BOROUGH OF BRISTOL
COUNTY OF BUCKS

RESOLUTION 11 OF 2024

A RESOLUTION OF THE BOROUGH COUNCIL IN AND FOR THE BOROUGH OF BRISTOL, BUCKS COUNTY, PENNSYLVANIA, APPROVING AS PRELIMINARY/FINAL THE LAND DEVELOPMENT APPLICATION SUBMITTED BY BRISTOL PIKE, LLC

WHEREAS, Bristol Pike, LLC (hereinafter referred to as "Applicant"), proposes to develop Tax Parcel No. 04-006-001 located at 802 Bath Street into a facility for the sale of automobiles; and

WHEREAS, the improvements proposed to be constructed consist of a 1,650 square foot auto sales building with two (2) attached garages; and

WHEREAS, the Plans of the Land Development were prepared by Fioravanti, Inc., were dated May 2, 2023, and were last revised October 25, 2023, consisting of eight (8) sheets; and

WHEREAS, the site is zoned HC-1 Highway Commercial West and the proposed use of the property for auto sales is a permitted use within the HC-1 Zoning District; and

WHEREAS, Bristol Borough Council finds it to be in the best interest of the Borough to grant Preliminary/Final Land Development Plan Approval subject to compliance with all of the terms and conditions set forth in this Resolution.

NOW THEREFORE, the Borough Council of the Borough of Bristol hereby approves the Preliminary as Final Land Development Plan for the property identified as 802 Bath Street, Bristol Borough, PA, also known as Bucks County Tax Parcel 04-006-001, subject to the following conditions:

1. Compliance with the Gilmore & Associates, Inc., review letter dated December 12, 2023. This letter is attached hereto as Exhibit "A" and incorporated herein.

2. Compliance with the Decision of the Bristol Borough Zoning Hearing Board dated September 6, 2023, including compliance with any conditions noted therein. This Decision is attached hereto as Exhibit "B" and incorporated herein.

3. Compliance with the Bucks County Planning Commission letter dated June 7, 2023, except as may be modified by the conditions of approvals noted in this Resolution. This letter is attached hereto as Exhibit "C" and incorporated herein.

4. By approving Preliminary as Final Land Development Plan, Council herein approves the following waivers from the provisions of the Bristol Borough Subdivision and Land Development Ordinance:

   a. §22-404.B.(2)(b) – From the requirement to provide the location, names, and widths of streets, location and names of railroads, location of property lines and names of owners, the location of water courses, sanitary sewer, storm drains, and similar features within 400 feet of any part of the land to be subdivided or developed on the plans;

   b. §22-404.B.(3)(p) – From the requirement to provide a plan showing proposed landscaping improvements, including but not limited to, street tree locations, buffer strips, and refuse collection screening;

   c. §22-512.10 – From the requirement that all parking areas shall be set back from the future right-of-way line at least 15 feet;

   d. §22-523.4. – From the requirement to plant street trees along all streets except where the Borough agrees that suitable street trees are already in place;

   e. §22-523.5. – From the requirement to provide a buffer in any subdivision or land development;

   f. §22-523.6. – From the requirement to provide parking area landscaping;

   g. §22-526 – From the requirement to submit a transportation impact study.

5. By approving Preliminary as Final Land Development Plan, Council herein approves the following waivers from the provisions of the Delaware River South Watershed Stormwater Management Ordinance:

a. §26-121.N. – From the requirement to minimize impervious surface and provide infiltration of runoff through seepage beds, infiltration trenches, etc. to reduce the size or eliminate the need for detention facilities due to the existing environmental restrictions of the site;

b. §26-125.A. -- From the requirement to recharge (infiltrate) a portion of the runoff created by the development as part of an overall stormwater management plan due to the existing environmental restrictions of the site;

c. §26-126.A. – From the requirement to provide calculations showing that the post development 1-year storm takes a minimum of 24 hours to drain from the facility from a point where the maximum volume of water from the 1-year storm is captured.

6. The Applicant shall revise the Plans to incorporate the aesthetics, including the addition of planters and other amenities as set forth in Plans prepared by Fioravanti, Inc. dated March 11, 2024, and presented at the Bristol Borough Council Meeting held on Monday, March 11, 2024.

7. The Applicant shall execute a Land Development Agreement, Security Escrow Agreement and Storm Water Management Agreement for the project satisfactory to the Borough Solicitor, prior to the issuance of any building permits and prior to recording the Preliminary/Final Land Development Plans.

8. Applicant shall pay any applicable Borough Recreation Fee as required by Borough Ordinance.

9. The car sales facility shall be restricted to selling only passenger cars and pick-up trucks, but no other vehicles including boats, campers, tractor trailers, and the like shall be offered for sale.

10. The repair facilities located onsite should only be used for repairing, detailing, and the like for vehicles to be sold on the lot and there shall be no repairs of third-party vehicles not related to the business.

11. No parking shall be permitted onsite except for parking directly related to the business of selling used vehicles including customers, vehicles for sale, and the like. There will be no parking of third-party vehicles overnight and, no parking of commercial vehicles, tractor trailers, dump trucks, and other similar vehicles.

