

RESOLUTION NO. 2022-09

**NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP GRANTING PRELIMINARY/FINAL LAND DEVELOPMENT AND SUBDIVISION APPROVAL TO FOXLANE HOMES AT HIGHPOINT, LLC, TO PLANS PREPARED BY VAN CLEEF ENGINEERING ASSOCIATES, LLC, DATED JANUARY 12, 2022, CONSISTING OF 65 SHEETS, WHICH PROPOSE THE CONSTRUCTION OF 137 RESIDENTIAL HOMES.

WHEREAS, Foxlane Homes at Highpoint, LLC ("*Applicant*") has submitted an application for preliminary/final land development and subdivision approval of a residential land development that proposes to construct one hundred thirty-seven (137) townhouse and twin dwellings ("*Project*") on a 29.17 acre parcel of real property consisting of Bucks County Tax Parcels #26-005-047-005, #26-005-056, #26-005-056-008, and #26-005-056-009 ("*Property*"); and

WHEREAS, the proposed Project is reflected on the Plans entitled "Preliminary Land Development Plans," prepared by Van Cleef Engineering Associates, LLC, dated January 12, 2022, consisting of 65 sheets ("*Plan*"); and

WHEREAS, the New Britain Township Planning Commission reviewed the Plan at its March 23, 2022, meeting, and having found it to be in substantial compliance with the Conditional Use Decision of the New Britain Township Board of Supervisors, as well as the Township Zoning Ordinance, the Township Subdivision and Land Development Ordinance, and other applicable Township regulations, recommended that preliminary/final approval be granted, subject to conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of New Britain Township hereby grants preliminary/final plan approval to the Project subject to compliance with the following conditions:

1. Applicant shall comply with the Conditional Use Decision rendered by the New Britain Township Board of Supervisors on July 19, 2021, a true and correct copy of which is attached hereto as *Exhibit "A"* and incorporated by reference.
2. Applicant shall comply with all recommendations of the Gilmore and Associates Review Letter of March 15, 2022, to the satisfaction of the Township Engineer, except for items D.1 and D.2 under the Traffic Comments section, a copy of which is attached hereto as *Exhibit "B"* and incorporated by reference. (Township Code §22-403, §22-502)

3. Applicant shall comply with all recommendations of the Bucks County Planning Commission Review Letter of February 15, 2022, unless herein modified, a copy of which is attached hereto as *Exhibit "C"* and incorporated by reference. (Township Code §22-403, §22-502)
4. Applicant shall comply with all recommendations of the New Britain Township Fire Marshal noted in the review letter of February 10, 2022, unless herein modified, a true and correct copy of which is attached hereto as *Exhibit "D"* and incorporated by reference. (Township Code §22-403, §22-502)
5. If applicable, Applicant shall provide natural resource protection easements across the Property in accordance with the Township Zoning Ordinance. (Township Code §27-502.3, §27-505 & §27-2401.c)
6. Applicant shall construct all public improvements shown on the Plan, including, but not limited to, water and sewer facilities, stormwater facilities, street trees, roadway improvements, and installation of curbs and sidewalks.
7. Applicant shall contribute a Park and Recreation fee to the Township in the amount of \$2,500 per dwelling unit, which said payment shall be made contemporaneously with the execution and funding of Development and Financial Security Agreements. (Township Code §22-715)
8. In addition to the \$2,500 per dwelling unit as noted in the preceding numbered condition, it is also a condition that the Applicant shall pay the sum of \$2,500 per dwelling unit as a fee in lieu of active recreation facilities and amenities, which said payment shall be made contemporaneously with the execution and funding of Development and Financial Security Agreements.
8. Applicant shall place restrictions on the conversion of the garages into living space for every dwelling unit in the Project, the language of which shall be subject to the approval of the Township Solicitor.
9. Any and all internal roads to be constructed as part of the Project shall be private and be owned and maintained by the homeowners' association created by the Applicant and the homeowners' association documents shall be reviewed and approved by the Township Solicitor.
10. The names of any and all internal roads to be constructed as part of the Project shall be reviewed and approved by the New Britain Township Board of Supervisors.
11. No construction vehicles shall take access to the Project from Schoolhouse Road until the construction is completed and the Project ended.

