC	.39 AC
LAKES/PONDS	1.00	0 AC	0 AC	0 AC
WETLANDS MARGINS	.80	.97 AC	.77 AC	.77 AC
WOODLANDS	.35	2.28 AC	.80 AC	1.32 AC
STEEP SLOPES 8%-15% **	.60	0 AC	0 AC	0 AC
STEEP SLOPES 15%-25% **	.70	0 AC	0 AC	0 AC
STEEP SLOPES 25% OR MORE **	.85	0 AC	0 AC	0 AC

NATURAL RESOURCE PROTECTION EXISTING WOODLANDS: 2.28 AC

PERMITTED DISTURBANCE:	APPROVED WAWA PLAN PROPOSED DISTURBANCE:	ADDITIONAL PROPOSED DISTURBANCE:	TOTAL PROPOSED DISTURBANCE:
65% = 1.48 AC	38.7% = .883 AC	+ .08 AC	42.2% = .96 AC

SOIL SURVEY OF BUCKS COUNTY, PA  
 SOURCE: NATURAL RESOURCES CONSERVATION SERVICE MAP

SYMBOL	NAME	HYDROLOGIC SOIL GROUP	SLOPES %	DEPTH TO WATER TABLE	DEPTH TO RESTRICTIVE FEATURE	CONTAINS HYDRIC COMPONENTS	SURFACE RUNOFF
UfuB	URBAN LAND	NOT RATED	0-8%	NA	NA	NO	NA
UgB	URBAN LAND-ABBOTTSTOWN COMPLEX	D	0-8%	6"-18"	15 TO 30 INCHES TO FRAGIPAN; 40 TO 60 INCHES TO LITCHIC BEDROCK	NO	VERY HIGH

EXISTING FEATURES & SITE ANALYSIS

**BIRCH RUN AT NEW BRITAIN**  
 NEW BRITAIN TOWNSHIP, BUCKS COUNTY

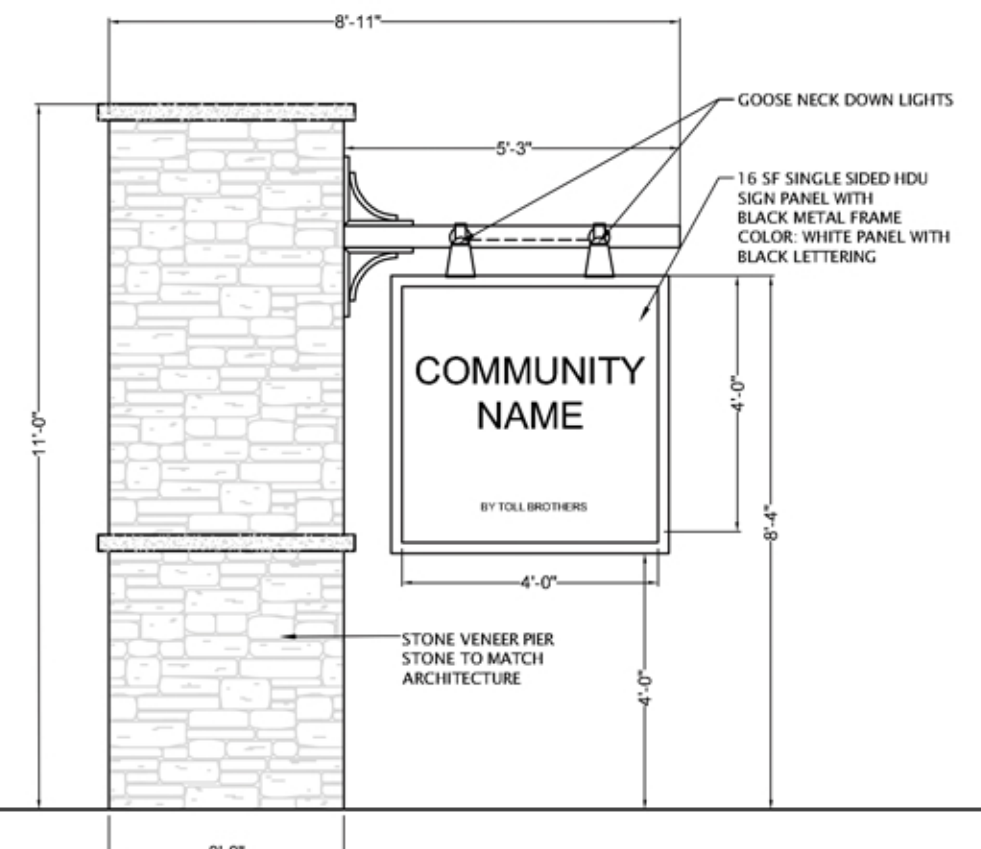
DATE: 2-21-23 SCALE: 1"=50'  
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 REF. NO.: CU 02.01  
 SHEET NO.: 2 OF 4

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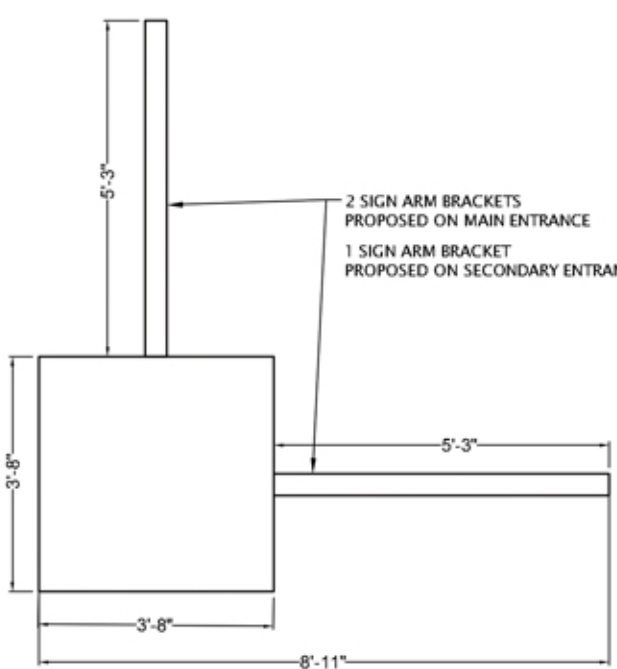
**PROPOSED COMMUNITY SIGNAGE**

PROPOSED GROUND SIGNS:  
 MAIN ENTRANCE: SINGLE PIER STRUCTURE WITH 2 SIGN ARM BRACKETS 32 SF  
 SECONDARY ENTRANCE: PIER STRUCTURE WITH SIGN ARM BRACKET 16 SF  
 TOTAL SIGN AREA PROPOSED: 48 SF

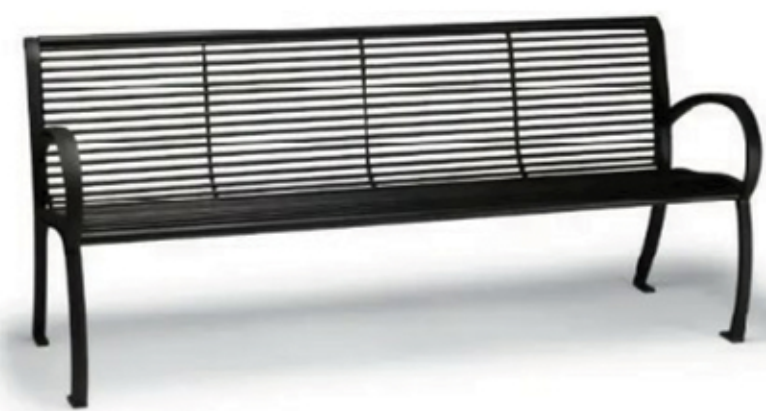
APPLICANT IS REQUESTING TO PROPOSE MORE THAN ONE SIGN PER 500 LF OF ROAD FRONTAGE.



ELEVATION



PLAN VIEW  
**TYPICAL SIGNAGE DIMENSIONS**  
 SCALE: 1"=3'



TYPICAL BENCH



All Aluminum Construction  
**CLUSTER MAILBOX**



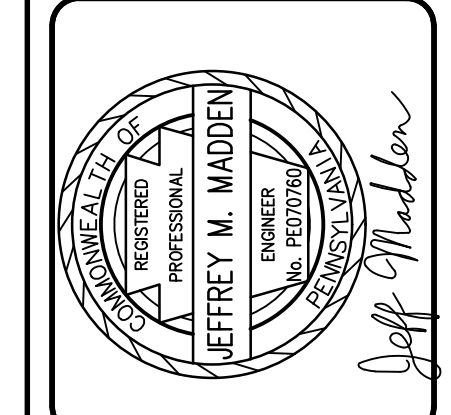
**ESE CONSULTANTS**  
 ENGINEERING • PLANNING • SURVEYING • ENVIRONMENTAL  
 ESE Consultants, Inc.  
 1140 Virginia Drive • Fort Washington, PA 19034  
 T: 215-914-2050  
 Jeff Madden

NO.	REV.	DATE	DESCRIPTION

Schematic Landscape & Site Details  
**BIRCH RUN AT NEW BRITAIN**  
 NEW BRITAIN TOWNSHIP, BUCKS COUNTY

DATE: 2-21-23 SCALE: 1"=50'  
 DESIGN: EES DRAWN: EES  
 JOB NO.: 8363 FILE NAME: 03-SITEPLAN  
**REF. NO.: CU 04.01**  
 SHEET NO.: 3 OF 4

Feb 22, 2023 - 2:20 pm - N:\Projects\Projects\8363-11-23\BIRCH\_RUN\_AT\_NEW\_BRITAIN.dwg (EJE:MMT)

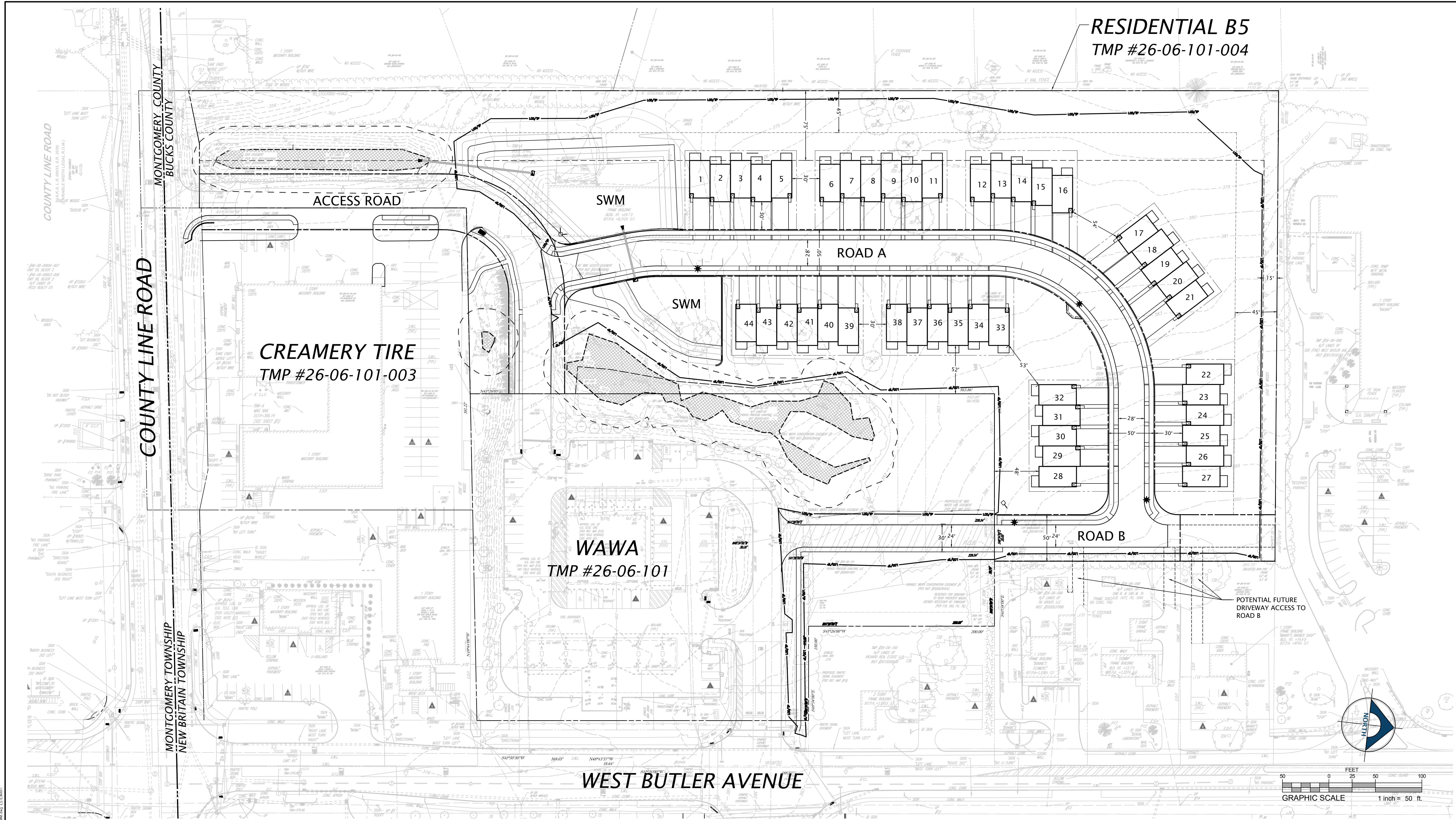


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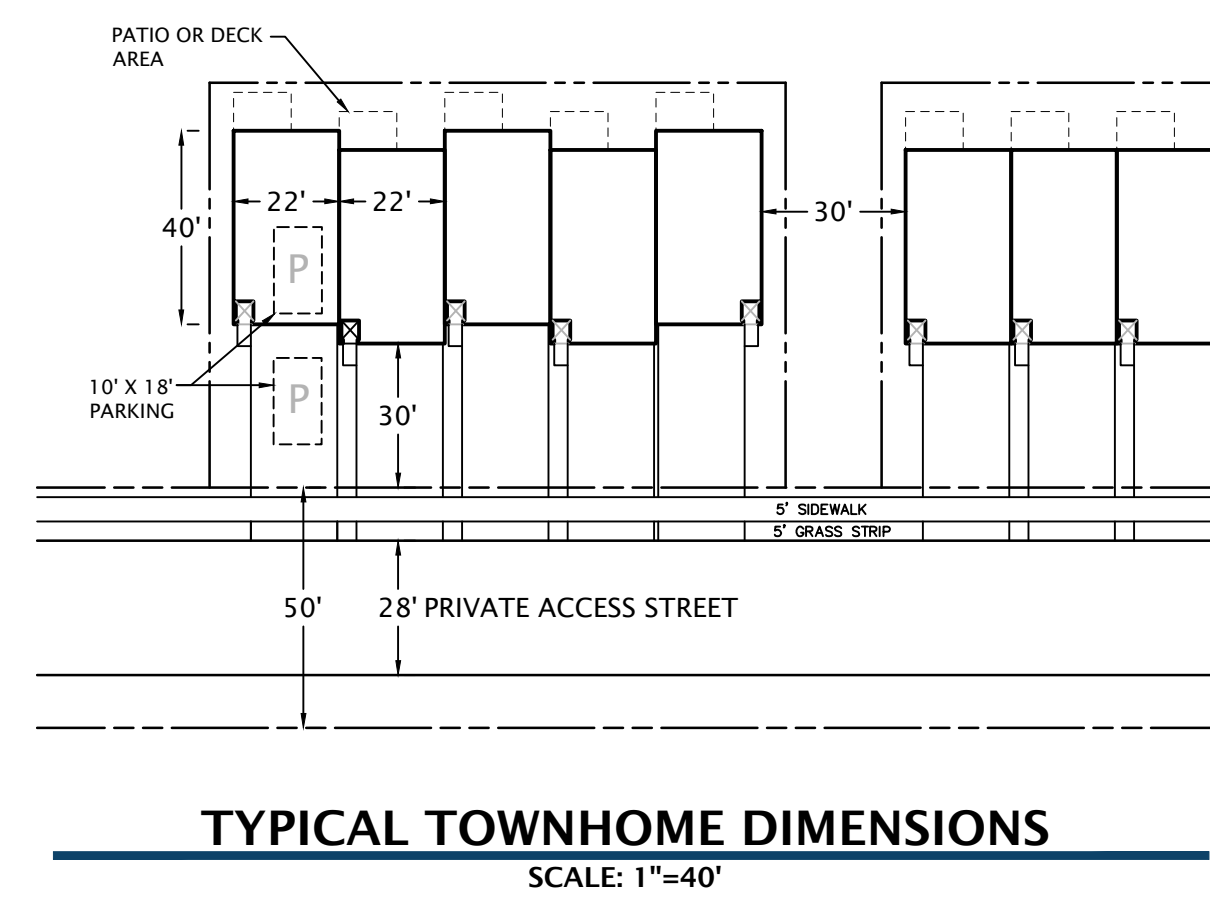
ESE Consultants, Inc.  
 1140 Virginia Drive • Fort Washington, PA 19034  
 T: 215-914-2050