12. The hours of operation shall be limited to 10:00 a.m. to 6:00 p.m. during weekdays, 10:00 a.m. to 4:00 p.m. on Saturdays and the facility will be closed on Sundays;

13. The aisles depicted on the plans shall be free of parked cars and be unobstructed at all times.

14. Applicant shall continue to comply with all requirements imposed by the Pennsylvania Department of Environmental Protection related to the groundwater conditions.

15. Applicant shall obtain any and all permits and/or approvals as required from any other agencies having jurisdiction over such matters, including the Bucks County Conservation District, Pennsylvania Department of Environmental Protection, Pennsylvania Department of Transportation, and/or any other local, state, county, and/or federal authority or agency requiring permit applications and approvals. Copies of these permits and approvals shall be submitted to the Borough.

16. If required to obtain permits by the Applicant, the Borough agrees to sign paper copies of the approved preliminary as final subdivision plan provided they bear the legend "not to be recorded" if signed paper copies are required to be submitted to the various local, state and federal agencies that must approve the various approvals, permits, certificates and the like for the project; provided, however, that the Borough reserves the right to participate in all approval and permitting procedures which may be required for the approval of this plan.

17. Applicant shall pay all review and professional fees in connection with all prior reviews and the reviews in connection with this approval as required by the Borough Subdivision and Land Development Ordinance and its applicable rate structure.

DULY RESOLVED this 11th day of March, 2024 in Council Chambers.

Ralph D. Gray
Council President

ATTEST:

Joseph Lamy
Borough Secretary

EXHIBIT "A"

GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

December 12, 2023

Project No.: 22-12033

Mr. James Dillon, Manager
Borough of Bristol
250 Pond Street
Bristol, PA 19007

Reference: 802 Bath Street
Preliminary Land Development Plans – 2nd Review
T.M.P. #04-006-001
Bristol Borough, Bucks County, PA

Dear Mr. Dillon:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the Preliminary Land Development Plans submitted by Bristol Pike, LLC and offers the following comments for consideration:

I. Submission

A. Preliminary Land Development Plans, as prepared by Fioravanti, Inc., dated May 2, 2023, last revised October 25, 2023, consisting of eight (8) sheets;

B. Stormwater Management Report, as prepared by Fioravanti, Inc., dated May 2, 2023, last revised October 25, 2023;

C. Response Letter, as prepared by Fioravanti, Inc., dated October 25, 2023;

D. Waiver Request Letter, as prepared by Fioravanti, Inc., dated October 25, 2023.

II. Project Description

The project proposes to redevelop parcel T.M.P. #04-006-001 located at 802 Bath Street in the Borough's HC-1 Highway Commercial West Zoning District, consisting of a total tract area of 26,407 square feet. The property was previously used as a gas station and is currently vacant with existing paved areas. According to the FEMA map 42017C0526K (dated March 21, 2017), the subject property is located within the Floodway, Zone AE.

The applicant proposes to construct a new 1,650 square foot auto sales building with two (2) attached garages (Use 4F) on the subject property. The applicant is proposing the installation of an underground basin to manage stormwater runoff. The building will be served by public water and sewer.

It should be noted that a Remedial Action Completion Report Approval from DEP was provided under separate cover. Any improvements should be conducted in accordance with all applicable Pennsylvania Code sections and Act 2 regulations.

III. Variances Granted

A. On September 6, 2023, the Bristol Borough Zoning Hearing Board granted the applicant the following Variances from the Bristol Borough Zoning Ordinance:

1. §27-311.5. – A variance has been granted to allow sales vehicles to be placed adjacent to the ultimate street right of way line where a 20-foot separation would otherwise be required.

2. §27-320.4.F.(2) – A variance has been granted to allow site improvements and buildings within areas containing natural resources.

3. §27-502.7. – A variance has been granted to not require a 5-foot planting strip between a parking area and a public street.

4. §27-703.1.B.(5)(b) – A variance has been granted to allow 99% impervious coverage where 90% impervious coverage is permitted.

IV. Waivers Requested

A. The applicant has provided a list of 'Waivers Requested" with this submission and is requesting the following waivers from the Bristol borough Subdivision and Land Development Ordinance:

1. §22-404.B.(2)(b) – A waiver is requested from the requirement to provide the location, names, and widths of streets, the location and name of railroads, the location of property lines and names of owners, the location of water courses, sanitary sewer, storm drains, and similar features within 400 feet of any part of the land to be subdivided or developed on the plans.

2. §22-404.B.(3)(p) – A waiver is requested from the requirement to provide a plan showing proposed landscaping improvements, including but not limited to, street tree locations, buffer strips, and refuse collection screening.

3. §22-512.10. – A waiver is requested from the requirement that all parking areas shall be set back from the future right-of-way line at least 15 feet.

4. §22-523.4. – A waiver is requested from the requirement to plant street trees along all streets except where the Borough agrees that suitable street trees are already in place.

5. §22-523.5. – A waiver is requested from the requirement to provide a buffer in any subdivision or land development.

6. §22-523.6. – A waiver is requested from the requirement to provide parking area landscaping.