12. Any damage done to Highpoint Drive and/or Horizon Drive during the course of construction shall be repaired by Applicant as the need arises, but shall be finally repaired following completion of construction of the project.
13. All Plans of the Project shall be ADA compliant.
14. Applicant shall execute the required Stormwater Maintenance Agreement in a form approved by the Township Solicitor. Applicant shall pay the required stormwater fee of \$27,837.50 (\$2.50 per linear foot of existing and proposed roads within the development), which said payment shall be made contemporaneously with the execution and funding of Development and Financial Security Agreements. (Township Code §22-712.13, §§26-151 - 164; Township Fee Resolution No. 2021-3)
15. Applicant shall pay the Stormwater BMP Maintenance Guarantee fee applied to all proposed BMPs installed within the Township for the timely installation, proper construction, and continued maintenance of such facilities by the owner of the subject property. The fee is 5% of the construction costs of all the BMPs proposed as a part of the Project, with a minimum fee of \$100.00, but not to exceed \$10,000.00. This fee will be determined by the Township Engineer once Applicant's Opinion of Probable Cost is reviewed and approved by the Township Engineer. (Township Code §22-712.13, §§26-151 - 164; Township Fee Resolution No. 2021-3)
16. Applicant shall obtain all required approvals from various agencies having jurisdiction over the Project, including, but not limited to: Pennsylvania Department of Environmental Protection ("DEP") NPDES Permit, DEP Sewage Facilities Planning Module, Bucks County Health Department, Bucks County Conservation District E & S Permit, and Pennsylvania Department of Transportation Highway Occupancy Permit (required in connection with paragraph 24, herein, which may be obtained subsequent to plan recording). (Township Code §22-406.1, §22-711, §22-720, §22-721, §22-905)
17. Applicant shall submit to the Township Engineer for review all necessary legal descriptions and construction cost estimates of the site improvements. (Township Code §22-406.1, §22-903, §22-904)
18. Applicant shall execute Development and Financial Security Agreements and all other development documents (including all necessary guarantees, agreements, easements, deeds, and declarations), all in a form and manner to be approved by the Township Solicitor; Applicant shall post sufficient financial security in a form acceptable to the Township; Applicant shall provide proof of sufficient insurance coverage to the Township. (Township Code §22-406.1)
19. Applicant shall execute all deeds of dedication, legal descriptions of rights-of-way, access easement descriptions, lot descriptions, notes, etc., all in a form and manner

to be approved by the Township Solicitor. Descriptions for those areas of land specified on the Plans for dedication to the Township shall be submitted to the Township Engineer in a form suitable to the Engineer. These deeds shall be accompanied by title insurance to the benefit of the Township indicating that title to these areas is free and clear of all liens, encumbrances and restrictions that could adversely affect the use of these dedicated for roadways and other proper purposes. (Township Code §22-406.1)

20. Applicant shall pay all appropriate fees applicable to this Project including all outstanding bills from the Township's professional consultants. (Township Code §22-406.1)
21. All documentation shall be executed prior to recording of Record Plans. (Township Code §22-406)
22. Applicant and its professionals shall execute, notarize, and seal the Final Record Plan. (Township Code §22-406.2)
23. Applicant shall comply with all other applicable Township, County, State, and Federal rules, regulations, codes, ordinances, and statutes. (Township Code §22-905)
24. Prior to issuance of the thirty-fourth (34) occupancy permit for the Project, Applicant shall install a flashing light or similar traffic warning device along Upper State Road, as same may be approved and permitted by PennDOT, indicating the upcoming Upper State Road and Highpoint Drive intersection, said traffic warning device to be to the satisfaction of the Township Engineer. Applicant shall pay all costs of design, permitting and installation of the device, up to the maximum amount of Twenty-Five Thousand Dollars (\$25,000).

BE IT RESOLVED, in response to Applicant's written request, dated January 12, 2022, the Board of Supervisors hereby grants waivers from the provisions of Chapter 22 of the New Britain Township Code related to Subdivision and Land Development. The grant of these waivers is conditioned upon the Applicant meeting the following requirements, where noted:

- a. Section 403 - A waiver to permit Applicant to proceed with approval of a Preliminary/Final Plan submission.
- b. Section 22-705.1.D - A waiver to allow the use of dead-end streets.
- c. Section 22-704.4 - A waiver from the requirement that nothing be placed, planted, or set within the area of an easement and that the area shall be kept as lawn or in a natural state.