Jeff Madden

**RESIDENTIAL B5  
 TMP #26-06-101-004**



PARKING REQUIREMENTS:		REQUIREMENT:	REQ.	PROVIDED:	
TMP #26-06-101-004 USE B5 - SINGLE FAMILY ATTACHED DWELLING GUEST PARKING: (44 DU X .3)		2 SPACES PER DU (3 BDRM) .3 SPACES PER DU	88 14	88 14	
TMP #26-06-101 USE J1 - EXISTING WAWA CONVENIENCE STORE (5,585 SF / 200 SF) + 5 EMPLOYEES		1 SPACE PER 200 SF + 1 PER EMPLOYEE	28 5	28 5	
USE J19 - SERVICE STATION (6 BAYS X 2)		2 SPACES PER BAY	12	12	
TMP #26-06-101-003 EXISTING FLEX SPACE BUILDING			88	58	
UNIT	AREA / FLOOR AREA	TENANT	USE	PARKING REQUIREMENT	SPACES REQ
A	2,500 SF / 2,500 SF	VACANT	N/A	N/A	N/A
B	6,400 SF / 1,981 SF	CREAMERY TIRE	J21/J22	2 SPACES/BAY + 1/100 SF	14 SP + 19 SP
C	3,364 SF / 3,364 SF	VACANT	N/A	N/A	N/A
D	3,600 SF / 3,600 SF	VACANT	N/A	N/A	N/A
E	12,500 SF / 12,500 SF	VACANT	N/A	N/A	N/A
F	1,250 SF / 1,250 SF	LAST CHANCE AUTO	J17: REPAIR SHOP	1 SP/200 SF	6 SP
G	2,500 SF / 2,500 SF	EASTERN PA FORBODY	19: GENERAL OFFICE	1 SP/200 SF	12 SP
H	3,750 SF / 3,750 SF	HELLFISH MARTIAL ARTS	19: INDOOR ENTERTAINMENT	1 SP/100 SF	37 SP
I	3,750 SF / 3,750 SF	VACANT	N/A	N/A	N/A
J	1,250 SF / 1,250 SF	VACANT	N/A	N/A	N/A



ZONING REQUIREMENTS: (B5 SINGLE FAMILY ATTACHED)		
BULK REQUIREMENTS	REQUIRED	PROPOSED
MIN. LOT AREA:	FOOTPRINT+200 SF	FP+200 SF
MIN. LOT WIDTH: 1 CAR	20 FT	22 FT
MAX. IMPERVIOUS: (LOT)	35%	25%
MIN. FRONT YARD SETBACK:		
FROM ULT. STREET ROW:	30 FT	30 FT
FROM PARKING:	20 FT	20 FT
MAX. UNITS ATTACHED:	6 DU	6 DU
MIN. BLDG. SEPARATION:	30 FT	30 FT
REQUIRED PARKING: (3 BDRM)	2 SP/DU	2 SP/DU
REQUIRED VISITOR PARKING:	.3 SP/DU (14 SP)	.3 SP/DU (14 SP)
PROPOSED GROSS DENSITY:	N/A	5.12 DU/AC

**SITE PLAN &  
 STORMWATER GRADING**

**BIRCH RUN AT NEW BRITAIN**  
 NEW BRITAIN TOWNSHIP, BUCKS COUNTY

DATE: 2-21-23  
 SCALE: AS NOTED

DESIGN: EES  
 DRAWN: EES

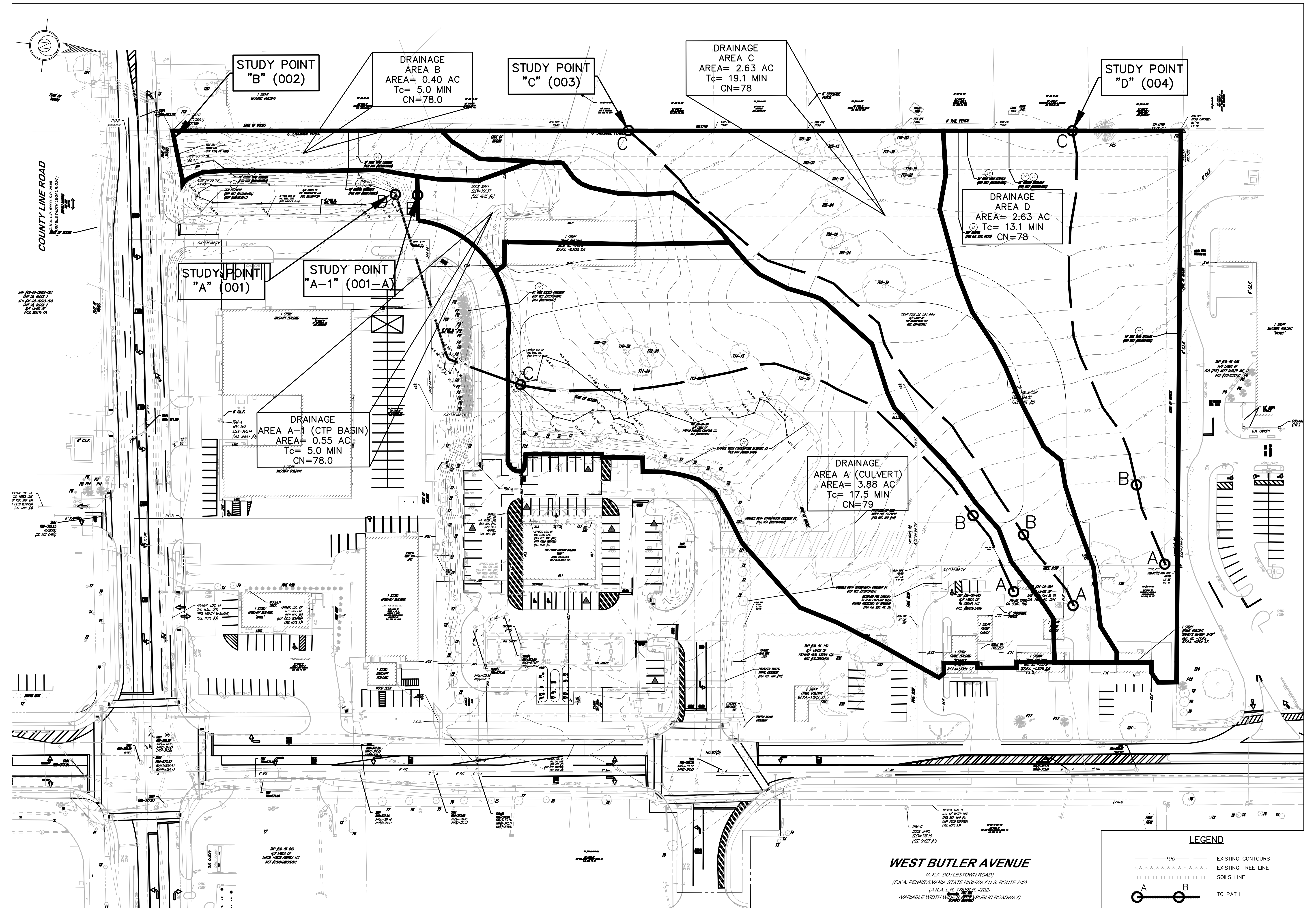
JOB NO.: 8363  
 FILE NAME: 03-SITEPLAN

REF. NO.:  
**CU 04.02**

SHEET NO.: **4** OF **4**

Feb 22, 2023, 11:13 am - H:\Projects\Permits\03032023\03-Birch Run\04-Site Plan\DWG\03-Site Plan.dwg (EES:MARK)

\\ESE\_DEPT\IS\CAD\PROJECTS\PENNSYLVANIA\8363-NEW BRITAIN\_CTP\ENGDPT\DRAWINGS\CONDITIONAL USE\8363-S-SWM\DWG-Like Piotrowicz-2/16/2023 2:53 PM



STUDY POINT "B" (002)

DRAINAGE AREA B  
AREA= 0.40 AC  
Tc= 5.0 MIN  
CN=78.0

STUDY POINT "C" (003)

DRAINAGE AREA C  
AREA= 2.63 AC  
Tc= 19.1 MIN  
CN=78

STUDY POINT "D" (004)

DRAINAGE AREA D  
AREA= 2.63 AC  
Tc= 13.1 MIN  
CN=78

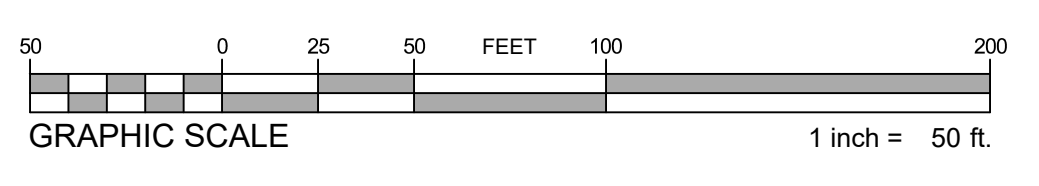
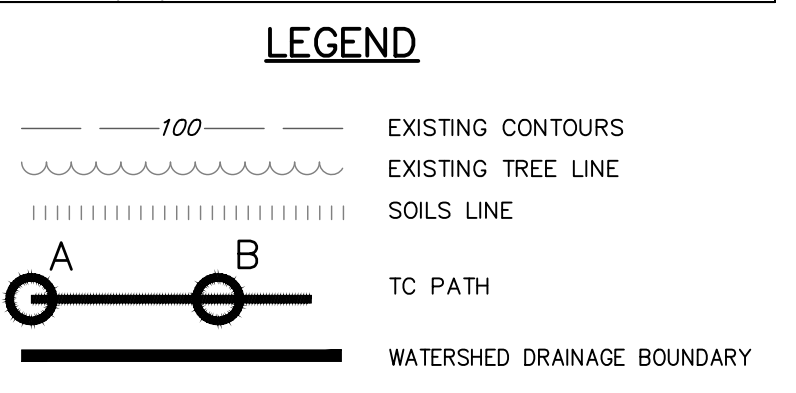
STUDY POINT "A" (001)

STUDY POINT "A-1" (001-A)

DRAINAGE AREA A-1 (CTP BASIN)  
AREA= 0.55 AC  
Tc= 5.0 MIN  
CN=78.0

DRAINAGE AREA A (CULVERT)  
AREA= 3.88 AC  
Tc= 17.5 MIN  
CN=79

**WEST BUTLER AVENUE**  
(A.K.A. DOYLESTOWN ROAD)  
(F.K.A. PENNSYLVANIA STATE HIGHWAY U.S. ROUTE 202)  
(A.K.A. L.R. 174'S R. 4202)  
(VARIABLE WIDTH WHITE TOP PUBLIC ROADWAY)



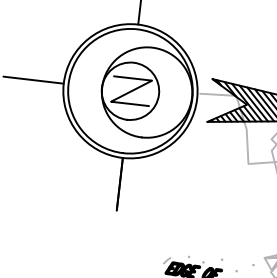
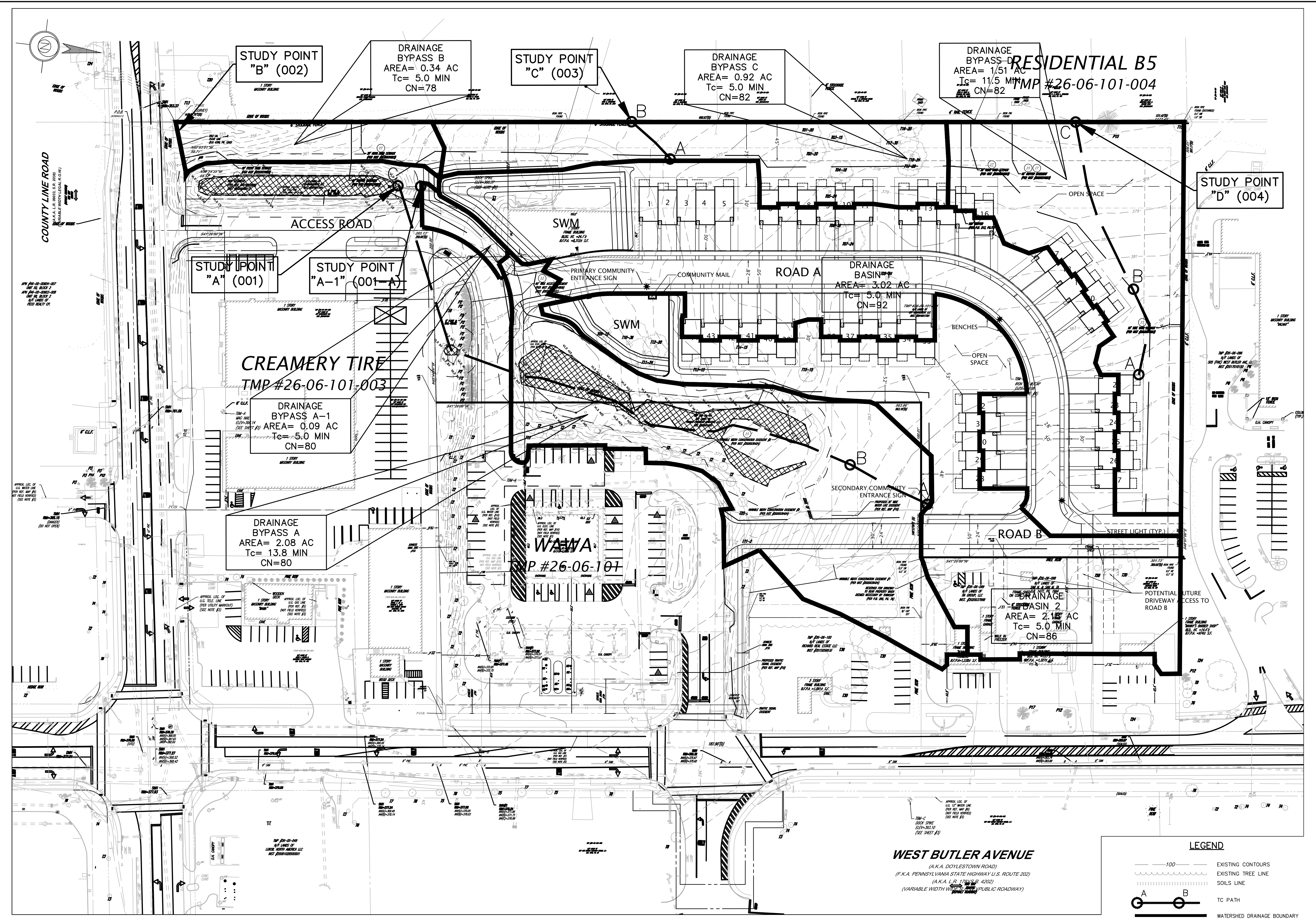
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ESE Consultants, Inc.  
1140 Virginia Drive • Fort Washington, PA 19034  
T: 215-914-2050