7. §22-526. – A waiver is requested from the requirement to submit a transportation impact study.

B. The applicant has provided a list of 'Waivers Requested" with this submission and is requesting the following waivers from the Delaware River South Watershed Stormwater Management Ordinance:

1. 26-121.N. – A waiver is requested from the requirement to minimize impervious surface and provide infiltration of runoff through seepage beds, infiltration trenches, etc. to reduce the size or eliminate the need for detention facilities due to the existing environmental restrictions of the site.

2. 26-125.A. – A waiver is requested from the requirement to recharge (infiltrate) a portion of the runoff created by the development as part of an overall stormwater management plan due to the existing environmental restrictions of the site.

3. 26-126.A. – A waiver is requested from the requirement to provide calculations showing that the post development 1-year storm takes a minimum of 24 hours to drain from the facility from a point where the maximum volume of water from the 1-year storm is captured.

V. Review Comments

A. Zoning Ordinance Review

1. §27-404.3.B.(3) – States that the clear site triangle shall be bounded by the intersecting driveway/accessway centerline with the street centerline and a diagonal line connecting the designated points on the respective centerlines at a distance of 30 feet from the aforesaid intersection. The Clear Site Triangles shown are not currently drawn in accordance with this section. The intersection point should be identified at the curb line and 30 feet measured in both directions parallel to the street and 30 feet projecting into the site.

2. §27-511.1.B. – States that no bare or direct light source shall be visible beyond the lot lines. Illumination from light originating on the site shall not exceed 0.10 footcandles at lot lines not along public roadways and shall not exceed 0.30 footcandles along public roadways. It is noted that the proposed light fixtures will create a 0.50 footcandle that extends beyond the northern, western and southern property lines.

3. §27-511.2.D. – States that lighting fixtures shall be placed to achieve a minimum average illumination of 2.00 footcandles in parking, accessways and walking areas. The average illumination level of the site should be identified on the plans.

B. Floodplain Regulations Ordinance (No. 1308)

1. §4.02.A.1. – States that within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis, or other acceptable means, performed in accordance with standard engineering practice that the proposed encroachment would not result in any increases in flood levels within the community during the occurrence of the base flood discharge. Documentation should be submitted to the Borough for review to demonstrate that no increases in flood levels will occur during the base flood discharge due to the construction of the proposed improvements.

2. §4.02.A.2. – States that within any floodway area, no new construction or development shall be allowed, unless written consent is obtained from the Department of Environmental Protection Regional Office. Proof of consent from the Department of Environmental Protection should be obtained prior to construction.

3. §5.02.B.5. – States the design and construction standards and specifications contained in the 2009 International Building Code (IBC) and the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive. We defer this comment regarding elevation and floodproofing requirements to the Building Code Official.

4. §5.03.G. – States all buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water. Documentation should be provided demonstrating compliance with this section.

5. §5.03.H.2. thru §5.03.N. – Pertains to items within the building (i.e. floors, walls, ceilings, paints, adhesives, electrical components, equipment, fuel supplies, etc. We defer this comment to the Building Code Official for review.

C. **Subdivision and Land Development Review**

1. §22-404.B.(3)(r) – States that the developer must obtain a highway occupancy permit for all right-of-way encroachments from the state and/or local authorities as applicable. The proposed driveways and sanitary sewer connection are within the Bristol Pike and Bath Street right-of-way and a HOP shall be obtained prior to construction. G&A should be copied on all correspondence with PennDOT.

2. §22-404.B.(3)(s) – States that the lighting plan shall include detailed information on the light fixtures, mounting poles, and foundation, isofootcandle contours for proposed lights, point by point footcandle levels for the entire site and surroundings, and light fixture photometrics. The point-by-point footcandle levels for the entire site should be provided on the Lighting Plan.

3. §22-404.D. – States that preliminary architectural sketches or architectural renderings of the exterior of the proposed land development or structures within a subdivision shall be submitted, accompanied by information detailing the proposed exterior design, arrangement, texture, color, and construction materials to be utilized in the buildings or structures. The architectural renderings should be provided to the Borough for review.

4. §22-406.B.(3)(a)(2) – For public sanitary sewers, the applicant should provide certification from the Sewer Authority serving this area indicating that adequate capacity exists to serve the proposed building renovations and additions. We defer this comment to the Sewer Authority/Company for review.

5. §22-406.B.(3)(a)(3) – For public water supply, the applicant should provide certification from the Water Authority/Company serving this area indicating that adequate water pressure and supply is available to serve the proposed renovations and additions. We defer to the Water Authority/Company for review.

6. §22-504.11. – States that an Applicant who encroaches with the legal right-of-way of a state highway is required to obtain a highway occupancy permit (HOP) from PennDOT. The proposed driveways and sanitary sewer connection are within the Bristol Pike and Bath Street right-of-way and a HOP shall be obtained prior to construction. G&A should be copied on all correspondence with PennDOT.

7. §22-505.3. – States the minimum rights-of-way for Principal Arterial, Bristol Pike (SR 0013), and for Minor Arterial, Bath Street (SR 2029), are 80 feet. It is noted that the plans identify a legal right-of-way of 66 feet for Bath Street, which is less than the required. The legal and ultimate right-of-way lines should be confirmed with PennDOT.