- d. Section 22-705.3.C - A waiver from the requirement that where a subdivision and/or land development abuts or contains an existing street, the applicant is required to improve the street to Township standards for cartway widths.
- e. Section 22-705.3.G - A partial waiver from the requirement that where a subdivision and/or land development abuts or contains an existing street, the applicant shall be required to mill and overlay the entire width of the roadway a depth of 1-1/2 inches, conditioned on Applicant addressing any pavement deficiencies on the existing roads documented during construction by the Township Engineer prior to final paving of the interior private roads.
- f. Section 22-705.4.C - A waiver from the requirement that minor collector roads and local roads have minimum intersection spacing of 800 feet and 500 feet, respectively.
- g. Section 22-705.7.C.3 - A partial waiver from the requirement that at all approaches to intersections, the grades for local streets shall not exceed 3% for a minimum distance of 50 feet from the intersection of curb lines or edges of cartways.
- h. Section 22-705.8.B - A waiver from the requirement that cul-de-sac streets have a minimum length of 400 feet.
- i. Section 22-705.8.C - A waiver from the requirement that cul-de-sac streets be provided with a left side turnaround configuration at the end of the cul-de-sac with a minimum right-of-way radius of 60 feet and a minimum paving radius of 50 feet.
- j. Section 706.1.C - A partial waiver from the requirement that curbs be provided for all parking areas, including access drives and service drives with 4 or more vehicles. Except however, curbs shall be installed, including access drives and service drives, as noted on the Plans.
- k. Section 706.2.B - A partial waiver from the requirement that sidewalks be installed along the property frontage of every existing street abutting a proposed subdivision and/or land development. Except however, sidewalks shall be installed as noted on the Plans.
- l. Section 22-712.2.K - A waiver from the requirement that all sump pump and roof drains for proposed residential buildings be connected to an existing or proposed storm sewer system, or discharged directly to a stormwater detention facility.
- m. Section 22-712.4.I - A partial waiver from the requirement that the maximum spillway length for a detention basin not exceed 75 feet, but shall comply with spillway length as noted on the Plan.
- n. Section 22-712.4.J - A waiver from the requirement that all portions of detention basin bottoms be sloped toward the outlet structure at a minimum of 2%.


- o. Section 22-712.5.E - A waiver from the requirement that all storm sewer piping be reinforced concrete pipe (RCP).
- p. Section 22-713.4.A - A partial waiver (number and location) from the requirement that street trees be planted every 30 feet along all proposed and existing streets when they abut or lie with the proposed subdivision and/or land development, with the understanding where street trees cannot be planted, the Applicant, in consultation with the Township Engineer, may determine to replace the trees elsewhere on the site or provide shrubs, evergreen, or ornamental trees such that if a street tree is not planted that two (2) evergreen trees (6 foot minimum height, two (2) ornamental trees (8 foot minimum height and 1-1/2" caliper), or five (5) shrubs (30" minimum height, unless the location, i.e. in between the driveways, dictates a slightly smaller size) shall be planted in lieu thereof.

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

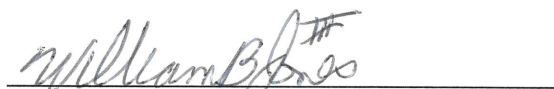
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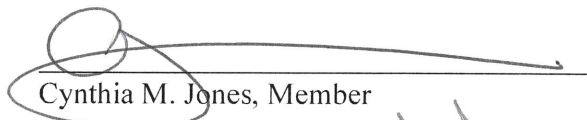
DULY ADOPTED this 18th day of April, 2022, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.



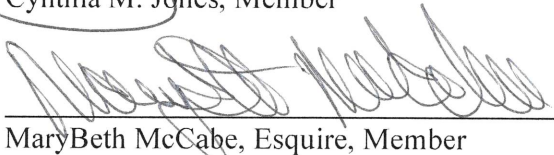
Gregory T. Hood, Chair



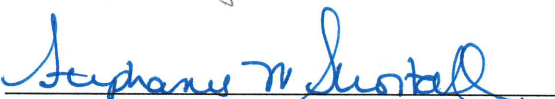
William B. Jones, III, Member



Cynthia M. Jones, Member

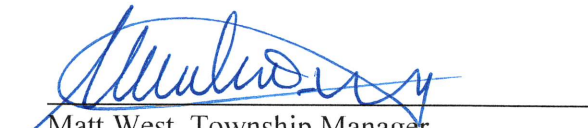


MaryBeth McCabe, Esquire, Member



Stephanie Shortall, Member

ATTEST:



Matt West, Township Manager