STORMWATER MANAGEMENT PLAN  
PRE-DEVELOPMENT  
NEW BRITAIN CTP  
NEW BRITAIN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA

DATE:	2/16/2023	SCALE:	1" = 50'
DESIGN:	JMM	DRAWN:	LJP
JOB NO.:	8363	FILE NAME:	8363-S-SWM
REF. NO.:			
SHEET NO.:	1	OF	2

REV. DATE DESCRIPTION

\\ESE\DEPT\PROJECTS\PENNSYLVANIA\8363-NEW BRITAIN\_CTP\ANGDEPT\DRAWINGS\CONDITIONAL USE\8363-S-SWM\DWG-2716/2023\_2:53 PM



COUNTY LINE ROAD  
(A.K.A. L. & M. WALLS C&G ROAD  
VARIABLE WIDTH HIGHWAY)

STUDY POINT  
"B" (002)

DRAINAGE  
BYPASS B  
AREA= 0.34 AC  
Tc= 5.0 MIN  
CN=78

STUDY POINT  
"C" (003)

DRAINAGE  
BYPASS C  
AREA= 0.92 AC  
Tc= 5.0 MIN  
CN=82

DRAINAGE  
BYPASS D  
AREA= 1.51 AC  
Tc= 11.5 MIN  
CN=82

RESIDENTIAL B5  
TMP #26-06-101-004

STUDY POINT  
"D" (004)

STUDY POINT  
"A" (001)

STUDY POINT  
"A-1" (001-A)

CREAMERY TIRE  
TMP #26-06-101-003

DRAINAGE  
BYPASS A-1  
AREA= 0.09 AC  
Tc= 5.0 MIN  
CN=80

DRAINAGE  
BYPASS A  
AREA= 2.08 AC  
Tc= 13.8 MIN  
CN=80

WAWA  
TMP #26-06-101-007

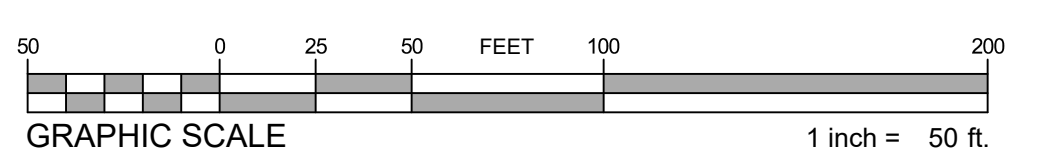
DRAINAGE  
BASIN #1  
AREA= 3.02 AC  
Tc= 5.0 MIN  
CN=82

DRAINAGE  
BASIN 2  
AREA= 2.12 AC  
Tc= 5.0 MIN  
CN=86

WEST BUTLER AVENUE  
(A.K.A. DOYLESTOWN ROAD)  
(F.K.A. PENNSYLVANIA STATE HIGHWAY U.S. ROUTE 202)  
(A.K.A. L.R. 7740-0-4202)  
(VARIABLE WIDTH HIGHWAY (PUBLIC ROADWAY))

**LEGEND**

- 100 --- EXISTING CONTOURS
- EXISTING TREE LINE
- SOILS LINE
- A ○ B TC PATH
- WATERSHED DRAINAGE BOUNDARY



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ESE Consultants, Inc.  
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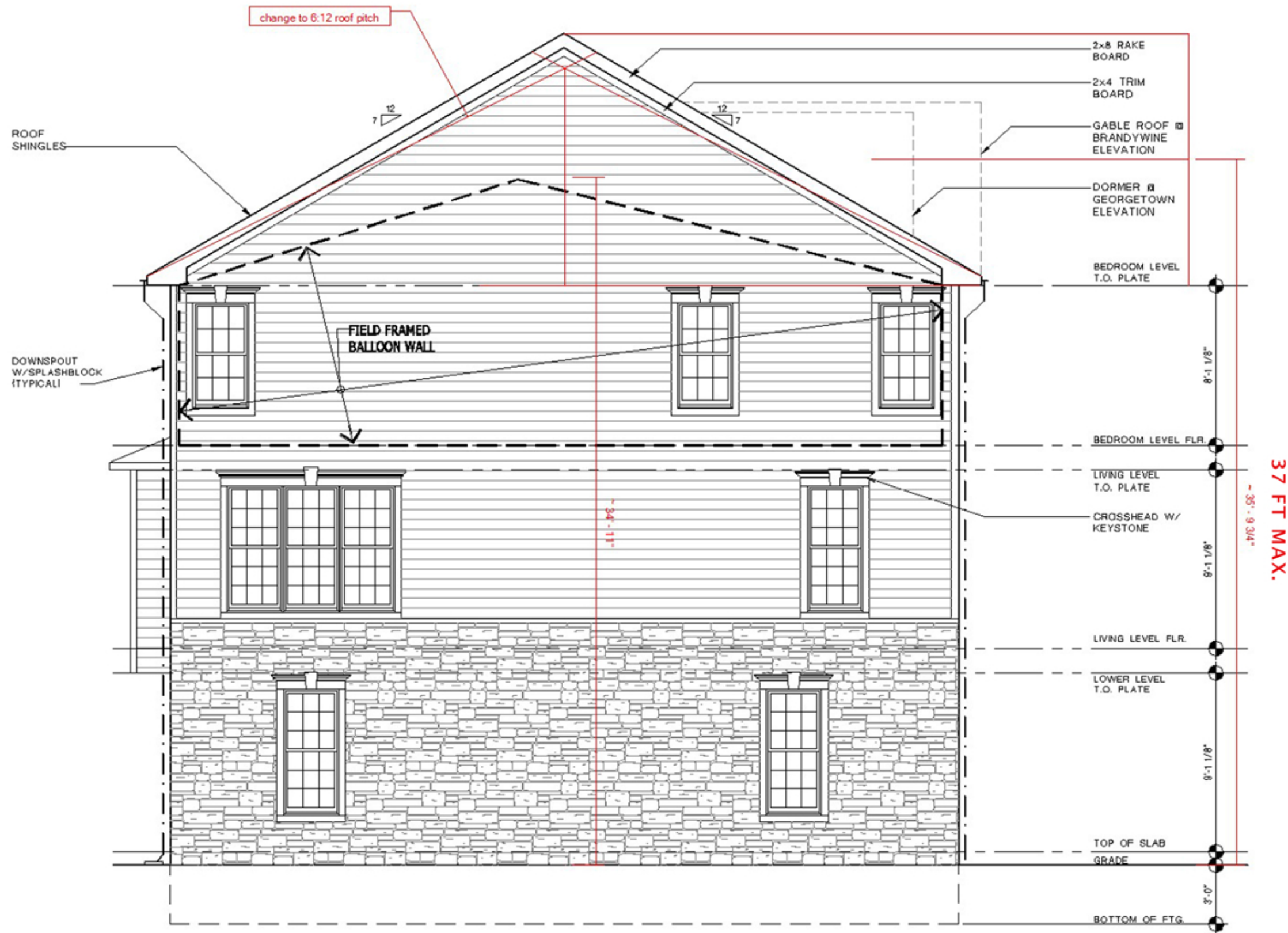
STORMWATER MANAGEMENT PLAN  
POST-DEVELOPMENT  
NEW BRITAIN CTP  
NEW BRITAIN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA

DATE:	2/16/2023	SCALE:	1" = 50'
DESIGN:	JMM	DRAWN:	LJP
JOB NO.:	7662	FILE NAME:	8363-S-SWM
REF. NO.:	SD40.02		
SHEET NO.:	2	OF	2

REV.	DATE	DESCRIPTION







THE APPLICANT IS SEEKING BOARD OF SUPERVISORS APPROVAL FOR DEVIATION OF MAXIMUM BUILDING HEIGHT OF 35 FT. 35' 9-3/4" + 1'-2" FOR GRADE VARIATION AROUND BUILDINGS. (37 FT MAX. PROPOSED)



**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

April 19, 2023

File No. 22-01266

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

Reference: Toll Mid-Atlantic L.P. Company, Inc. – Conditional Use Review  
County Line Road and West Butler Avenue  
TMP Nos. 26-006-101-004, 26-006-101, and 26-006-101-003

Dear Matt:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the Conditional Use Application for the above-referenced project which includes the following:

I. Submission

Application for Conditional Use Hearing dated March 6, 2023, Addendum thereof, and the following Exhibits:

- Exhibit 1 – Agreement of Sale dated September 13, 2022;
- Exhibit 2 – Site Plans for Birch Run at New Britain, by ESE Consultants, Inc. dated February 21, 2023;
- Exhibit 3 – Architectural Rendering of proposed townhomes;
- Exhibit 4 – Environmental Impact Statement Report;
- Exhibit 5 – Fiscal Impact Analysis;
- Exhibit 6 – Traffic System Inventory & Analysis;
- Exhibit 7 – Conditional Use Stormwater Management Narrative; and
- Exhibit 8 – Stormwater Management Plans Pre-Development

II. Reference Document

A. Conditional Use Adjudication for Provco Pineville Acquisitions, LLC Order dated August 6, 2018 establishing the Property with a J31 Planned Community Center Mixed Use.

III. General Information

The J31, Planned Community Center Mixed (PCCM), tract consists of three parcels near the intersection of West Butler Avenue (S.R. 4202) and County Line Road (S.R. 2038) within New Britain Township's C-1 Commercial Zoning District. The parcels make up almost 15 acres established as a PCCM Use via a Zoning Hearing Board Decision dated May 17, 2018 and Conditional Use Adjudication dated August 6, 2018. The three parcels making up the PCCM currently contain a 2-story, non-residential building with multi-tenant use (Creamery Tire), an accessory storage building (CTP Mgmt), and a Wawa with fuel pumps. Woodlands were previously preserved by means of a recorded Conservation Easement.

The Applicant proposes to redevelop an 8.65-acre northern parcel of the PCCM site. The property is proposed to contain a 44-Unit Townhome Community, Use B5, as permitted as a Conditional Use within the C-1 Zoning District. Two new roads are proposed to serve the townhomes. The plan proposes 1.74 acres of Open Space in addition to the required buffer yards and stormwater management areas which will be maintained by an HOA. Fourteen (14) guest parking spaces are proposed along Road A. Approximately 4,300 sf of protected woodlands are proposed to be disturbed to allow for vehicular and pedestrian access to Wawa via Road B.

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65 East Butler Avenue | Suite 100 | New Britain, PA 18901 | Phone: 215-345-4330 | Fax: 215-345-8606

#### IV. Review Comments

##### A. Conditional Use Amendments Requested

The Applicant has submitted a Conditional Use application to establish a new use, Use B5, within the PCCM located within the C-1 District. As a condition of the August 6, 2018 Adjudication, all future associated uses within the PCCM are required to be approved as a conditional use. Per the Addendum to Conditional Use Application of Toll Mid Atlantic L.P. Company, Inc., the Applicant is requesting to amend the 2018 conditional use or, in the alternative, to grant a new conditional use approval to permit the proposed B5 Single-Family Attached use with the following specific requests for consideration by the Board of Supervisors:

1. §27-305.J31.e.11.(e)1 – To permit two (2) community identification signs on the development parcel at the intersection of the Access Road and Road A and along Road B where a maximum of one ground sign is permitted based on a rate of one sign per 500 feet of street frontage. The Board of Supervisors, at its sole discretion, may waive, increase, decrease, or otherwise modify any particular aspect of the sign regulations as part of the conditional use process up to a maximum of 50% dimensionally in accordance with §27-305.J31.e.13.(d). We defer to the Zoning Officer regarding the applicability of the sign regulations and relief being sought.
2. §27-305.J31.h.3 – At its sole discretion, the Board of Supervisors may increase building heights upon submission by the applicant of increased green and/or buffer areas on site, and provided that any proposed building heights can be safely serviced by local fire service providers. The Applicant is requesting a maximum building height of 37 feet where a maximum height of 35 feet is permitted by ordinance. We recommend the Fire Marshal determine if the requested building height is acceptable prior to approval. We note that the Applicant is providing 1.74 acres of open space where 0.69 acres are required. A landscape buffer is proposed along the along the residential neighbors and Extra Space Storage including canopy, ornamental, evergreen trees and shrubs. We recommend the Board of Supervisors consider the property line buffer be planted with more evergreen trees than deciduous trees.
3. Based on feedback from the Township to provide a second access into the site, the Applicant requests permission to disturb 4,300 sf within an existing conservation easement for the construction of Road B and sidewalk between the proposed development and the existing Wawa. We recommend any trees removed be replaced at a rate of 200 trees per acre for a total of 20 trees in accordance with the woodlands replacement requirement listed in §27-2400.f.2.(a). In addition, as noted in the Environmental Impact Statement, we recommend any diseased or dying trees found at the time of construction within the woodlands to remain, that could potentially be hazardous, be removed. If this condition is approved, the requirement shall be documented on the Record Plan.

##### B. Conditional Use Comments

The Board of Supervisors shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed [in this section] for the proposed use. We offer the following comments with respect to the current New Britain Township Conditional Use general conditions:

1. §27-3008.b.1. – We find the proposal to be consistent with the Comprehensive Plan for the Township's Planning Area 2, which is characterized by commercial, office uses and comparatively dense residential development. This proposal touches on several goals and objectives of the Township's Comprehensive Plan by providing open space.
2. §27-3008.b.4. – The Board of Supervisors shall, among other things, require that any proposed use and location be in conformance with all applicable requirements of this chapter and all Township ordinances. Upon submission of the preliminary plan, the stormwater design will be required to manage the runoff from the total proposed increase in impervious in accordance with the Township's requirements including times of concentration, curve number calculations, basin modeling, etc.