8. §22-506.2.B. – States that minimum sight distances shall be maintained at all intersections and driveways. The minimum acceptable safe stopping sight distance (SSSD) values should be calculated and graphically shown on the plans to demonstrate compliance with this requirement.

9. §22-510.4.D. – States that a minimum side setback of 15 feet shall be provided for nonresidential driveways. The side setback should be shown on the plans. Currently, the proposed driveway onto Bristol Pike appears to be within the minimum 15-foot setback. It is noted that the driveway location is an existing non-conformity. A waiver should be requested from this section.

10. §22-520.1.C.(2) – States that any stormwater management facility located on state highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT). Should additional right-of-way be required by PennDOT, parts of the stormwater management facility will be located within the right-of-way and would be subject to PennDOT review.

11. §22-524.5.G. – States the maximum illuminance levels permitted at property lines is 0.1 footcandles and at rights-of-way is 0.3 footcandles. Currently, the maximum illuminance levels

appear to be exceeded in some areas of the western and southern property lines and the Bristol Pike right-of-way. The Lighting Plan should be revised accordingly.

12. §22-529.C. – States that an Erosion and Sediment Control Plan should be submitted to the Bucks County Conservation District (BCCD) since there is more than 1,000 square feet of disturbance. No work should commence until there has been a plan approved by the BCCD.

13. §22-807. – States that the Borough may require the owner to install or cause to be installed at the owner's expense, metal pole streetlights serviced by underground conduit in accordance with a plan to be prepared by the Philadelphia Electric Company and approved by the Borough Council in conformity to a general standard of street lighting established by the Borough Council. It should be determined if additional street lighting should be provided along Bath Street and Bristol Pike.

14. §22-808. – Outlines the requirements for placement of monuments. Concrete monuments should be placed at lot boundary lines at their intersection with the street line and/or ultimate right-of-way line and all other lot boundary corners shall be provided with iron pins. Additionally, all monuments/iron pins should be set and certified by the Owner's engineer and should meet all of the requirements set forth in this section. It is noted that only one (1) existing iron pin was identified on the Existing Features Plan. Monuments or iron pins should be provided for all other property corners and identified on the Record Plan.

15. §22-812.2. – Review and approval by the fire marshal shall be required in order to ensure that adequate fire protection and circulation is provided. We defer this comment to the Borough Fire Marshal.

D. **Delaware River South Watershed Stormwater Management Ordinance District "C" Review**

1. §26-121.M. – States that any stormwater management facilities that would discharge into state highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT). The plans show a proposed level spreader (trench drain) that will discharge into the right-of-way of Bath Street (SR 2029).

2. §26-122.B. – States that a permit from PADEP is required for the proposed improvements within natural drainageways. The site is located within the floodway, Zone AE; a permit from PADEP is required for the proposed improvements within the floodway, Zone AE.

3. §26-128.D. – States that off-site areas that drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site. The plans appear to divert off-site flows with new curbing proposed on the west boundary of the site from the middle of the property to Bristol Pike. The existing conditions mapping should show more clearly through existing contours and spot grades if any runoff from the property to the west currently drains onto the property.

4. §26-129. – Pertains to Design Criteria for Stormwater Management Facilities. We offer the following comments regarding the site stormwater design:

   a. In the MRC Design Summary, a maximum of 50% of the IWS area of the MRC basin is allowed to be counted as storage in the basin routings. The routings should be updated to reduce the storage accordingly.

   b. The MRC Design Summary worksheet identifies an underdrain outlet elevation; however, all piping below the level spreader is a closed system inside the IWS with no ability to discharge and would not appear to qualify as an MRC outlet. Therefore, it does not appear that an MRC orifice is provided with a controlled rate discharge to meet the MRC BMP Release Rate requirements. The design should be confirmed and revised accordingly.

c. Currently, the top grade of the level spreader is shown below the adjacent top of curb elevation based on bounding TC spot grades. It should be clarified how basin flows will exit the site.

d. A 90-degree bend is currently shown in the pipe connecting proposed Inlet 2 to the underground basin. The constructability of a PVC bend fitting connecting HDPE pipes should be confirmed.

e. The impervious cover proposed in the seepage bed detail is 23,203 SF; however, the calculations in the seepage bed detail and SWM report indicate 26,407 SF. The seepage bed detail does not match the SWM Report calculation, which reflects the accurate WQv requirement for the site. The seepage bed detail calculations should be updated.

f. The trench drain grate specified in the Trench Drain Detail does not appear compatible with the width dimensions shown for the drain and should be revised accordingly.

g. Dimensions should be provided on the plan for the limits of MRC BMP stone bed.

5. §26-129.D. – States that conveyance facilities to or exiting from stormwater management facilities (i.e., detention basins) shall be designed to convey the design flow to or from that structure. We offer the following comments regarding stormwater management facilities:

   a. Proposed 'M' Type Inlet 3 does not have a TC listed in its description, whereas the other two proposed inlets do. It should be clarified if curb is to be provided in the location of Inlet 3.

   b. Snouts / hoods are not a temporary E&S BMP, and as such should not be called for during construction for water quality. The callout on sheet 4 should be clarified, and snouts / hoods should be noted on sheet 3 or on the PCSM Details.

