

RESOLUTION NO. 2021-22

(Duly Adopted: 9/27/21)

NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP GRANTING PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL TO ALBERTO AND ROSE MARIE TECCE FOR THE PRELIMINARY/FINAL MINOR SUBDIVISION PLANS FOR ALBERTO TECCE, PREPARED BY SHOWALTER & ASSOCIATES, INC., DATED APRIL 21, 2021, CONSISTING OF FIVE (5) SHEETS, WHICH PROPOSE TO CREATE TWO SINGLE-FAMILY RESIDENTIAL LOTS.

WHEREAS, Alberto and Rose Marie Tecce ("**Applicant**") have submitted an application for preliminary/final plan approval of a residential land development that proposes to construct two (2) single-family homes upon two (2) separate lots ("**Project**") on a 1.63 acre parcel of land located at 9 Sellersville Road and denoted as Tax Map Parcel #26-001-133 ("**Property**"); and

WHEREAS, this proposal is reflected on a plan entitled "Preliminary/Final Minor Subdivision Plans for Alberto Tecce", prepared by Showalter & Associates, Inc., dated April 21, 2021, consisting of five (5) sheets ("**Plan**"); and

WHEREAS, the New Britain Township Planning Commission reviewed the Plan at its June 22, 2021 meeting, and having found it to be in substantial compliance with the requirements of the Township Zoning Ordinance, the Township Subdivision and Land Development Ordinance, and other applicable Township regulations, recommended that preliminary/final approval be granted.

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

1. Applicant shall comply with all requirements and recommendations of the Gilmore and Associates Review Letter of June 7, 2021 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein. (Township Code §22-403, §22-502)
2. Applicant shall comply with all requirements and recommendations of the Bucks County Planning Commission Review Letter of June 1, 2021 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein. (Township Code §22-403, §22-502)

3. Applicant shall comply with all requirements and recommendations of the New Britain Township Fire Marshal review letter of June 5, 2015 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein. (Township Code §22-403, §22-502)
4. Applicant shall comply with the terms and conditions set forth in the New Britain Township Zoning Hearing Board Decision dated December 26, 2018. True and correct copies of this Decision are attached hereto and incorporated herein. (Township Code §22-404.4)
5. Applicant shall plant full screen plantings on Lot 2 so as to sufficiently buffer the house on the adjoining Wipplinger tract, with such planting done to the satisfaction of the Township Engineer. (Township Code §22-404.4)
6. Applicant shall provide natural resource protection easements across the Property in accordance with the Township Zoning Ordinance. (Township Code §27-2401.c)
7. At the time of pulling building permits for each lot, Applicant shall provide proof that the house for which the permit is being pulled is intended to be Applicant's residence or the residence of a member of Applicant's immediate family, and therefore, the bifurcation of restrictions set forth in the Zoning Ordinance need not apply. Otherwise, Applicant must comply with these bifurcated restrictions applicable to developers of property. (Township Code §27-2108)
8. Applicant shall construct all public improvements shown on the Plan, including, but not limited to, water and sewer facilities, stormwater facilities, street trees, roadway widening, installation of curbs and sidewalks, and roadway milling and overlay; or else, install partial improvements as approved by the Township; and/or contribute a fee-in-lieu of these improvements. When contributing a fee-in-lieu of, Applicant shall be required to submit payment of 50% of the estimated cost of the required public improvements that have been waived as set forth below. This fee will be determined once the Opinion of Probable Cost is reviewed and approved by the Township Engineer. (Township Code §22-700; §22-701.8, §22-903, §22-904; Township Resolution 2007-12)
9. Applicant shall contribute to the Township a \$2,500.00 (\$2,500/new dwelling unit) fee in lieu of the required park and recreation improvements contemporaneously with execution of Development Agreements. (Township Code §22-715)
10. Applicant shall execute the required Stormwater Maintenance Agreement in a form approved by the Township Solicitor. Applicant shall pay the required stormwater fee (\$2.50 per linear foot of existing and proposed roads within the development) contemporaneously with execution of Development Agreements. (Township Code §22-712.13, §§26-151 - 164; Township Fee Resolution No. 2021-3)

11. 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)
12. Applicant shall obtain all required approvals from various agencies having jurisdiction over the Project, including, but not limited to: Pennsylvania Department of Environmental Protection ("DEP") NPDES Permit, DEP Sewage Facilities Planning Module, Bucks County Health Department, Bucks County Conservation District E & S Permit, and Pennsylvania Department of Transportation Highway Occupancy Permit. (Township Code §22-406.1, §22-711, §22-720, §22-721, §22-905)
13. 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)
14. 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)
15. 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)
16. 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)
17. All documentation shall be executed prior to recording of Record Plans. (Township Code §22-406)

18. Applicant and its professionals shall execute, notarize and seal the Final Record Plan. (Township Code §22-406.2)
19. Applicant shall comply with all other applicable Township, County, State, and Federal rules, regulations, codes, ordinances, and statutes. (Township Code §22-905)

BE IT FURTHER RESOLVED, in response to Applicant's written request, the Board of Supervisors hereby grants waivers to the following sections of Chapter 22 of the Township Code (Subdivision and Land Development). The grant of these waivers is conditioned upon the Applicant meeting the following requirements, where noted:

- a. Sections 703.4.A(4) & 703.4.C – Allowing for a lot depth that is approximately 3.5 times its width for Lot 2.
- b. Sections 704.2.A – Allowing a 15 foot wide utility easement for a sanitary sewer lateral through Lot 1, conditioned upon the Chalfont New Britain Township Joint Sewer Authority approving the size and location of this easement.
- c. Section 704.4 – Allowing the driveway for Lot 1 within the 15 foot utility easement.
- d. Sections 705.3.A, .C, & .G – From all required road improvements to Sellersville Road; conditioned upon Applicant providing a fee-in-lieu of pursuant to Township Resolution 2007-12.
- e. Section 706.1 & .2 – From installing curbing and sidewalks along Sellersville Road; conditioned upon Applicant providing a fee-in-lieu of pursuant to Township Resolution 2007-12.
- f. Section 712.5(E) – Allowing a six (6) inch diameter storm pipe for roof drains.
- g. Section 713.4 – Allowing street trees to be planted elsewhere on site to avoid conflicts with utilities.

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

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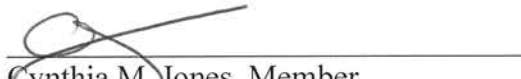
DULY ADOPTED this 27th day of September, 2021, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.



Gregory T. Hood, Chairman



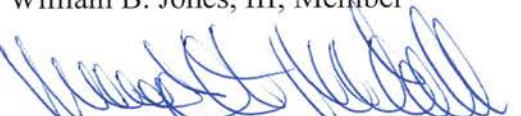
Helen B. Haun, Vice Chair



Cynthia M. Jones, Member



William B. Jones, III, Member



MaryBeth McCabe, Esq., Member



Attest: Matthew West,
Township Manager