- 
3. §27-3008.b.5. & -2500 – The proposed use shall be suitable in terms of effect on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard. A Transportation System Inventory & Analysis was prepared by Traffic Planning and Design, Inc., in support of this condition. The report indicated that the project would generate 21 new weekday peak A.M. trips, 25 new weekday P.M. trips. Upon review, we offer the following:
- a. Existing traffic conditions shall be documented for all major roadways and intersections in the study area and any other intersections the Township deems will be affected by the proposed development. Roadways and/or intersections experiencing levels of service D, E or F shall be noted as congested locations. All roadways and intersections showing a level of service below C shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. We recommend the narrative be updated.
  - b. Regarding the above required existing traffic conditions and recommendations, the study is required to include the intersection of County Line Road and Richardson Road and a potential future traffic signal. However, we note that as discussed during the Sketch Plan review, the Applicant indicated they would offer a contribution towards traffic improvements in the area in lieu of analyzing this intersection. We have no objection to this request.
  - c. Emergency access locations for developments shall be recommended by the Township Fire Marshal's office and approved by the Board. We recommend the Fire Marshal's Office review the plans relative to the proposed emergency access, street design, building height, water system, fire hydrant locations, etc. and truck turning templates be provided with the preliminary plans to confirm that the proposed design provides adequate maneuvering space for the largest anticipated vehicles accessing the site, school buses, and emergency vehicles.
  - d. The study included analyses from both Synchro 10 and Synchro 11. We recommend the report be revised to be consistent in which version is used and the Synchro files provided for review.
  - e. Condition 26 of the Conditional Use Adjudication for the PCCM Use required all proposed sidewalks along the frontage of the property be interconnected to any existing sidewalks. In addition, the PCCM shall have internal walkways to provide pedestrian access from adjacent residential developments and to connect to adjacent commercial, office, and institutional uses. While a sidewalk is proposed to County Line Road and to West Butler Avenue, additional connections shall be discussed. Since the trail previously shown within the open space has been removed, the feasibility of this connection, as well as a sidewalk to Extra Space Storage shall be discussed.
  - f. Crosswalks shall be required at intersections and at other locations where necessary to facilitate pedestrian circulation and to provide access to community facilities. We recommend the plan be revised to relocate the midblock crossing on Road B to the Road A intersection and ADA-compliant curb ramps provided at each crossing.
  - g. The parking requirement for a B5 use is based on the number of bedrooms per dwelling unit. The plan notes 3 bedrooms and 2 parking spaces for each unit. The Record Plan shall have a note restricting the number of bedrooms to 3 due to limited parking. We recommend the Record Plans and deeds for the dwellings include language requiring each unit to always maintain a minimum of 2 parking spaces.
  - h. Sheet 4 indicates the Existing Flex Building is deficient by 30 parking spaces. We defer to the Zoning Officer with regard to the current Uses and parking requirements. We also note that there appears to be a discrepancy between an aerial image of the parking area versus the Existing Features Plan.
  - i. Due to Road B being proposed at a 24-foot cartway where 28 feet is required, we recommend "No Parking" signs be installed along the entire length of the road.
  - j. Belgian block curb is required to be used for proposed residential streets. We recommend the plans shall clearly depict the curb and identify the type of curb.
  - k. We note that guest parking is provided along Road A directly in front of the cluster mailbox. We recommend no parking be permitted in front of the mailbox and the parking space relocated.

- 
4. §27-3008.b.6. – The Board of Supervisors shall, among other things, require that any proposed use and location be in accordance with sound standards of subdivision and land development practice where applicable. The purpose of the Butler Avenue Corridor Overlay District is to enhance the Corridor which serves as a gateway to the Township. We note that the proposed patios for several townhome units extend into the 75-foot buffer along the Airy Avenue properties. In addition, streetlights, public benches, trash receptacles crosswalks, etc. are required in accordance with the Butler Corridor Overlay District. Two benches are shown at the Community Mail area and the Environmental Impact Analysis indicates a trash receptacle will also be provided.

The Applicant will be responsible for any other variances and waivers required from the Township's Zoning and Subdivision and Land Development Ordinances for any other deficiencies that may arise during a formal Land Development Review of the Preliminary Plans and revised Traffic Impact Study.

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

Sincerely,



Craig D. Kennard, P.E.  
Executive Vice President  
Gilmore & Associates, Inc.  
Township Engineers

CDK/jm/tw

cc: Michael Walsh, Assistant Township Manager  
Dave Conroy, Director of Planning and Zoning  
Ryan Gehman, Assistant Planning and Zoning Officer  
Randy Teschner, Code Enforcement Officer/Fire Marshall  
Sean Gresh/Jeffrey P. Garton, Esq., Township Solicitors  
Nate D. Fox/Stephen Zaffuto, Obermayer, Rebmann, Maxwell & Hippel LLP  
Brian Thiernin, Toll Brothers, Inc.  
Jeff Madden, P.E., ESE Consultants  
Janene Marchand, P.E., Gilmore & Associates, Inc.



# MEMO

**TO:** New Britain Township Board of Supervisors; Matt West  
**FROM:** David Conroy  
**DATE:** April 21, 2023  
**RE:** Birch Run Conditional Use Review

---

A Conditional Use Review was conducted by the Township Planning & Zoning Department in accordance with Section 27-3008 of the Township Zoning Ordinance.

In conjunction, the Township requested that the Township Engineer, Gilmore & Associates, Inc., conduct a Conditional Use Review. Their review (Exhibit A) is dated April 19, 2023.

The overall site of this Planned Community Center Mixed (PCCM) use contains three parcels that are approximately 15 acres in total area near the intersection of West Butler Avenue and County Line Road. The Applicant proposes to redevelop the 8.65-acre northern parcel of the site with a 44-Unit Townhome Community. According to an August 6, 2018 Conditional Use Adjudication (Exhibit B) that originally approved the PCCM use, which was previously granted dimensional variance relief by a May 17, 2018 Zoning Hearing Board Decision (Exhibit C), any additional use within the PCCM must be approved by a Conditional Use. The Applicant is seeking to amend the original Conditional Use, or in the alternative, to grant Conditional Use approval for the Townhome Community.

To meet the standards for a conditional use, the applicant must meet the following listed requirements:

- In accordance with the Township Comprehensive Plan
  - o This application is not contrary to what the Comprehensive Plan intended for this area, but development here must not negatively affect conditions such as traffic congestion, access, and compatibility with existing development
- In the best interests of the Township, the convenience of the community, the public welfare
  - o The proposed use will not be a detriment to the best interests of the Township, the convenience of the community, or the general welfare of the public
- Suitable for the property in question, and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity
  - o This use would not negatively affect the appearance and character of the general vicinity, as long as the property is designed and built in harmony with the neighboring area

- In conformance with all applicable requirements of Part 30 of the Township Zoning Ordinance and all other Township ordinances
  - o Upon submission of a preliminary plan to the Township, a review of the plan in accordance with the Subdivision and Land Development Ordinance and Stormwater Ordinance will take place
- Suitable in terms of effect on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard
  - o Please refer to the Gilmore & Associates, Inc. letter dated April 19, 2023 in regards to highway traffic and safety
- In accordance with sound standards of subdivision and land development practice where applicable
  - o Please refer to the Gilmore & Associates, Inc. letter dated April 19, 2023 in regards to subdivision and land development practices
- In accordance with the specific standards and criteria of Part 30 of the Township Zoning Ordinance
  - o As referenced per the Gilmore & Associates, Inc. Conditional Use Review letter dated April 19, 2023, if an amendment to the August 6, 2018 Conditional Use Adjudication is considered, a request by the Applicant has been made that the Board consider permitting 2 monument signs where only 1 is permitted. Per §27-305.J.J31.e.11.(e)(1) of the Zoning Ordinance, one ground sign is permitted per 500ft of street frontage on one street. Road A meets this criteria, but Road B only has 302' of street frontage. §27-305.J31.e.13.(d) states that the Board of Supervisors, at its sole discretion, may waive, increase, decrease, or otherwise modify any particular aspect of the sign regulations as part of the conditional use process up to a maximum of 50% dimensionally.
  - o As referenced per the Gilmore & Associates, Inc. Conditional Use Review letter dated April 19, 2023, if a Conditional Use for the Townhome Community is considered, it is noted that Creamery Tire is deficient by 30 parking spaces. However, this new proposal will not make the parking nonconformity any worse than it currently is. It was also noted that there appears to be a discrepancy between aerial imagery and the existing features plan with regard to the parking area.



# **EXHIBIT A**



**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

April 19, 2023

File No. 22-01266

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

Reference: Toll Mid-Atlantic L.P. Company, Inc. – Conditional Use Review  
County Line Road and West Butler Avenue  
TMP Nos. 26-006-101-004, 26-006-101, and 26-006-101-003

Dear Matt:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the Conditional Use Application for the above-referenced project which includes the following:

I. Submission

Application for Conditional Use Hearing dated March 6, 2023, Addendum thereof, and the following Exhibits:

- Exhibit 1 – Agreement of Sale dated September 13, 2022;
- Exhibit 2 – Site Plans for Birch Run at New Britain, by ESE Consultants, Inc. dated February 21, 2023;
- Exhibit 3 – Architectural Rendering of proposed townhomes;
- Exhibit 4 – Environmental Impact Statement Report;
- Exhibit 5 – Fiscal Impact Analysis;
- Exhibit 6 – Traffic System Inventory & Analysis;
- Exhibit 7 – Conditional Use Stormwater Management Narrative; and
- Exhibit 8 – Stormwater Management Plans Pre-Development

II. Reference Document

A. Conditional Use Adjudication for Provco Pineville Acquisitions, LLC Order dated August 6, 2018 establishing the Property with a J31 Planned Community Center Mixed Use.

III. General Information

The J31, Planned Community Center Mixed (PCCM), tract consists of three parcels near the intersection of West Butler Avenue (S.R. 4202) and County Line Road (S.R. 2038) within New Britain Township's C-1 Commercial Zoning District. The parcels make up almost 15 acres established as a PCCM Use via a Zoning Hearing Board Decision dated May 17, 2018 and Conditional Use Adjudication dated August 6, 2018. The three parcels making up the PCCM currently contain a 2-story, non-residential building with multi-tenant use (Creamery Tire), an accessory storage building (CTP Mgmt), and a Wawa with fuel pumps. Woodlands were previously preserved by means of a recorded Conservation Easement.

The Applicant proposes to redevelop an 8.65-acre northern parcel of the PCCM site. The property is proposed to contain a 44-Unit Townhome Community, Use B5, as permitted as a Conditional Use within the C-1 Zoning District. Two new roads are proposed to serve the townhomes. The plan proposes 1.74 acres of Open Space in addition to the required buffer yards and stormwater management areas which will be maintained by an HOA. Fourteen (14) guest parking spaces are proposed along Road A. Approximately 4,300 sf of protected woodlands are proposed to be disturbed to allow for vehicular and pedestrian access to Wawa via Road B.

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65 East Butler Avenue | Suite 100 | New Britain, PA 18901 | Phone: 215-345-4330 | Fax: 215-345-8606

#### IV. Review Comments

##### A. Conditional Use Amendments Requested

The Applicant has submitted a Conditional Use application to establish a new use, Use B5, within the PCCM located within the C-1 District. As a condition of the August 6, 2018 Adjudication, all future associated uses within the PCCM are required to be approved as a conditional use. Per the Addendum to Conditional Use Application of Toll Mid Atlantic L.P. Company, Inc., the Applicant is requesting to amend the 2018 conditional use or, in the alternative, to grant a new conditional use approval to permit the proposed B5 Single-Family Attached use with the following specific requests for consideration by the Board of Supervisors:

1. §27-305.J31.e.11.(e)1 – To permit two (2) community identification signs on the development parcel at the intersection of the Access Road and Road A and along Road B where a maximum of one ground sign is permitted based on a rate of one sign per 500 feet of street frontage. The Board of Supervisors, at its sole discretion, may waive, increase, decrease, or otherwise modify any particular aspect of the sign regulations as part of the conditional use process up to a maximum of 50% dimensionally in accordance with §27-305.J31.e.13.(d). We defer to the Zoning Officer regarding the applicability of the sign regulations and relief being sought.
2. §27-305.J31.h.3 – At its sole discretion, the Board of Supervisors may increase building heights upon submission by the applicant of increased green and/or buffer areas on site, and provided that any proposed building heights can be safely serviced by local fire service providers. The Applicant is requesting a maximum building height of 37 feet where a maximum height of 35 feet is permitted by ordinance. We recommend the Fire Marshal determine if the requested building height is acceptable prior to approval. We note that the Applicant is providing 1.74 acres of open space where 0.69 acres are required. A landscape buffer is proposed along the along the residential neighbors and Extra Space Storage including canopy, ornamental, evergreen trees and shrubs. We recommend the Board of Supervisors consider the property line buffer be planted with more evergreen trees than deciduous trees.
3. Based on feedback from the Township to provide a second access into the site, the Applicant requests permission to disturb 4,300 sf within an existing conservation easement for the construction of Road B and sidewalk between the proposed development and the existing Wawa. We recommend any trees removed be replaced at a rate of 200 trees per acre for a total of 20 trees in accordance with the woodlands replacement requirement listed in §27-2400.f.2.(a). In addition, as noted in the Environmental Impact Statement, we recommend any diseased or dying trees found at the time of construction within the woodlands to remain, that could potentially be hazardous, be removed. If this condition is approved, the requirement shall be documented on the Record Plan.

##### B. Conditional Use Comments

The Board of Supervisors shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed [in this section] for the proposed use. We offer the following comments with respect to the current New Britain Township Conditional Use general conditions:

1. §27-3008.b.1. – We find the proposal to be consistent with the Comprehensive Plan for the Township's Planning Area 2, which is characterized by commercial, office uses and comparatively dense residential development. This proposal touches on several goals and objectives of the Township's Comprehensive Plan by providing open space.
2. §27-3008.b.4. – The Board of Supervisors shall, among other things, require that any proposed use and location be in conformance with all applicable requirements of this chapter and all Township ordinances. Upon submission of the preliminary plan, the stormwater design will be required to manage the runoff from the total proposed increase in impervious in accordance with the Township's requirements including times of concentration, curve number calculations, basin modeling, etc.

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3. §27-3008.b.5. & -2500 – The proposed use shall be suitable in terms of effect on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard. A Transportation System Inventory & Analysis was prepared by Traffic Planning and Design, Inc., in support of this condition. The report indicated that the project would generate 21 new weekday peak A.M. trips, 25 new weekday P.M. trips. Upon review, we offer the following:
- a. Existing traffic conditions shall be documented for all major roadways and intersections in the study area and any other intersections the Township deems will be affected by the proposed development. Roadways and/or intersections experiencing levels of service D, E or F shall be noted as congested locations. All roadways and intersections showing a level of service below C shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. We recommend the narrative be updated.
  - b. Regarding the above required existing traffic conditions and recommendations, the study is required to include the intersection of County Line Road and Richardson Road and a potential future traffic signal. However, we note that as discussed during the Sketch Plan review, the Applicant indicated they would offer a contribution towards traffic improvements in the area in lieu of analyzing this intersection. We have no objection to this request.
  - c. Emergency access locations for developments shall be recommended by the Township Fire Marshal's office and approved by the Board. We recommend the Fire Marshal's Office review the plans relative to the proposed emergency access, street design, building height, water system, fire hydrant locations, etc. and truck turning templates be provided with the preliminary plans to confirm that the proposed design provides adequate maneuvering space for the largest anticipated vehicles accessing the site, school buses, and emergency vehicles.
  - d. The study included analyses from both Synchro 10 and Synchro 11. We recommend the report be revised to be consistent in which version is used and the Synchro files provided for review.
  - e. Condition 26 of the Conditional Use Adjudication for the PCCM Use required all proposed sidewalks along the frontage of the property be interconnected to any existing sidewalks. In addition, the PCCM shall have internal walkways to provide pedestrian access from adjacent residential developments and to connect to adjacent commercial, office, and institutional uses. While a sidewalk is proposed to County Line Road and to West Butler Avenue, additional connections shall be discussed. Since the trail previously shown within the open space has been removed, the feasibility of this connection, as well as a sidewalk to Extra Space Storage shall be discussed.
  - f. Crosswalks shall be required at intersections and at other locations where necessary to facilitate pedestrian circulation and to provide access to community facilities. We recommend the plan be revised to relocate the midblock crossing on Road B to the Road A intersection and ADA-compliant curb ramps provided at each crossing.
  - g. The parking requirement for a B5 use is based on the number of bedrooms per dwelling unit. The plan notes 3 bedrooms and 2 parking spaces for each unit. The Record Plan shall have a note restricting the number of bedrooms to 3 due to limited parking. We recommend the Record Plans and deeds for the dwellings include language requiring each unit to always maintain a minimum of 2 parking spaces.
  - h. Sheet 4 indicates the Existing Flex Building is deficient by 30 parking spaces. We defer to the Zoning Officer with regard to the current Uses and parking requirements. We also note that there appears to be a discrepancy between an aerial image of the parking area versus the Existing Features Plan.
  - i. Due to Road B being proposed at a 24-foot cartway where 28 feet is required, we recommend "No Parking" signs be installed along the entire length of the road.
  - j. Belgian block curb is required to be used for proposed residential streets. We recommend the plans shall clearly depict the curb and identify the type of curb.
  - k. We note that guest parking is provided along Road A directly in front of the cluster mailbox. We recommend no parking be permitted in front of the mailbox and the parking space relocated.