6. §26-129.E. – States that storm sewers must be able to convey post development runoff from a 100-year design storm without surcharging inlets. Pipe capacity calculations should be provided to confirm that the system can convey the 100-year storm. The provided calculation does not model each of the pipe runs with a comparison of hydraulic grade line to inlet grate elevations, does not model a tailwater corresponding to the downstream level spreader and its flow head, and uses an 'n' value for PVC rather than HDPE.

7. §26-131. – Pertains to the Erosion and Sedimentation Control Measures. The following issues related to erosion controls should be addressed:

   a. During construction E&S inlet filters proposed on sheet 4 should not refer to the snout / hood details, but rather to the detail for filter bags. The Inlet Filter Bag Detail should be updated for the correct inlet types.

   b. The Erosion and Sediment Control Plan should identify where any contaminated soils/groundwater are expected to be encountered during construction, the concentrations of petroleum substances in soil and groundwater, and provide appropriate E&S measures. Exhibits B & C of the soil management plan are not part of the E&S Plans, therefore locations of soil management should be delineated on the plan view.

8. §26-132.D. – States that municipalities are required to ensure design, implementation and maintenance of BMPs that control runoff from development after regulated activities are complete. These requirements include the need to implement post-construction stormwater BMPs with assurance of long-term operations and maintenance of those BMPs. Operations and maintenance requirements should be provided for the stone bed of the MRC Basin BMP.

9. §26-143.B.13. – States that the drainage plans should include a north arrow. A north arrow is not shown on the Grading Plan, sheet 3. The plans should be revised accordingly.

10. §26-143.B.23. – States that the drainage plans should include the required signature block for the Design Engineer. The design engineer's name should be printed on the signature block, rather than referring to the professional generically as "Design Engineer".

11. §26-173. – States that the applicant shall sign and record the maintenance agreement covering all stormwater control facilities that are to be privately owned.

12. §26-174.A. – States that persons installing stormwater management facilities and best management practices shall be required to pay a specified amount to the municipal stormwater maintenance fund to help defray costs of periodic inspections and maintenance expenses. The applicant should discuss a fee amount with the Borough.

13. §26-174.F. and G. – States that the municipality may require applicants to pay a fee to the municipal stormwater maintenance fund to cover long-term maintenance of stormwater control and best management practices and stormwater related problems which may arise from the land development and earth disturbance. The applicant should discuss a fee amount with the Borough.

14. §26-178.A. – States that the owner of any land upon which permanent BMPs will be placed, shall record the following documents in the Office of the Recorder of Deeds for Bucks County, within 15 days of approval of the stormwater control and BMP operations and maintenance plan by the Municipality: The stormwater control and BMP operations and maintenance plan, or a summary thereof; the Operations and maintenance agreements under §§26-140 and 26-141, and any easements under §26-141.

E. Additional Review Comments

1. All requirements outlined in the December 28, 2021 Environmental Covenant should be met; including, but not limited to, the groundwater exposure restrictions, capping maintenance, soil management plan, and vapor intrusion re-evaluation/implementation. No work should commence until documentation has been provided demonstrating compliance with the Environmental Covenant.

2. The Light Duty Asphalt Pavement Detail should be updated to list 4" 25MM base course. Currently, no thickness is listed in the detail.

3. A railing should be provided for the accessible ramp entrance to the building.

4. If this land development receives approval, the applicant shall enter into a development agreement, financial agreement, a stormwater maintenance agreement and post security for construction and professional services. Also, an Opinion of Probable Construction Cost should be prepared and submitted for review for all proposed site improvements.

5. Prior to signing of the plans, approvals/reviews/permits may be required from the following outside agencies:

   a. Bucks County Planning Commission – *obtained June 7, 2023*
   b. Bucks County Conservation District –
   c. PennDOT Highway Occupancy Permit (HOP) -
   d. PADEP (Planning Module Exemption) – *obtained November 8, 2023*
   e. Pennsylvania Department of Environmental Protection –
   f. Public Water Company/Authority Certification –
   g. Public Sewer Company/Authority Certification –
   h. Bristol Borough Fire Marshal –

To expedite the review process, we recommend that future plan submissions be accompanied by a response letter noting how each of the above comments has been addressed as well as any other plan revisions. We also request electronic copies of all future plan submissions.

Please note that due to the amount of revisions that will be made to the plans, we reserve the right to make additional comments during future plan reviews. We recommend a design review meeting be held with our office to discuss these comments in order to expedite a resolution.

If you have any questions regarding the above, please contact Jacob Rigg at 215-369-3955.

Sincerely,

Kurt M. Schroeder, P.E.
Borough Engineer
Gilmore & Associates, Inc.

KMS/jrr/jtt

cc: Sally Bellaspica - Bristol Borough Zoning Officer
William Salerno, Esq. - Bristol Borough Solicitor
Vince Fioravanti, P.E., Applicant's Engineer – Fioravanti, Inc.

