

RESOLUTION NO. 2025 - 05

**NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP GRANTING PRELIMINARY/ FINAL LAND DEVELOPMENT APPROVAL TO JOE CASADONTI FOR THE FINAL SUBDIVISION OF TAX PARCEL #26-003-104 LOCATED AT OR NEAR 140 UPPER CHURCH ROAD, WHICH SAID PLANS WERE PREPARED BY HOLMES CUNNINGHAM, LLC., DATED JUNE 16, 2023, AND LAST REVISED FEBURARY 19, 2025 CONSISTING OF 10 SHEETS, WHICH PROPOSE THE SUBDIVISION OF THE PROPERTY INTO TWO (2) SINGLE-FAMILY DWELLING LOTS.

WHEREAS, Joe Casadonti ("**Applicant**") has submitted an Application for Preliminary/ Final Land Development Approval which proposes the subdivision of the property into two (2) single-family dwelling lots ("**Project**") on a parcel located at or near Upper Church Road, New Britain Township, Bucks County, Pennsylvania, further identified as Tax Map Parcel No. 26-003-104 ("**Property**"); and

WHEREAS, this proposal is reflected on a plan entitled Preliminary and Final Land Development and Minor Subdivision Plans for 140 Upper Church Road, prepared by Holmes Cunningham, LLC., dated June 16, 2023, last revised February 19, 2025, consisting of ten (10) sheets ("**Plan**"); and

NOW THEREFORE, BE IT ADOPTED AND RESOLVED, that the Board of Supervisors of New Britain Township hereby grants Preliminary/ Final Land Development 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 March 19, 2025 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein as Exhibit "A".
2. Applicant shall comply with all comments, requirements and conditions contained in Zoning Hearing Board Decision and Order dated December 20, 2023.
3. Applicant has requested, and the Board of Supervisors does hereby Grant waiver from the following provisions of the Subdivision and Land Development Ordinance:
 - a. §22-403 & 404. – A waiver is requested from providing separate preliminary and final submissions.

- b. §22-502.1.H – A waiver is requested from providing a lighting plan.
 - c. §22-705.3.C – A waiver from installing full road improvements conditioned on the following:
 - 1.) Any areas of erosion being stabilized and any associated permits obtained from PADEP, as required, including but not limited to, within the Upper Church Road ultimate right-of-way.
 - 2.) Replacing 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.
 - 3.) A consistent centerline slope being provided within the roadside swale from the new driveway on Lot 1 towards the existing stream at the southeastern corner of the property.
 - 4.) The side slopes of the roadway embankment being permanently stabilized where eroding.
 - 5.) The RCP driveway culvert at the new driveway on Lot 1 being mortared at the endwalls.
 - d. §22-705.3.G – A waiver is requested from providing a 1 ½" mill and overlay of King Road along the subdivision conditioned on the existing pavement being overlaid with leveling course to provide a 2% cross slope and 1 ½" wearing course. The overlay shall extend the full length of the property frontage to the eastern property corner for a total length of about 680 feet.
 - e. §22-706 – A waiver is requested from providing curb and sidewalk along the property frontage of Upper Church Road.
 - f. §22-713.4.B. – A waiver is requested for a partial waiver to utilize existing vegetation to meet the street tree requirement and to allow an informal arrangement of supplemental street trees. Based on 555 feet of frontage without vegetation, 19 street trees would be required. However, 16 street trees are proposed. An additional 3 street trees shall be provided.
 - g. Resolution 2007-12 – For any public improvement waivers granted, the Applicant is required to contribute a fee to the Township to cover 50% of the cost of future improvements to bring Township rights-of-way up to current standards. Based on the current waivers requested, this contribution would be required for widening, curb, sidewalk, etc., if granted. If waived, a cost estimate of the required improvements above with credit for any road improvements to be installed shall be submitted for review.
4. Applicant shall comply with any other technical design comments from the

Township Engineer prior to the recording of the Record Plans.

5. Applicant shall construct all public improvements shown on the approved Final 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.
6. 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.
7. The Applicant shall provide the legal descriptions required for the new lots, conservation easements, impervious area easement, ultimate right-of-way for Upper Church Road, back up septic system easements and any other proposed easements.
8. The Applicant shall provide a copy of the Driveway Agreement for TMP 26-003-104-001, for the Townships files. If an Agreement does not exist, an Easement shall be provided over the shared driveway.
9. A fee-in-lieu of park and recreation is required at a rate of \$2,500.00 per dwelling unit or \$5,000.00 for the 2 new dwellings.
10. No building permit shall be issued until the well has been constructed and tested in accordance with §22-719.
11. An Easement, deed restricting the sewage replacement areas from being built upon, shall be provided and shown on the site plan outside of the conservation easement area, with metes and bounds and monuments along the boundary. Easements shall be provided for the secondary septic areas on Lots 1 and 2.
12. 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 Stormwater BMP Maintenance Fee applies to all proposed BMPs installed in the Township to provide a financial guarantee for the timely installation, proper construction, and continued maintenance by the owner. The fee is based on \$2.50 linear feet of existing roadway (Resolution 2024-02)
13. 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 once the design is finalized.

14. The Applicant is responsible for any other required approvals, permits, etc. (i.e., BCPC, PADEP, Fire Marshal, Township Road Opening Permit, Well Construction Permits, existing non-conformity registration for Lot 1 side yard setback, BCDH, etc.) as applicable.
15. Applicant shall submit to the Township Engineer for review all necessary construction cost estimates of the site improvements.
16. 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.
17. 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. 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.
18. Applicant shall pay all appropriate fees applicable to this Project including all outstanding bills from the Township's professional consultants. And preliminary and final subdivision application fees.
19. All documentation shall be executed prior to recording of Record Plans.
20. Applicant and its professionals shall execute, notarize and seal the Final Record Plan.
21. Applicant shall comply with all other applicable Township, County, State, and Federal rules, regulations, codes, ordinances, and statutes.
22. The plans shall be ADA compliant, if applicable.

BE IT FINALLY RESOLVED that the conditions of approval have been made known to Applicant, and this Preliminary/ Final Land Development 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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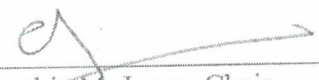
NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA
RESOLUTION NO. 2025-

DULY ADOPTED, this 19 day of May, 2025, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.


ATTEST:



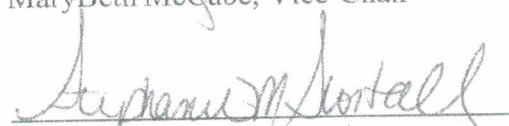
Dan Fox, Township Manager



Cynthia M. Jones, Chair




MaryBeth McCabe, Vice-Chair



Stephanie Shortall, Supervisor

William Jones, III, Supervisor

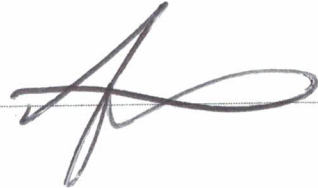


Bridget Kunakorn, Supervisor

APPLICANT'S ACCEPTANCE OF THE RESOLUTION'S CONDITIONS

Applicant agrees to the above terms and conditions contained in Resolution 2025- 05
this the 30 day of MAY, 2025.

APPLICANT:
JOE CASADONTI

A handwritten signature in dark ink, appearing to be 'Joe Casadonti', is written over a horizontal line.