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4. §27-3008.b.6. – The Board of Supervisors shall, among other things, require that any proposed use and location be in accordance with sound standards of subdivision and land development practice where applicable. The purpose of the Butler Avenue Corridor Overlay District is to enhance the Corridor which serves as a gateway to the Township. We note that the proposed patios for several townhome units extend into the 75-foot buffer along the Airy Avenue properties. In addition, streetlights, public benches, trash receptacles crosswalks, etc. are required in accordance with the Butler Corridor Overlay District. Two benches are shown at the Community Mail area and the Environmental Impact Analysis indicates a trash receptacle will also be provided.

The Applicant will be responsible for any other variances and waivers required from the Township's Zoning and Subdivision and Land Development Ordinances for any other deficiencies that may arise during a formal Land Development Review of the Preliminary Plans and revised Traffic Impact Study.

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

Sincerely,



Craig D. Kennard, P.E.  
Executive Vice President  
Gilmore & Associates, Inc.  
Township Engineers

CDK/jm/tw

cc: Michael Walsh, Assistant Township Manager  
Dave Conroy, Director of Planning and Zoning  
Ryan Gehman, Assistant Planning and Zoning Officer  
Randy Teschner, Code Enforcement Officer/Fire Marshall  
Sean Gresh/Jeffrey P. Garton, Esq., Township Solicitors  
Nate D. Fox/Stephen Zaffuto, Obermayer, Rebmann, Maxwell & Hippel LLP  
Brian Thiernin, Toll Brothers, Inc.  
Jeff Madden, P.E., ESE Consultants  
Janene Marchand, P.E., Gilmore & Associates, Inc.

**EXHIBIT B**

**BEFORE THE NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS  
BUCKS COUNTY, PENNSYLVANIA**

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**IN RE: CONDITIONAL USE APPLICATION :  
OF PROVCO PINEVILLE ACQUISITIONS, LLC :**

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**ADJUDICATION**

Provco Pineville Acquisitions, LLC (“Applicant”) has filed a Conditional Use Application (“Application”) with New Britain Township concerning the development of a parcel of land located near the corner of West Butler Avenue and County Line Road within New Britain Township. Applicant is the equitable owner of two of the four parcels of land that make up the development site (“Property”) and is seeking conditional use approval under Section 27-1201.c of Chapter 27, Zoning, of the Township Code (“Zoning Ordinance”) to permit a J31 Plan Community Center Mix Use upon the Property. The Property is located within the C-1 Commercial Zoning District.

Pursuant to the Pennsylvania Municipalities Planning Code, Act 247, as amended, (“MPC”) the New Britain Township Board of Supervisors (“Board”) held a hearing on July 2, 2018 (“Hearing”) in the New Britain Township Municipal Building located at 207 Park Avenue, Chalfont, Pennsylvania for the purposes of receiving testimony on this Application. Notice of the same was sent to Applicant and was advertised pursuant to law. Board Chairman, A. James Scanzillo; Board Vice-Chair, Helen B. Haun; and Board members, Gregory T. Hood, Cynthia Jones, William B. Jones, III were in attendance at the Hearing and took part in the Board’s deliberation. In addition, Peter Nelson, Esquire, the Board’s Solicitor was in attendance, as was the Board’s stenographer. Applicant was represented by its attorney, John VanLuvanee, Esquire.

Only Daryl Presti of 517 West Butler Avenue requested party status in this matter, which was granted by the Board without objection from Applicant.

Based on the testimony and evidence presented at the Hearing, the Board, after discussion and due deliberation, makes the following Findings of Fact and Conclusions of Law.

### **FINDINGS OF FACT**

1. Applicant is Provco Pineville Acquisitions, LLC with a mailing address of 795 East Lancaster Avenue, Building 2, Suite 200, Villanova, PA 19085.
2. Co-Applicant is CPT Management, LLC 4123 Creamery Road, P.O. Box 8, Creamery, PA 19430.
3. The Property is made up of four separate parcels of lands, otherwise identified as Bucks County Tax Map Parcel Numbers 26-006-101, 26-006-101-003, 26-006-101-004, and 26-006-101-005.
4. Applicant is the equitable owner of the two parcels denoted as Bucks County Tax Map Parcel Numbers 26-006-101 and 26-006-101-004 and a related entity is the equitable owner of Bucks County Tax Map Parcel Number 26-006-101-005.
5. Co-Applicant is the legal owner of the two parcels denoted as Bucks County Tax Map Parcel Numbers 26-006-101-003 and 26-006-101-004.
6. Applicant is currently seeking land development approval to establish a J31 Plan Community Center Mixed Use development upon the Property.
7. Co-Applicant is not actively involved with the Application.
8. Applicant is proposing to construct a new Wawa store of 5,585 square feet upon the Property along with 6 fueling stations beneath a canopy ("Project").
9. Applicant is currently involved with four Wawa projects and plans to complete its 20<sup>th</sup> Wawa development project this year.
10. Applicant is a classified preferred developer by Wawa. Wawa currently does not own properties where a new facility is located, rather they contract with preferred developers to develop the property that Wawa then leases from the preferred developer for the new facility.



11. Applicant has experience doing other types of development jobs in addition to Wawas, including pharmacies, banks, and shopping centers.
12. This is the 17<sup>th</sup> year Applicant has operated as a land developer.
13. In 2008, the Property was a part of a larger site involved in an earlier conditional use application to establish a different J31 Use; a conditional use adjudication approving that application was issued on October 28, 2008.
14. The Property currently contains a commercial building housing automotive and office uses ("Flex Building"), an accessory storage building ("Pole Barn"), several outbuildings, and two existing residences that will be demolished.
15. The Property is located entirely within the C-1 Commercial Zoning District of the Township.
16. The Property has frontage on both West Butler Avenue and County Line Road.
17. The Property is surrounded by other existing uses including the legacy Wawa, Target World, an eye doctor, a florist, a dental laboratory, a barbershop, an indoor storage facility, and a residential development.
18. The proposed Wawa facility will replace the legacy Wawa Store that is located southwest of the Property at the intersection of West Butler Avenue and County Line Road.
19. At this time Applicant does not have any plans for the development of the balance of the Property.
20. The Pole Barn and Flex Building shall remain as part of this Project at this time.
21. The existing two houses fronting West Butler Avenue on the Property will be demolished, along with the appurtenant improvements, in conjunction with the construction of the Wawa facility.
22. Applicant is working with Co-Applicant to re-design the parking area around the Flex Building to provide additional parking spaces for that building on the Property and to eliminate the middle driveway to that Building from County Line Road.
23. Changes to the Flex Building parking area will include those necessary to ensure that no traffic backs out into the access drive connecting the Wawa facility to County Line Road.
24. As part of this Project, Applicant is proposing to construct a new full access signalized intersection across from the entrance to the New Britain Village Square shopping center on West Butler Avenue.

25. The Applicant is also improving the existing non-signalized, full access driveway along County Line Road to provide further access to the Property.

26. Applicant stated that the Wawa could be constructed as shown in Exhibit A-11 or the proposed stone facing could be replaced with brick depending on what is desired by the Township; likewise the stone facing on the supports for fueling canopy illustrated on Exhibit A-12 can be replaced by brick at the request of the Township.

27. Applicant would be willing to replace the proposed canopy illustrated on Exhibit A-12 with an A-frame canopy at the request of the Township.

28. The largest truck making deliveries to the Wawa facility would be a WB-50.

29. Applicant is proposing a double faced internally illuminated 20 foot pylon sign along with a digital display of fuel prices along the frontage of West Butler Avenue.

30. Applicant is proposing a double faced internally illuminated monument sign along with a digital display of fuel prices along the frontage of County Line Road.

31. The existing signs located on the New Britain Village Square shopping center property, the legacy Wawa property, and the Lukoil property all are taller than the 15 foot height limitation set forth in the J31 regulations.

32. Applicant opined that the proposed signage is the minimum signage needed by Wawa to ensure the success of this facility.

33. The Wawa facility will be served by public water and sewer.

34. Applicant wishes to delay the installation of the required plantings in the buffer against the adjoining residential zoning district until the remainder of the Property is developed.

35. Applicant proposes to provide loading areas along the side of the Wawa building, instead of the rear, which does not comply with the requirements of §27-305.J.J31.c.13.(b).

36. Applicant presented three witnesses in support of its Application: Joseph Botta who is a representative and principal of Applicant; Jason R. Korczak, P.E., who was accepted as an expert witness in civil engineering; and Matthew I. Hammond, P.E., who was accepted as an expert witness in traffic engineering.

37. Mr. Korczak testified that the environmental assessment complies with all the Township zoning requirements.

38. Mr. Korczak determined that the proposed project would not have any adverse environmental impacts and would be compatible with the Township's Comprehensive Plan.

39. Mr. Korczak testified that there is a quarter acre of wetlands existing on the Property and 0.04 acres of these wetlands will be disturbed by the driveway going from the Wawa facility out to County Line Road.

40. Mr. Korczak stated that Applicant will need to apply for and receive a General Permit from the Pennsylvania Department of Environmental Protection for this wetland disturbance.

41. Mr. Korczak testified that the Project would disturb woodlands as defined by the zoning provisions of the Township Code; however such disturbance would be less than the maximum 65% allowed under zoning.

42. Mr. Korczak testified that the proposed trash enclosure will comply with the Township's zoning regulations.

43. The trash enclosure will be approximately 375 feet from the nearest residential property.

44. Applicant filed a scoping application with PennDOT in January of 2018.

45. Mr. Hammond testified that 76% of the trips created by the proposed Wawa will be pass-by trips meaning that these are cars already on the road going somewhere else that stop at the Wawa along the way instead of cars that are on the road specifically to go to the Wawa.

46. Mr. Hammond testified that all traffic improvements will comply with all applicable PennDOT standards.

47. Mr. Hammond testified that there will be gore area in the median of West Butler Avenue allowing vehicles making left turns into the commercial business abutting the Property to get out of the way of the through traffic on West Butler Avenue.

48. Mr. Hammond testified that PennDOT has not proposed any type of median barrier along the center of West Butler Avenue in the vicinity of this Project.

49. At the Hearing, the following Exhibits were submitted to the Board and accepted into evidence by the Board without objection:

Exhibit B-1 – Conditional Use Application, dated May 18, 2018

Exhibit B-2 – Legal Notice and Proof of Advertisement, dated June 21, 2018

Exhibit B-3 – Gilmore and Associates Conditional use review letter, dated June 21, 2018

- Exhibit B-4 – Township Planning Commission Memo from Devan Ambron, Township Zoning Officer, dated June 27, 2018
- Exhibit B-5 – Letter from Peter Nelson, Esq. to Chuck Coxhead, dated April 19, 2018
- Exhibit A-1 – New Britain Township Zoning Hearing Board Decision, dated May 17, 2018
- Exhibit A-2 – Conditional Use Application, dated May 18, 2018
- Exhibit A-3 – Existing conditions aerial plan
- Exhibit A-4 – Agreement of Sale between Jenta Corp and Provco Pineville Acquisition LLC, dated September 18, 2017
- Exhibit A-5 – Agreement of Sale between Wawa Inc. and Provco Pineville Chalfont, LLC, dated May 22, 2018
- Exhibit A-6 – Agreement of Sale between CPT Management, LLC and Provco Pineville Acquisitions, dated August 1, 2017
- Exhibit A-7 – Easement Agreement between CPT Management LLC and Provco Pineville Acquisition LLC, executed January 12, 2017
- Exhibit A-8 – Overall site plan, dated May 18, 2018
- Exhibit A-9 – Existing conditions aerial plan
- Exhibit A-10 – Proposed aerial plan
- Exhibit A-11 – Wawa building elevations
- Exhibit A-12 – Wawa fuel canopy elevations
- Exhibit A-13 – Signage details plan, dated March 2, 2018
- Exhibit A-14 – Curriculum vitae of Jason R. Korzak, P.E.
- Exhibit A-15 – Existing conditions/demotion plan, last revised May 18, 2018
- Exhibit A-16 – Environmental impact statement, dated June 26, 2018
- Exhibit A -17 – Curriculum vitae of Matthew I. Hammond, P.E.

Exhibit A-18 – Transportation impact study, dated May 18, 2018 (narrative only)

Exhibit A-19 – Gilmore and Associates conditional use review letter, dated June 21, 2018

Exhibit A-20 – Gilmore and Associates preliminary plan review letter, dated June 22, 2018

Exhibit A-21 – Gilmore and Associates technical review letter, dated June 22, 2018

Exhibit A-22 – Bucks County Planning Commission review letter, dated June 19, 2018

Exhibit A-23 – Letter from Peter Nelson, Esq. to Church Coxhead, dated April 19, 2018

50. Also accepted into evidence as Appendix A to Applicant's exhibit packet was the prior conditional use adjudication involving the Property dated October 28, 2008

51. Exhibits B-1 and A-2 are the same document; Exhibits B-3 and A-19 are the same document; and Exhibits B-5 and A-23 are the same document.

52. Exhibit B-5/A-23 contains ten proposed conditions of approval; Applicant stated conditions 1-4, 6-8, and 10 are acceptable as stated in this document.

53. Concerning condition No. 5 listed in Exhibit B-5/A-23, Applicant is willing to abide by the condition of no video being played but would like the ability to put sound over the intercom in compliance with all Township noise/sound regulations.

54. Applicant believes that restrictions on sound are not necessary due to the distance between the proposed Wawa facility and any neighboring residential properties.

55. Applicant asks that condition No. 9 on Exhibit B-5/A-23 be altered to restrict deliveries from 11 pm to 6 am and not apply to fuel deliveries.

56. Applicant acknowledged that the Property could not be made smaller under the J31 Use and the May 17, 2018 ZHB Decision and would be okay with a condition of approval restricting any subdivision of the Property that would reduce the size of the Property; however Applicant would like the ability to do subdivisions of the Property provided such subdivisions are consistent with the Use J31 requirements.

57. Applicant would be willing to consider modifications to the Plan to discourage cut through traffic.

58. Section 27-305.J31.c.2 of the Zoning Ordinance provides that during the Conditional Use Hearing the Board may modify the area and dimensional criteria for a proposed J31 Use; while Section 27-305.J31.c.12(p)4) of the Zoning Ordinance provides that the Board can modify sign requirements for a proposed J31 Use.

59. In accordance with Sections c.2 and c.12(p) of the J31 Use, Applicant requested at the Hearing the following modifications of the applicable area, dimensional, and sign requirements for their proposed use:

- Section 27-2904.a.5 to allow striping and bollards instead of raised curbs to control and direct traffic around the Wawa facility, so as to minimize tripping hazards caused by the curbing and to make the building more ADA accessible;
- Section 27-2904.d.1 to allow the proposed West Butler Avenue driveway to exceed a maximum width of 30 feet at the street line by 18 feet, so that a 48 foot boulevard style drive that matches up with the existing access drive to the New Britain Village Square shopping center can be installed;
- Section 27-2904.g.5 to allow the paved parking area to be located within 20 feet of the exterior structural wall of the proposed Wawa building to allow these high traffic parking spots to be closer to the building and make it more easily accessible;
- Section 27-305.J31.c.12(o)(6) to allow Applicant to erect one ground sign along the County Line Road frontage and one ground sign along the West Butler Avenue frontage; and
- Section 27-305.J31.c.12(o)(6)(iv) to allow the ground sign along West Butler Avenue to be 20 feet in height.