EXHIBIT "B"

ZONING HEARING BOARD OF BRISTOL BOROUGH
BUCKS COUNTY, PENNSYLVANIA

Applicant:	802 Bath LLC 3904 Byron Road Huntingdon Valley, PA 19006
Applicant's Attorney:	Michael Mattioni, Esquire 100 N. Independence Mall West Suite 5A NW Philadelphia, PA 19106
Appeal No.:	17-23
Owner of the Property:	Applicant
Subject Property:	802 Bath Street Bristol, PA 19007 Bucks Co. TMP #04-006-001
Prayer of Application:	Applicant seeks variances from Sections 27-320.4.F.(2), 27-502.7, 27-703.B.(5)(b) and 27-311.5 of the Bristol Borough Zoning Ordinance regarding maximum impervious surface coverage, special 20 feet setback for auto sales to street right-of-way line, parking lot standards, and natural resource protection standards for use of property as automotive sales facility
Time & Place of Hearing:	September 6, 2023 at 7:30 p.m. Bristol Borough Municipal Building Pond and Mulberry Streets Bristol, Pennsylvania, 19007

FINDINGS OF FACT

1. Applicant is the owner of the subject property and has the requisite interest in the subject premises to present this application to the Board.

2. The Zoning Hearing Board of Bristol Borough met the requirements of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code of the requisite legal notices of the hearing held on September 6, 2023.

3. The Bristol Borough Zoning Officer testified notice of the hearing was mailed to residents on August 28, 2023 in accordance with the Bristol Borough Zoning Ordinance ("Ordinance") and the Pennsylvania Municipalities Planning Code.

4. The subject property is located in the HC-1 Highway Commercial West District in accordance with the Bristol Borough Zoning Map and pursuant to the Ordinance.

5. Applicant presented, and the Board admitted, into evidence the following exhibits:

A-1 Application for zoning relief

A-2 Copy of eight page deed of the property

A-3 Nine color photographs of exterior of property

A-4 Three color photographs of proposed auto sales building

A-5 Three page record plan for property

A-6 Curriculum vitae for applicant's engineer, Vincent Fioravanti

A-7 Google earth photographs of property

A-8 Updated proposed building renderings

A-9 Photograph of proposed tenant current facility

A-10 Lease for proposed auto sales use

A-11 Memorandum of Law in support of application

A-12 Recorded environmental covenant between prior property owner and Pa. Department of Environmental Protection

6. The Board admitted into evidence the following exhibits:

B-1 Proof of publication of the legal advertisement placed in the *Bucks County Advance* advertising the hearing held September 6, 2023

B-2 Copy of notice posted at the subject property.

7. The subject property consists of a vacant lot at the corner of Bath Street and Bristol Pike (Route 13).

8. Applicant proposes to construct a new automotive sales office building for the sale of pre-owned automobiles.

9. The proposed use is intended to be operated by a tenant, Direct Auto Sales, who currently operates a sales facility on Woodhaven Road in Philadelphia, PA.

10. The proposed tenant seeks to relocate from its present location to the property.

11. The proposed sales building will also contain an accessory garage for the vehicles to be sold.

12. The proposed sales and office building will consist of 1650 square feet (50' x 35") with outside storage of inventory (vehicles).

13. The property is subject to a recorded environmental covenant with the Pa. Department of Environmental Protection which requires 100% impervious surface coverage as the approved remediation plan for the site due to the prior contamination at the property.

14. The current size of the lot does not provide for easy circulation of automobiles, and if required, the display of sales vehicles would be located directly next to the proposed building.

15. The property does not contain any approved stormwater facilities to offset any effect of the impervious surface coverage and to adequately address the flow of stormwater from the property.

16. Applicant intends to construct and install an approved stormwater facility to minimize the impact of the existing impervious surface coverage, all of which will be located within the floodplain as the lot itself sits in a floodplain area.

17. Again, due to the total impervious surface coverage at the property, Applicant cannot provide the otherwise required five feet planting strip in the parking area to separate the proposed parking lot from the public street.

18. Access to the property will continue to be provided from Bath Street and Bristol Pike, limited to right turns in and right turns out.

19. A total of 46 off street parking spaces are proposed, allocated as:

a. Nineteen spaces for display vehicles;

b. Fifteen spaces for customers to be located by the building;

c. Seven spaces for inventory; and

d. Five spaces for employees, also to be located by the building.

20. Applicant anticipates approximately three to four employees at the facility.

21. Hours of operation are intended to be: Mondays through Fridays from 10:00 a.m. to 6:00 p.m., and Saturdays from 10:00 a.m. to 4:00 p.m.

22. The proposed use of the property is otherwise permitted under current zoning regulations.

23. Curbing of eight inches will be provided around the perimeter of the property.

24. The Board requested, and Applicant agreed to, two conditions of approval: No major automotive repairs shall occur at the property; and minor repairs shall be limited to sales vehicles.

25. No members of the public testified in support of, or in opposition to, the application, although Council president had general questions about the proposed use and proposed building.

DISCUSSION AND CONCLUSIONS OF LAW

Under traditional concepts of zoning law, the Board may grant variances provided that the following findings are made where relevant to a specific case:

a. That the subject property consists of unique physical circumstances or conditions that are peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;

b. That because of such physical circumstances or conditions, the subject property cannot be developed in strict conformity with the provisions of the zoning ordinance and that a variance is necessary to enable the reasonable use of the property;

c. That the unnecessary hardship has not been created by the appellant;

d. That the variance, if authorized, will not alter the essential character of the neighborhood where the property is located nor will the variance substantially or permanently impair the appropriate use or development of adjacent properties nor be detrimental to public welfare; and

e. That the variance, if granted, represents the minimum relief to the applicant and such variance represents the minimum modification possible of the regulation in issue. 53 P.S. §10910.2(1968).

Oxford Corp. v. Zoning Hearing Board of the Borough of Oxford, 34 A.3d 286, 295 (Pa. Cmwlth. 2011).

When seeking dimensional variances, the quantum of proof to establish unnecessary hardship is less strict than seeking a use variance. *Hertzberg*

v. Zoning Board of Adjustment of the City of Pittsburgh, 721 A.2d 43, 48 (Pa. 1998). In considering whether or not to grant a dimensional variance, multiple factors are considered, such as economic hardship to the applicant, financial hardship to bring the property into compliance with local zoning regulations and characteristic of surrounding neighborhood. *Id.* at 50. A dimensional variance may be granted in limited situations where the proposed deviations are relatively minor. The decision of whether to grant or deny the variance is left to the discretion of the local zoning hearing board. *Segal v. Zoning Hearing Board of Buckingham Township,* 771 A.2d 90, 95 (Pa. Cmwlth. 2001).

The testimony clearly confirms that the property suffers from a unique physical hardship which precludes full compliance with the current zoning regulations. Specifically, due to the prior nature of the use at the property, and as part of a governmental plan for remediation of the property, the property is fully covered with impervious surface as directed by a recorded environmental covenant imposed by the Pa. Department of Environmental Protection. As a result of the mandatory environmental covenant, compliance with the requirements for planting buffers and other similar dimensional requirements cannot be accomplished.

Furthermore, the property itself sits within a floodplain. Due to the total impervious surface coverage, and to mitigate the effect of any stormwater runoff, the Applicant intends to construct and install stormwater facilities. Unfortunately, these proposed stormwater facilities will be located within the floodplain due to the location of the lot. As a result, Applicant requires another dimensional variance which will serve as a means to reduce any negative effect from the existing impervious surface coverage.

Due to the location and configuration of the lot, setback requirements under current zoning regulations cannot be met. The lot has two small frontages, and the size of the lot is not conducive to allow for easy circulation which would provide for vehicles to be situated from the building. Furthermore, to maximize the display of vehicles, the street right-of-way setback cannot be met.

In light of the current condition of the property, due to its size, location and environmental covenant restrictions that require maintenance of the existing impervious surface coverage, and in consideration of the surrounding area, the Board determined that the various dimensional variance requests are minimal and will not negatively affect the property or the neighborhood.

Accordingly, for the foregoing reasons, the variance relief as requested was **GRANTED,** subject to two conditions: a) no major automotive repairs shall occur at the property; and b) minor automotive repairs shall be limited to sales vehicles.

DECISION AND ORDER

AND NOW, this **4th day of OCTOBER, 2023,** after public hearing held on September 6, 2023, and pursuant to a public vote, three members voting in favor, the Zoning Hearing Board of Bristol Borough does hereby formally **ADOPT** the above **FINDINGS OF FACT** and **DISCUSSION AND CONCLUSIONS OF LAW**. The Board further **RATIFIES** its Decision of September 6, 2023, and does hereby Order and Direct that the Application for variances, as stated above, be and the same is **GRANTED,** subject to the conditions of: a) no major automotive repairs shall occur at the property; and b) minor automotive repairs shall be limited to sales vehicles.

THIS WILL SERVE AS THE REQUIRED WRITTEN NOTICE AND DECISION THAT YOUR APPLICATION HAS BEEN HEARD AND A DECISION HAS BEEN MADE BY THE BRISTOL BOROUGH ZONING HEARING BOARD. IF YOU, OR ANY OTHER PARTY OF INTEREST, WISH TO APPEAL THIS DECISION, YOU MAY DO SO ACCORDING TO PENNSYLVANIA LAW, AND GENERALLY, YOU HAVE THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE TO FILE AN APPEAL WITH

[intentionally left blank – signatures on following page]

THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA.

BRISTOL BOROUGH ZONING HEARING BOARD

ANGELO GRISOLIA

ANGELO QUATTROCCHI

DAVE MARUCCI

CERTIFICATION OF DECISION:

I hereby certify that copies of the within Decision and Order were served upon Applicant, and his or her attorney by mailing a true and correct copy, by first class mail and certified mail, to the Applicant and his/or her respective attorney on this 5th day of October , 2023.