### DISCUSSION

Applicant is seeking approval to develop the Property with a J31 Planned Community Center Mixed Use ("PCCM") which is permitted as a conditional use within the C-1 Zoning District. Specifically, Applicant is proposing to construct a Wawa store with six fueling stations as a part of this J31, along with appurtenant improvements. In this first phase of the development of the Property, no new development shall take place on the remainder of the Property, except for new and revised access drives and parking areas as shown on the Exhibits.

A conditional use is nothing more than a special exception that falls within the jurisdiction of the municipal governing body rather than the zoning hearing board. 53 P.S. §603(c)(2). The applicant in a conditional use hearing bears the burden of proving that its proposal meets the requirements provided for in the zoning ordinance for the use sought as a conditional use. *Northampton Area S.D. v. East Allen Twp. Bd. of Supervisors*, 824 A.2d 372, 376 (Pa.Comm. Ct. 2003), *alloc. denied*, 834 A.2d 1144 (Pa. 2003); *Bray v. ZBA*, 48 Pa. Commw. 523, 526, 410 A.2d 909, 911 (1980).<sup>1</sup> These requirements are generally classified as follows:

1. The kind of use (or area, bulk, parking, or other approval) – i.e., the threshold definition of what is authorized as a conditional use;
2. Specific requirements or standards applicable to the conditional use – e.g., special setbacks, size limits; and
3. Specific requirements applicable to such kind of use even when not a conditional use – e.g., setback limits or size maximums or parking requirements applicable to that type of use whenever allowed, as a permitted use or otherwise.

*Bray*, 48 Pa. Commw. at 526, 410 A.2d at 911. It is not enough for an applicant to prove that a proposed conditional use complies with the specific conditional use zoning ordinance requirements. *Sheetz, supra*. The applicant must also clear a second step by proving that the proposal does not violate other applicable sections of the zoning ordinance. *McMann v. Kingston Twp. Bd. of Supervisors*, 771 A.2d 96 (Pa. Commw. Ct. 2001).

A conditional use can only be granted or refused in accordance with the terms of the ordinance itself. *McGinty v. ZBA*, 717 A.2d 34, 36 (Pa. Commw. Ct. 1998). Whether an applicant has met its burden of proof is within the discretion of the governing body. *Accelerated*

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<sup>1</sup> *Bray* involves a special exception application. A special exception is merely conditional use that is decided by the zoning hearing board instead of the governing body (i.e. Board of Commissioners). Therefore, the standards that apply to one also apply to the other. *Sheetz, Inc. v. Phoenixville Borough Council*, 804 A.2d 113, n.3 (Pa. Commw. Ct. 2002), *alloc. denied*, 573 Pa.669, 820 A.2d 706 (2003).

*Enterprises, Inc. v. Hazle Twp. ZHB*, 773 A.2d 824, 826 (Pa.Commw.Ct. 2001). Failure to comply with any one specific requirement constitutes the basis for denying a conditional use application. *Levin v. Bd. of Supervisors of Benner Twp.*, 669 A.2d 1063, 1069 (Pa.Commw.Ct. 1995), *aff'd*, 547 Pa.161, 689 A.2d 224 (1997).

Additionally, the activity sought as a conditional use must not be injurious to the public's health, safety, and general welfare. This requirement, along with any general policy concerns regarding conditional uses provided for in the zoning ordinance, are commonly referred to as general requirements for the conditional use. The applicant does not have to show that its proposal meets these general requirements. Instead, those parties objecting to the conditional use application bear the burden of showing that the use sought violates any of the general requirements. Once the objectors have identified specific issues concerning these general requirements, however, the burden shifts to the applicant to rebut or negate issues raised by the objector. *Bray*, 48 Pa.Commw. at 529, 410 A.2d at 912; *see also Graterton Properties, Inc. v. Lower Merion Twp.*, 796 A.2d 1038, 1045-1046 (Pa.Commw.Ct. 2002). To meet this burden, the objectors must show that the proposed use's "impact would be greater than would be normally be expected from that type of use and that this use would pose a substantial threat to the health, safety, and welfare of the community." *Amerikohl Mining, Inc. v. ZHB of Wharton Twp.*, 142 Pa.Commw. 249, 258, 597 A.2d 219, 223 (1991), *alloc. denied*, 602 A.2d 861 (Pa.1992).

In this matter, Applicant is seeking conditional use approval to establish a J31 PCCM upon the Property. As set forth above, the burden is on Applicant to show compliance with Section 27-305.J.J31 setting forth the requirements for a PCCM. In addition, Applicant needs to show compliance with Part 12 of Chapter 27 of the Township Code which sets forth the regulations for all uses within the C-1 Commercial District, as well as the requirements of Section 27-3008 concerning



conditional uses in general. Lastly, Applicant bears the burden of showing that their proposal meets all the zoning requirements generally applicable to applications within the Township. If this burden of proof is met, any objectors to this proposal would then bear the burden of showing that this proposal does not meet the general requirements applicable to conditional uses as described above.

The evidence presented via the exhibits admitted by Applicant along with Applicant's three witnesses shows that Applicant has met its burden of proof. The evidence in the Record illustrates that Applicant meets all the applicable requirements of the J31 use; the applicable requirements of the C-1 zoning district; the requirements of Section 27-3008, and the generally applicable requirements of Chapter 27 such as natural resource protections, open space requirements, buffer requirements, traffic impact, etc. Where the proposal does not meet the requirements of the J31 use, Applicant has requested modification of those specific requirements from the Board of Supervisors as is allowed under the language of this Use.

The intervening party in the hearing, as well as other persons that commented upon this proposal, failed to provide any evidence that this proposal does not meet the general conditions of a conditional use, would have a greater negative impact than other types of J31 Uses, or would constitute a substantial threat to the public's health, safety, and welfare. Based on the foregoing, the Board finds that Applicant meets its burden and that its proposal meets the specific requirements for the requested conditional use as provided for in Chapter 27, Zoning, the Township Code. For all the above stated reasons, the Board finds that Applicant is entitled to the relief requested subject to the conditions set forth below.

## CONCLUSIONS OF LAW

1. Applicant has established that its Application to develop the Property with a J31 Use as testified to and shown on the accepted Exhibits meets all the specific requirements for this conditional use as provided for in Section 305.J.J31 of Chapter 27, Zoning, the Township Code, when the granted modifications are taken into consideration.

2. Applicant has established that its Application to develop the Property with a J31 Use as testified to and shown on the accepted Exhibits meets all the specific requirements for this conditional use as provided for in Article 12 of Chapter 27, Zoning, the Township Code.

3. Applicant has established that its Application to develop the Property with a J31 Use as testified to and shown on the accepted Exhibits meets all the specific requirements for this conditional use as provided for in Section 27-3008 of Chapter 27, Zoning, the Township Code.

4. In accordance with Section 27-305.J.J31.c.2, Applicant has presented substantial evidence supporting its request for modifications to the following area and dimensional criteria requirements:

- a. Section 27-2904.a.5 to allow striping and bollards instead of raised curbs to control and direct traffic around the Wawa facility;
- b. Section 27-2904.d.1 to allow the proposed West Butler Avenue driveway to exceed a maximum width of 30 feet at the street line by 18 feet; and
- c. Section 27-2904.g.5 to allow the paved parking area to be located within 20 feet of the exterior structural wall of the proposed Wawa building.

5. Although Applicant did not specifically request a modification to Section 27-305.J.J31.c.13.(b) to provide loading areas along the side of the Wawa building instead of the rear, the Board believes such a configuration works in this situation and meets the intent of the requirements of the J31 Use.

6. Applicant has presented substantial evidence showing sufficient fire access and safety and sufficient areas for pedestrian and vehicular traffic to and from the Wawa facility necessary to meet the requirements of Section 27-305.J.J31.c.2 for the requested waivers.

7. In accordance with Section 27-305.J.J31.c.12(p), Applicant has presented substantial evidence supporting its request for modifications to the following sign regulations:

- a. Section 27-305.J31.c.12(o)(6) to allow Applicant to erect one ground sign along the County Line Road frontage and one ground sign along the West Butler Avenue frontage; and
- b. Section 27-305.J31.c.12(o)(6)(iv) to allow the ground sign along West Butler Avenue to be 20 feet in height.

8. Applicant has presented substantial evidence showing the requested sign regulation modifications satisfy the purpose and intent of Section 27-305.J.J31.c.12 and improve the overall appearance of the sign plan for the Project and thus meet the requirements of Section 27-305.J.J31.c.12(p) for the requested waivers.

9. The proposed conditional use will not have a substantial negative impact upon the public's health, safety and/or welfare.

10. Any possible negative impacts of this proposed conditional use will be ameliorated by the imposition of the following conditions of approval:

- a. To minimize damage from fuel leaks and spills and to prevent infiltration of fuels into the stormwater management system, automatic shut-off valves shall be installed on every fueling station and fossil fuel filters shall be installed within onsite stormwater inlets as determined necessary by the Township Engineer.
- b. The Township shall be immediately notified, via a phone call to the Township-designated official, of any fuel leak or spill of over five gallons or of any fuel leak or spill that enters the stormwater management system, infiltrates into the ground, or flows off-site.
- c. High-speed diesel pumps shall not be installed at this facility.

- d. The façade of the Wawa building and fuel canopy pillars/columns shall be faced with stone as shown on Exhibits A-11 and A-12.
- e. No video shall be played at the fueling stations. Any amplified sound produced outside of the Wawa building shall fully comply with all Township noise/sound regulations.
- f. The canopy over the fueling stations shall have an A-frame design with recessed lighting.
- g. All outdoor lighting shall be fully shielded, LED fixtures.
- h. Outdoor lighting fixtures shall be no taller than twenty (20) feet.
- i. No supply deliveries (not including fuel) or trash pick-ups shall occur after 11:00 p.m. or before 6:00 a.m.
- j. Any truck or vehicle making any delivery to the site shall turn off its engine while making such delivery.
- k. The access drives from West Butler Avenue and County Line Road shall be designed and built to discourage cut-through traffic.

11. This approval is conditioned upon Applicant designing and constructing the traffic signal at the West Butler Avenue entrance to the Property as show on the plans.

12. This approval is conditioned upon Applicant installing the plantings for the buffer, required under §27-305.J.J31.c.5 and Part 28 of Chapter 27 of the Township Code, in conjunction with any future development of the Property or within five (5) years of the issuance of the certificate of occupancy for the Wawa facility, whichever occurs first. Applicant shall escrow sufficient funds to fully guarantee compliance with this condition.

13. Applicants shall amend the Plan to provide customer parking for larger vehicles (such as box trucks and landscape vehicles with trailers) that does not conflict with or impinge upon the use of the other parking spaces provided upon the portion of the Property that will be developed as the Wawa facility.

14. Any future development of the Property with new or expanded uses or buildings shall require a new conditional use application and approval.

15. This approval is conditioned upon the Property not being further subdivided to reduce the size of the property subject to this Use J31 conditional use approval. This restriction shall not be construed to prevent future subdivisions of the Property that are consistent and in accordance with the provisions of Use J31 and the May 17, 2018 Zoning Hearing Board Decision (Exhibit A-1).

16. This approval is conditioned upon Applicant purchasing and merging the three parcels it has under agreement denoted as Bucks County Tax Map Parcel Numbers 26-006-101, 26-006-101-004, and 26-006-101-005.

17. This approval is conditioned upon Applicant and Co-Applicant executing cross-access easements between their respective parcels that make up the Property as a whole. Such easements shall be to the Township's satisfaction.

18. This approval is conditioned upon Applicant developing and using the Property in conformity with the Application and the evidence presented at the Hearing.

19. This approval is conditioned upon Applicant complying with all other Township, County, State, and Federal statutes, ordinances, codes, rules, and regulations.

ORDER TO FOLLOW

**BEFORE THE NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS  
BUCKS COUNTY, PENNSYLVANIA**

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IN RE: **CONDITIONAL USE APPLICATION** :  
**OF PROVCO PINEVILLE ACQUISITIONS, LLC** :

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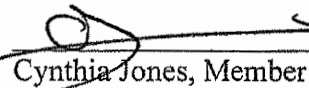
**ORDER**

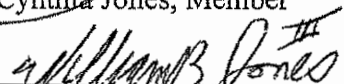
AND NOW, this 6<sup>th</sup> day of August, 2018 after due deliberation and discussion at a public hearing, the New Britain Township Board of Supervisors hereby grants Provco Pineville, LLC the requested conditional use to establish and develop the Property located between West Butler Avenue and County Line Road with a J31 Planned Community Center Mixed Use in accordance with Section 27-305.J.J31 and Article 12 of Chapter 27, Zoning, the Township Code; in compliance with the all the conditions of approval set forth in the attached Adjudication; and to extent set forth in the attached Findings of Fact and Conclusions of Law.

**NEW BRITAIN TOWNSHIP  
BOARD OF SUPERVISORS**

  
\_\_\_\_\_  
A. James Scanzillo, Chairman

  
\_\_\_\_\_  
Helen B. Haun, Vice Chair

  
\_\_\_\_\_  
Cynthia Jones, Member

  
\_\_\_\_\_  
William B. Jones, III, Member

  
\_\_\_\_\_  
Gregory T. Hood, Member

**EXHIBIT C**

DATE OF DECISION: MAY 17, 2018

DATE OF MAILING: MAY 18, 2018

**BEFORE THE NEW BRITAIN TOWNSHIP  
ZONING HEARING BOARD**

**RE: APPLICATION OF PROVCO PINEVILLE ACQUISITION, LLC,  
FOR THE PROPERTIES LOCATED ALONG THE NORTH SIDE  
OF WEST BUTLER AVENUE AND THE EAST SIDE OF COUNTY LINE  
ROAD, NEAR THE INTERSECTION OF WEST BUTLER AVENUE AND  
COUNTY LINE ROAD, NEW BRITAIN TOWNSHIP, BUCKS  
COUNTY, PENNSYLVANIA, FURTHER IDENTIFIED AS  
TAX MAP PARCEL NOS. 26-6-101, 26-6-101-3, 26-6-101-4 AND 26-6-101-5**

**FINDINGS OF FACT**

1. On Thursday, April 19, 2018, 2014 at 7:00 p.m. at the New Britain Township Building, 207 Park Avenue, Chalfont, New Britain Township, the New Britain Township Zoning Hearing Board ("Board") held a duly noticed hearing on the application of Provco Pineville Acquisition, LLC (the "Applicant").

2. The following four (4) parcels comprise the property that is the subject of the application:

- a. Bucks County Tax Map Parcel No. 26-6-101 ("Parcel A") has a street address of 525 West Butler Avenue and is owned by Jenta Corp. ("Jenta"). Jenta is a Pennsylvania for-profit corporation.
- b. Bucks County Tax Map Parcel No. 26-6-101-3 ("Parcel B") has a street address of 4309 County Line Road and is owned by CTP Management, LLC ("CTP"). CTP is a Pennsylvania limited liability company.
- c. Bucks County Tax Map Parcel No. 26-6-101-4 ("Parcel C") does not have an assigned street address. It is located along County Line Road and is owned by CTP.
- d. Bucks County Tax Map Parcel No. 26-6-101-5 ("Parcel D") has a street address of 527 West Butler Avenue and is owned by Wawa, Inc. ("Wawa"). Wawa is a New Jersey for-profit corporation, authorized to do business in Pennsylvania.

3. Where relevant, Parcel A, Parcel B, Parcel C and Parcel D are collectively referred to herein as the "Property." Where relevant, Parcel A and Parcel D are referred to herein as the "Premises."



4. Notice of the April 19, 2018 hearing was published in advance of the hearing in the Thursday, April 5, 2018 and Thursday, April 12, 2018 editions of The Intelligencer, a newspaper publication of general circulation in New Britain Township.

5. Notice of the April 19, 2018 hearing was sent by first class mail on April 3, 2018 by Devan Ambron (“Ambron”), the New Britain Township Zoning Officer to (a) all record owners of properties within New Britain Township surrounding the Property; and (b) to the adjoining municipality for any surrounding properties that are located in that municipality.

6. Ambron posted notice of the April 19, 2018 hearing on the Property on April 4, 2018 at 10:55 a.m.

7. The Applicant is a Pennsylvania limited liability company. As further described in these Findings of Fact, the Applicant is a business partner and agent of Wawa, with the authority to act on Wawa’s behalf in connection with this application.

8. Parcel A is subject to an Agreement of Sale dated September 18, 2017, between Jenta and the Applicant, making the Applicant the equitable owner of Parcel A. *See* Exhibit B-1, Parcel A Agreement.

9. Parcel B is subject to an Easement Agreement dated January 29, 2017, between CTP and the Applicant, granting the Applicant certain rights in Parcel B relevant to the application. *See* Exhibit A-3, Parcel B Easement.

10. Parcel C is subject to an Agreement of Sale dated August 1, 2017, between CTP and the Applicant, making the Applicant the equitable owner of Parcel B. *See* Exhibit B-1, Parcel C Agreement.

11. Parcel D is owned by Wawa. As found previously, the Applicant has the express approval from Wawa to act on its behalf in connection with the instant application.

12. As either an equitable owner, easement holder and/or an agent of the record owner of all the parcels comprising the Property, the Applicant has the requisite standing to prosecute this zoning hearing board application.

13. The Property is located in the C-1, Commercial, zoning district under the New Britain Township Zoning Ordinance (the “Zoning Ordinance”).

14. The Applicant proposes to merge Parcel A and Parcel D to create the Premises. The Applicant proposes to construct a Wawa-brand 5,855 square feet convenience store / service station building with six (6) multiple product dispensers (i.e. gas station islands) (12 pumps total) on the Premises. *See* Exhibit B-2, Zoning Plans, Sheet 1.

15. The Applicant proposes an improved road access from West Butler Avenue to the Premises to serve the use. The Applicant also proposes a travel lane from the rear of the Premises across Parcel C, to tie-in to an existing drive aisle on Parcel C and the easement on Parcel B out to County Line Road. *See* Exhibit B-2, Zoning Plans, Sheet 1.

16. In its application, the Applicant describes the proposed use as either a Planned Community Center Mixed Use (use J31) with a Service Station or Car Wash component use (use J19); or alternatively, a stand-alone Service Station or Car Wash Use (use J19).

17. A J31 use is permitted upon conditional use approval in the C-1, Commercial, zoning district. A J19 use is a permitted sub-use within a J31 use. A stand-alone J19 use is permitted by right in the C-1, Commercial, zoning district. See Zoning Ordinance §§27-305, 27-1201.a and 27-1201.c.

18. In its application in connection with the proposed Planned Community Center Mixed use (use J31), the Applicant requests the following variances from the Zoning Ordinance:

- a. from §27-305.J31.c.1 to permit the Planned Community Center Mixed Use on the Property which has a base site area of 14.864 acres, where the required minimum base site area is 15 acres;
- b. from §27-305.J31.c.12(o)6(i) to permit two (2) ground signs, one along West Butler Avenue, and one along County Line Road, where only one ground sign is permitted on a property per 500 square feet of street frontage on one (1) street;
- c. from §27-305.J31.c.12(o)6(iv) to permit each ground sign to be 20 feet high, where the maximum permitted height of any ground sign is 15 feet;
- d. from §27-2904.a.5 to permit striping to direct traffic within certain areas of the parking lot surrounding the Wawa service station building, where raised curbs and landscaped areas are required to direct traffic;
- e. from §27-2904.d.1 to permit a 48 feet wide two-way street access at the West Butler Avenue street line, where the maximum permitted width for a two-way street access is 30 feet at the street line; and
- f. from §27-2904.g.5 to permit paved areas other than curbs or concrete sidewalks to be within 20 feet of the exterior structural walls of the proposed commercial building, where the required minimum setback for such paved areas from the exterior structural building wall is 20 feet.

19. In its application in connection with the alternatively proposed stand-alone Service Station or Car Wash use (use J19), the Applicant requests the following variances from the Zoning Ordinance:

- a. from §27-305.J19.b.2 to permit the sale of convenience-type products from the 5,585 square feet proposed Wawa-brand style building, where the maximum permitted floor area for the sale of convenience-type products is 2,000 square feet;
- b. from §27-2400.d to permit the disturbance of wetlands for the proposed driveway access to County Line Road, where the disturbance of wetlands is generally prohibited;

- c. from §27-2400.h to permit impervious surfaces to be located within 25 feet of a wetland boundary, where impervious surfaces in the wetland margin is prohibited;
- d. from §27-2400.i to allow disturbance of zone 1 and/or zone 2 of the required riparian buffer, where no disturbance is permitted;
- e. from §27-2605.a to permit each ground/freestanding sign to be 20 feet high, where the maximum permitted height of any ground/freestanding sign in a non-residential zoning district is 12 feet;
- f. from §27-2607.a.3(b)(2) to permit the second ground/freestanding sign at the driveway access on County Line Road, and to permit the two (2) proposed ground/freestanding signs to have an aggregate sign area greater than 50 square feet, where a second ground/freestanding sign is permitted if the use has a total linear road frontage of more than 300 square feet, and the maximum sign area is 50 square feet, whether for the 2 signs together or for one sign;
- g. from §27-2904.a.5 to permit striping to direct traffic within certain areas of the parking lot surrounding the Wawa service station building, where raised curbs and landscaped areas are required to direct traffic;
- h. from §27-2904.d.1 to permit a 48 feet wide two-way street access at the West Butler Avenue street line, where the maximum permitted width for a two-way street access is 30 feet at the street line; and
- i. from §27-2904.g.5 to permit paved areas other than curbs or concrete sidewalks to be within 20 feet of the exterior structural walls of the proposed commercial building, where the required minimum setback for such paved areas from the exterior structural building wall is 20 feet.

20. Introduced as exhibits at the zoning hearing are the documents identified on Schedule A attached to this decision. Schedule A is incorporated by reference as though fully set forth herein at length.

21. The following individuals testified on behalf of the Applicant in support of the application at the hearing:

- a. Michael Cooley (“Cooley”), officer of the Applicant; and
- b. Jason R. Korczak, P.E. (“Korczak”), professional civil engineer.

22. The following individuals and entities requested and were granted party status to the application:

- a. Darryl Presti (“Presti”), 517 West Butler Avenue, Chalfont, PA (the “Presti Property”);
- b. Linda Cummings, 514 Airy Avenue, Chalfont, PA; and

- c. Lukoil North America, LLC (“Lukoil”), 550 West Butler Avenue, by and through Mark Ferrari, territory manager; and Laura DeLuca, Esq., corporate counsel.

23. Represented by its solicitor, New Britain Township (the “Township”) appeared at the hearing as an active party to the application at the hearing. The Board notes that by law, the Township is automatically granted party status to participate in this hearing. *See* 53 P.S. §10908(3).

24. As a threshold procedural matter, the Applicant’s attorney stated that the Applicant’s representatives previously appeared before the New Britain Township Board of Supervisors (the “Supervisors”) to discuss the instant zoning application.

25. The Applicant’s attorney stated that while the Supervisors took no position on the application pending before the Board, the Supervisors informally considered the proposal to be a Planned Community Center Mixed Use (use J31). The Township solicitor confirmed this position.

26. The Board finds that Ambron made no determination in her review of the application that the proposed use does not potentially qualify as a J31 use under the Zoning Ordinance.

27. As a result of its representatives’ discussion with the Supervisors, the Applicant’s attorney stated that the Applicant intends to submit the required conditional use application to permit the J31 use on the Property.

28. To facilitate the conditional use filing, the Applicant’s attorney stated that the Applicant is only seeking a variance from §27-305.J31.c.1 to permit the Planned Community Center Mixed Use on the Property which a base site area of 14.864 acres.

29. The Applicant’s attorney maintains that other than the base site area variance, all the other items of relief requested in its application in connection with the J31 use are addressable in a conditional use proceeding. The Board makes no findings or conclusions on that position.

30. The Applicant’s attorney stated that, other than the base site area variance, all other variances requested in connection with the proposed J31 use, as well as all variances alternatively sought in connection with the proposed stand-alone Service Station or Car Wash use (use J19), are withdrawn.

31. The Applicant’s attorney stated, and the Board concludes, that the removed variance requests are withdrawn without prejudice to the Applicant’s right to re-file an application seeking any or all such relief and/or pursuing a stand-alone J19 use.

32. As background, Cooley, Korczak and the Applicant’s attorney stated, and the Board finds, the Township amended the Zoning Ordinance in 2008 to create the J31 use. *See* Exhibits A-10 and A-11.

33. By prior a conditional use adjudication dated September 29, 2008, the Supervisors approved a J31 use for several tracts, including the Property, along West Butler Avenue and County Line Road. This 2008 project was eventually discontinued. *See* Exhibits A-10 and A-11.

34. Parcel A is 3.3 gross acres. It is oddly shaped with 187.9 feet of frontage along West Butler Avenue. Parcel A widens in the rear portion of the tract. Its eastern side lot line shares a common border with a portion of the Presti Property. *See Exhibits B-2, Zoning Plans, Sheet 2; and A-1, Aerial Plan.*

35. Parcel A is improved with a 2 story masonry building, 1 story frame barn, a spring house and wetlands. The building and barn are vacant and in poor condition. The protected wetlands are along the rear lot line. *See Exhibit B-2, Zoning Plans, Sheet 2.*

36. Parcel B is 2.6 gross acres. It is shaped like a square, with frontage along County Line Road. It is improved with a large U-shaped masonry structure containing non-residential uses. It has multiple existing drive accesses on to County Line Road, the northern most of which straddles the common lot line with Parcel C. *See Exhibits B-2, Zoning Plans, Sheet 2; and A-1, Aerial Plan.*

37. Parcel C is 8.9 gross acres. It is a large “flag shaped,” multi-tier lot, with approximately 129 feet of frontage along County Line Road. Parcel C widens behind and around the Premises. In its widest eastern portion, Parcel C abuts the rear lot line of the Presti Property. *See Exhibits B-2, Zoning Plans, Sheet 2; and A-1, Aerial Plan.*

38. Parcel C is improved with a 1 story metal building, located just beyond the narrowest portion of the tract. The regulated wetlands originating on Parcel A cross on to Parcel C and travel west until reaching the rear lot line of Parcel B. *See Exhibit B-2, Zoning Plans, Sheet 2.*

39. Parcel D is 1.1 gross acres. It is a narrow tract, located next to Parcel A. It is wider along its frontage along West Butler Avenue. It is improved with a 2-story frame building and 3 frame sheds, all in poor condition. *See Exhibits B-2, Zoning Plans, Sheet 2; and A-2, Aerial Plan.*

40. Cooley stated, and the Board finds, that the Applicant is a development partner of Wawa. In its history, the Applicant has constructed at least 20 projects for Wawa, with an additional 12 presently in the permitting stage.

41. Cooley stated, and the Board finds, that the Applicant acquires suitable properties to improve. Working with Wawa, the Applicant develops Wawa’s well-known convenience store / gas canopy stations. Wawa leases the developed properties from its partners and operates its stores.

42. Cooley stated, and the Board finds, that Wawa presently has a “legacy” site, located at the northeast corner of West Butler Avenue and County Line Road, identified as Bucks County TMP No. 26-6-101-1. A “legacy” site is a smaller, older store that does not sell motor vehicle fuel. *See Exhibit B-2, Zoning Plans, Sheet 2.*

43. Cooley stated, and the Board finds, that neither the Applicant nor Wawa control this legacy location. It leases the property from an unrelated third party. If the J31 use is approved for the Property, the Applicant and Wawa will close this legacy store.

44. Cooley stated, and the Board finds, that only the proposed J19 sub-use presently comprises the J31 master use. The balance of Property has yet to be designed. While Parcel B is

used, via the easement, in furtherance of the J31 use, the commercial building itself is an existing stand-alone use. *See* Exhibit B-2, Zoning Plans, Sheet 2.

45. Cooley stated, and the Board finds, that the proposed convenience store building will be 5,885 square feet, located in the center of the Premises. The gas station island will be in front of the convenience store building. It will contain 12 pumps on 6 islands, located under a canopy. *See* Exhibits A-2, Site Plan; A-4, Building Elevations; and A-5, Fuel Canopy Elevations.

46. Cooley stated, and the Board finds, that sixty-two (62) parking spaces will be provided on the Premises to support the J31 use. Twenty-six (26) of those spaces will abut the walkway that surrounds the convenience store building. *See* Exhibit A-2, Site Plan.

47. Cooley stated, and the Board finds, that primary ingress to and egress from the Premises will be from an upgraded two-way fully signalized access on to West Butler Avenue, aligned with an existing entrance to the existing New Britain Village shopping center across the road. *See* Exhibit A-2, Site Plan.

48. Cooley stated, and the Board finds, that a secondary access to the Premises will be through a rear driveway out to County Line Road. This driveway will exit the Premises behind the convenience store building, cross Parcel C, then turn west and exit to County Line Road over Parcel C and the easement on Parcel B. *See* Exhibit A-2, Site Plan.

49. Korczak stated, and the Board finds, that this secondary access will cross the wetlands on Parcel C. Korczak confirmed that the Applicant will require conditional use approval, as well as federal and state approvals, to allow this wetland crossing. *See* Exhibit A-2, Site Plan.

50. Korczak stated, and the Board finds, that the existing structures on the Premises are in poor condition. All such structures, other than the spring house near the wetlands on Parcel A, will be removed from the Premises to permit the J31 use. The 1 story metal building on Parcel C will remain, as will the commercial building on Parcel B. *See* Exhibit B-2, Zoning Plans, Sheet 1.

51. Regarding the Property's size, Korczak stated, and the Board finds that the Property's site area is 15.775 acres. This dimension was determined by an actual site survey. *See* Exhibit A-2, Site Plan.

52. Korczak stated, and the Board finds, that the Property's base site area is 14.864 acres. As found previously, the required minimum base site area (total tract) for a J31 use is 15 acres. *See* Exhibit A-2, Site Plan; *see also* Zoning Ordinance §27-305.J31.c.1.

53. To calculate the Property's base site area, Korczak stated, and the Board finds that he deducted the Property's following locations and areas:

- a. County Line Road ultimate right-of-way (0.574 acres);
- b. West Butler Avenue legal right-of-way (0.080 acres); and
- c. West Butler Avenue ultimate right-of-way (0.257 acres).

54. Korczak stated, and the Board finds, that located within these areas are the existing portions of the County Line Road and West Butler Avenue cartways, driveway accesses to the abutting property, and open grass areas. *See Exhibit B-2, Zoning Plans, Sheet 1.*

55. Korczak stated, and the Board finds, that that legal and ultimate right-of-way areas are intended for road widening and other street related improvements. The Applicant intends to widen West Butler Avenue and County Line Road (where required), installed controlled accesses, sidewalks and the traffic signal within these right-of-way areas in connection with the proposed J31 use. *See Exhibit A-2, Site Plan.*

56. Korczak stated, and the Board finds, that the convenience store, fuel dispensers and canopy, and parking areas proposed as part of the J31 use are located outside these legal and ultimate right-of-way areas. *See Exhibit A-2, Site Plan.*

57. Upon questioning from Presti, Korczak stated, and the Board finds, that while the Applicant does not intend any modifications to the existing West Butler Avenue road conditions in front of the Presti Property, the Pennsylvania Department of Transportation (“PennDOT”) will make the final determination of any required road improvements to West Butler Avenue.

58. Korczak stated, and the Board finds, that upon completion of the County Line Road and West Butler Avenue road improvements, the Applicant intends to dedicate these right-of-way areas to the appropriate governmental authority, whether it be PennDOT and/or the Township.

59. Korczak stated, and the Board finds, that none of the other limitations set forth in the Zoning Ordinance definition of “base site area,” such as easements or major stream, apply to the Property for the purpose of determining the Property’s base site area. *See Zoning Ordinance §27-201.*

60. Korczak stated, and the Board finds, the Property’s base site area is only .136 acres (5,924.16 square feet) short of required minimum of 15 acres. Said another way, the Property contains 99.1% of the required minimum base site area. Korczak described this difference as “de minimis.” *See Exhibit A-2, Site Plan.*

61. The Township solicitor stated that the Township requests that the Board attach 3 conditions to any relief granted by the Board. Such conditions are identified as the first 3 bullet points in the correspondence dated April 19, 2018 and identified as Exhibit T-1. *See Exhibit T-1, Letter.*

62. Counsel for the Applicant registered an objection to the request, specifically on the grounds that the requested 3 conditions do not reasonably relate to the one variance request before the Board and are more suitable for the conditional use proceeding for the J31 use.

63. The surrounding properties consist of a variety of mixed uses. Behind the Property (specifically Parcel C) are single-family detached residences. To the Property’s east is a former supermarket building being converted to an indoor self-storage facility. *See Exhibit A-1, Aerial Plan.*

64. Adjacent to Parcel D and Parcel B is an “L” shaped property, improved with a local gun shooting range. This “L” shaped property separates the Property from the existing “legacy”

Wawa store located at the corner of County Line Road and West Butler Avenue. *See* Exhibit A-1, Aerial Plan.

65. In front of the Property along West Butler Avenue are four (4) smaller non-residentially used properties, including the Presti Property which is used as a flower shop. These uses also include an optometrist, dental lab and barber shop. *See* Exhibit A-1, Aerial Plan.

66. Across West Butler Avenue and County Line Road in the vicinity of the Property are a variety of commercial uses, including the New Britain Village shopping center, Lukoil's gas service station, a CVS Pharmacy, and a joint BP gas service station / Dunkin' Donuts structure. *See* Exhibit A-1, Aerial Plan.

67. Due to the Property's odd shape, its frontage along two (2) heavily traveled streets in the Township, the numerous out parcels between the Property and the adjoining roads, the J31 use cannot be constructed in compliance with the required minimum base site area zoning regulation.

68. The required minimum base site area of 15 acres dimensional limitation found at Zoning Ordinance §27-305.J31.c.1 imposes a hardship on the Property and the Applicant in that this provision prevents the reasonable use of a large property, previously part of an approved J31 use, in a mixed use area of the Township.

69. Subject to the conditions imposed herein, the proposed J31 use on the Property with a base site area of less than 15 acres is harmonious with the Property's size and is consistent with uses of other properties in the surrounding neighborhood.

### **CONCLUSIONS OF LAW**

1. Required public notice of the hearing was made by sufficient publication, posting and mailing to affected property owners.
2. In order to show entitlement to a variance, use or dimensional, an applicant must demonstrate all the following elements:
  - a. an unnecessary hardship stemming from unique physical characteristics or conditions will result if the variance is denied;
  - b. because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and a variance is necessary to enable the reasonable use of the property;
  - c. the hardship has not been created by the applicant;
  - d. granting the variance will not alter the essential character of the neighborhood nor be detrimental to the public welfare; and
  - e. the variance sought is the minimum that will afford relief.



3. The Board finds that the base site area variance requested is a dimensional variance. A dimensional variance involves a request to adjust or vary a Zoning Ordinance provisions by degree to be able to otherwise use a property consistent with the regulations. *See Dunn v. Middletown Township Zoning Hearing Board*, 143 A.3d 494 (Pa Commw. 2015); *see also Constantino v. ZHB of Forest Hills Borough*, 636 A.2d 1266 (Pa. Commw. 1994).

4. An applicant can demonstrate “unnecessary hardship” for a use or dimensional variance by showing that a property’s physical characteristics are such that the property cannot be used for any permitted purpose, or can only conform to a permitted purpose at prohibitive expense; or that the property has either no value or only distress value for any permitted purpose.

5. However, under Pennsylvania law, a dimensional variance is subject to a lesser standard of proof to establish unnecessary hardship than a use variance. *See Hertzberg v. Zoning Board of Adjustment of City of Pittsburgh*, 721 A.2d 43 (Pa. 1998) (when seeking a dimensional variance within a permitted use, the owner is asking only for a *reasonable adjustment* of the zoning regulations. The grant of a dimensional variance is of lesser moment than the grant of a use variance, since the latter involves a proposal to use the property in a manner that is wholly outside the zoning regulation).

6. When deciding whether a hardship has been established in dimensional variance cases, the *Hertzberg* rationale authorizes the Board to consider multiple factors, including the characteristics of the surrounding neighborhood. *See Hertzberg, supra*, at 47.

7. Nevertheless, the reasons for granting a variance must be substantial, serious and compelling. The party seeking the variance bears the burden of proving that (a) unnecessary hardship will result if the variance is denied; and (b) the proposed use will not be contrary to the public interest. *See Wilson v. Plumstead Township Zoning Hearing Board*, 936 A.2d 1061 (Pa. 2007).

8. The Board concludes that the Property’s odd shape, its frontage along two (2) heavily traveled streets in the Township, and the numerous out parcels between the Property and the adjoining roads establish a hardship under the *Hertzberg* standard.

9. The Board notes that the Zoning Ordinance defines “site area” as “all the land within the site as defined in the deed. This area shall be determined from an actual site survey rather than from a deed description.” *See Zoning Ordinance §27-201*.

10. Based upon Korczak’s credible testimony, the Board concludes that the Property’s “site area” is 15.775 acres. On a gross area basis, the Property is greater than 15 acres in size.

11. The Board notes that the Zoning Ordinance defines “base site area,” in relevant part, as “the area of site remaining after subtracting land: within the ultimate road rights-of-way of existing roads; within existing utility rights-of-way or easements; preserved through easement or other means;...which is cut off from the main parcel by a road, railroad, existing land use, and/or major stream;...used and/or to be used for another type of use...; and/or located in a different zoning district than the rest of the development.” *See Zoning Ordinance §27-201*.

12. Based upon the credible evidence presented, applying this definition, the Board concludes that the only areas of the Property affecting the base site area calculation are the sections

of the Property located within the legal and/or ultimate right-of-way of County Line Road and West Butler Avenue.

13. Critical to the Board's conclusions herein is that the Property lacks any other feature, such as a utility easement or protected resource, that would further impact calculating the Property's base site area. Said another way, the Property's base site area is effectively all portions of the Property outside the adjoining roadways. *See* Exhibit A-2, Site Plan.

14. The Board notes that the base site area of every property in the Township is likely affected by the adjoining road right-of-way. Conversely, each property's internal characteristics, such as protected resources, are unique to that property when determining its base site area.

15. The Board concludes that the proposed J31 use, however ultimately designed, will not be affected by removing Property's areas within the legal and ultimate right-of-way from the calculation of the base site area.

16. Even with all J31 use improvements placed beyond the boundaries of the legal and ultimate rights-of-way, the Board concludes the Property is sufficiently sized at 14.864 acres to support the proposed J31 use.

17. The Applicant's representatives describe this 0.136 acre base site area deficiency as "de minimis." The Board notes that under Pennsylvania zoning law, it is empowered to grant a *de minimis* variance as a narrow exception to an applicant's traditional heavy burden of proof in seeking a variance.

18. The *de minimis* doctrine applies only where (a) a minor deviation from the dimensional requirements of a zoning ordinance is sought; and (b) rigid compliance with the zoning ordinance is not necessary to protect the public policy concerns inherent in the ordinance. *See Dunn v. Middletown Township Zoning Hearing Board*, 143 A.3d 494 (Pa. Commw. 2016).

19. The Board declines to apply the *de minimis* doctrine in this instance. The Board concludes that the Applicant has sufficiently demonstrated that the applicable provisions of the Zoning Ordinance inflict an unnecessary hardship on the Property, and therefore has met the requisite elements supportive of a traditional variance.

20. Moreover, the Board finds that the proposed J31 use is consistent with the purpose and intent of the C-1 zoning district. *See* Zoning Ordinance §27-1201.a (the purpose of the C-1 district is to provide for a variety of commercial uses and associated levels of traffic in the areas of the community suited for business development).

21. Regarding the Township's request that the Board impose certain conditions to the base site area variance relief granted herein, the Board notes that its jurisdiction enables it to "attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of...the [Zoning Ordinance]." *See* 53 P.S. §10910.2(b); *see also* Zoning Ordinance §27-3104.b.

22. Pennsylvania caselaw instructs that while the Board may impose conditions that bear a reasonable relation to the protection of the public interest and are reasonable under the facts of the case, it cannot attach conditions wholly irrelevant to the affected regulations. *See Township*

*of Harrison v. Smith*, 636 A.2d 288 (Pa. Commw. 1993); *see also In re Appeal of Board of Supervisors of Solebury Township*, 412 A.2d 163 (Pa. Commw 1980).

23. The 3 conditions sought by the Township, set forth in the first 3 bullet points of Exhibit T-1, specifically relate to operating the gasoline / diesel fuel pumps, preventing leaks therefrom, and notifying the Township of any leak. *See* Exhibit T-1, Letter.

24. The Board concludes that none of these conditions are related to the size of the Property. To the extent they relate to the proposed J31 use, the conditions speak to the operation of the fuel dispenser facilities. That is a topic wholly reserved to the Supervisors as part of the Zoning Ordinance's requirement that a J31 use be approved by conditional use.

25. As such, the Board declines to attach the Township's requested conditions to the relief granted herein. However, the Board will attach certain reasonable standard conditions in order to protect the public interest and further the purposes of the Zoning Ordinance.

26. Provided the Applicant complies with the reasonable conditions attached to the relief granted herein, the Applicant has met the Zoning Ordinance and Pennsylvania law requirements for the variance, including hardship, to install and operate, subject to further conditional use approval, a J31 use on a tract with a base site area of 14.864 acres.

27. The approved variance will not alter the essential character of the neighborhood in which the Premises is located nor substantially impair the appropriate use or development of adjacent properties.

28. The approved variance will not be detrimental to the public welfare.

29. The conditions and circumstances imposing a hardship upon the Premises for the approved variance are not of the Applicant's own doing.

30. The approved variance represents the minimum variance that will afford relief and represents the least modification of the zoning regulations under the circumstances.

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DECISION

AND NOW, this 17<sup>th</sup> day of MAY, 2018, upon consideration of the foregoing Findings of Fact and Conclusions of Law, the New Britain Township Zoning Hearing Board hereby **GRANTS** the Applicant's request for a variance from Zoning Ordinance from §27-305.J31.c.1 to permit the Planned Community Center Mixed Use (use J31) on the Property which has a base site area of 14.864 acres, where the required minimum base site area is 15 acres, subject to the following conditions:

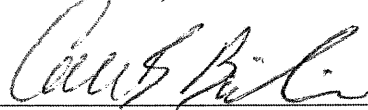
1. Subject to further conditional use approval, the proposed J31 use's dimensions, size, location and appearance shall be materially in accordance with Exhibits B-2, Zoning Plans, and A-2, Site Plan, and the supportive evidence, exhibits, representations and credible testimony made at the hearing.
2. All other variance requests set forth in the submitted application are considered withdrawn without prejudice to the Applicant's right to re-file an application seeking any or all such relief.
3. This decision does not waive any requirements of any other applicable New Britain Township Ordinance(s); and the proposed addition must meet all other applicable federal, state, county and New Britain Township regulations and codes.

NEW BRITAIN TOWNSHIP  
ZONING HEARING BOARD

DATE: 5/17/18

  
\_\_\_\_\_  
Chuck Coxhead, Chair

DATE: 5/17/18

  
\_\_\_\_\_  
Catherine B. Basilio, Member

DATE: 5/17/18

  
\_\_\_\_\_  
Michelle Martin, Member

Thomas J. Walsh III, Esquire  
Solicitor, New Britain Township Zoning Hearing Board  
2500 York Road, Suite 120  
Jamison, PA 18929

**Note to Applicant:** This Decision is NOT an authorization to build. Zoning and building permits must be obtained from New Britain Township prior to the commencement of any construction.

## SCHEDULE A – TABLE OF EXHIBITS

Exhibit	Description
B-1	Zoning Hearing Board application dated 2/20/18. Attachments: <ul style="list-style-type: none"><li>• Summary of relief requested dated 3/2/18 prepared by Bohler Engineering</li><li>• List of property owners with 500 feet of Property with hand-drawn map showing locations of such properties</li><li>• Agreement of Sale dated 8/1/17 (REDACTED) between Applicant and CTP Management, LLC</li><li>• Agreement of Sale dated 9/18/17 (REDACTED) between Applicant and Jenta Corp</li></ul>
B-2	Zoning Plans, prepared by Bohler Engineering, consisting of 6 sheets, dated 3/2/18
B-3	Letter to The Intelligencer dated 3/28/18 forwarding public notice of 4/19/18 hearing for advertisement
B-4	Public Notice of the hearing on 4/19/18
B-5	Proof of publication of public notice of 4/19/18 hearing in 4/5/18 and 4/12/18 editions of The Intelligencer
B-6	Letter to Applicant and attorney dated 3/28/18 providing notice of the 4/19/18 hearing
B-7	List of the record owners of all properties surrounding the Property
B-8	Affidavit of mailing to property owners – notice of 4/19/18 hearing mailed by Zoning Officer on 4/3/18
B-9	Affidavit of posting of public notice at property – notice of 4/19/18 hearing posted on Property by Zoning Officer on 4/4/18 at 10:55 a.m.
A-1	Existing Conditions Aerial Plan
A-2	Site Plan (rendered and colored) (Sheet 1 of Exhibit B-2)
A-3	Easement Agreement (REDACTED) between CTP Management, LLC and Applicant
A-4	Wawa Building Elevations

<b>Exhibit</b>	<b>Description</b>
A-5	Wawa Fuel Canopy Elevations
A-6	Curriculum Vitae of Jason R. Korczak, P.E.
A-7	Site Plan (Sheet 1 of Exhibit B-2)
A-8	Existing Conditions / Demolition Plan (Sheet 2 of Exhibit B-2)
A-9	Signage Details (Sheet 6 of Exhibit B-2)
A-10	Appendix A – Legal Notice and Ordinance
A-11	Appendix B – Adjudication of the New Britain Township Board of Supervisors dated 9/22/2008
T-1	Letter dated April 19, 2018 from Township Solicitor to Board Chair