Barbara M. Kirk, Esquire
Board Solicitor

EXHIBIT "C"

BCPC
Bucks County Planning Commission
The Almshouse Neshaminy Manor Center 1260 Almshouse Road
Doylestown, Pennsylvania 18901 215.345.3400 FAX 215.345.3886
E-mail: planningcommission@buckscounty.org

PLANNING COMMISSION:
Edward J. Tokmajian, *Chairman*
James E. Miller Jr., *Vice Chairman*
James J. Keenan, *Secretary*
Richard Donovan
Thomas J. Jennings, Esq.
Ann Marie Mitchell
David R. Nyman
Judith J. Reiss
Tom Tosti
Evan J. Stone
Executive Director

MEMORANDUM

To: Bristol Borough Council
Bristol Borough Planning Commission

From: Staff of the Bucks County Planning Commission

Date: June 7, 2023

Subject: BCPC #12856
Preliminary Plan of Land Development for 802 Bath Street
TMP #4-6-1
Applicant: Ilya Vorobey
Owner: 802 Bath LLC
Plan Dated: May 2, 2023
Date Received: May 10, 2023

This proposal has been reviewed by the Bucks County Planning Commission professional staff, which prepared the following comments in accordance with the Pennsylvania Municipalities Planning Code (Section 502).

GENERAL INFORMATION

Proposal: Construct an auto sales office and garage building totaling 1,650 square feet on a 0.61-acre site. Public water and sewer will serve the site.

Location: Along the southwest corner of the intersection of Bath Street and Bristol Pike (U.S. Route 13).

Zoning: The HC-1 Highway Commercial West District permits a variety of institutional, office, and retail uses on lots having a minimum area of 5,000 square feet and a maximum impervious surface ratio of 90 percent.

Present Use: Vacant

COMMENTS

1. **Building height**—Section 27-311.5. of the zoning ordinance permits a maximum building height of 40 feet. The General Notes on Plan Sheet 1 indicate that the proposed building is higher than 40 feet. The plan should be revised to comply with this requirement.

COUNTY COMMISSIONERS:
Robert J. Harvie Jr., *Chair*; Diane M. Ellis-Marseglia, *LCSW, Vice Chair*; Gene DiGirolamo, *Secretary*

2. **Lighting fixture height**—Section 27-511.2.C. of the zoning ordinance permits a maximum free-standing light fixture height of 15 feet. The plan should be revised to indicate compliance with this requirement.

3. **Traffic visibility**—Section 27-404.3.B. of the zoning ordinance requires sight lines at the intersection of driveways with streets to be graded so that vision between 2 feet to 10 feet above the centerline grades of the intersecting driveway, accessway, or street is not obscured. The plan should delineate the required sight line triangle and indicate compliance with the zoning requirements under Section 27-404.3.B.(3).

4. **Access management**—We recommend that the driveway access onto Bristol Pike be removed and all access to and from the site be taken from Bath Street. This will improve safety along Bristol Pike by reducing unnecessary conflicts created by the proposed driveway onto Bristol Pike.

5. **Vehicular access to garages**—Plan Sheet 1 shows two garages associated with the office building; however, it is unclear how vehicles will be able to access the garages since the building is surrounded by curbing. The site plan should be revised to provide clearer information.

6. **Curbing**—Section 22-512.3. of the subdivision and land development ordinance (SALDO) requires all parking lots and bays permitting parking other than parallel to be physically separated from the street and confined by curbing. The designated parking lots on the southern and eastern sides, where adjacent to the driveways accessing Bath Street, are not separated by curbing. The plan should be revised to comply with this ordinance requirement.

7. **Sidewalk improvement**—Bristol Borough's *Active Transportation Plan*,[1] dated September 9, 2019, identifies this portion of Bath Street as a part of the Silver Lake Borough Active Route and proposes intersection improvements for Bath Street and Bristol Pike. We recommend that sidewalk, bicycle, and pedestrian improvements be made in coordination with this plan.

8. **Landscaping**

   a. **Required landscape plan**—Section 22-404.1.B.(3)(p) of the SALDO requires a plan to show proposed landscaping improvements, such as tree locations, buffer strips, and refuse collection screening. We recommend the required landscape plan be prepared, signed, and sealed by a registered landscape architect licensed in the state of Pennsylvania. The required landscape plan should be provided per the referenced ordinance section.

   b. **Street trees**—Section 22-523.4. of the SALDO includes street tree requirements, such as requiring one tree to be planted for every 40 lineal feet of street frontage (excluding the area for driveway crossings or easements.) The plan should indicate compliance with this requirement.

9. **Architecture**—Section 22-404.1.D. of the SALDO requires preliminary architectural sketches or renderings of the exterior of the proposed structure to be submitted. The plan should include this required information.

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[1] http://cphp.pitt.edu/images/WW/ATPs_and_Policies/Bristol-Borough_Active-Transportation-Plan_rcvd091819.pdf

10. **Soil map**—Section 22-404.1.B.(2)(l) of the SALDO requires a soil map, showing soil types within the site, based on the Official Soil Survey provided by the U.S. Department of Agriculture, Natural Resources Conservation Service, or Web Soil Survey[2]. While the site is currently covered with asphalt, an underground basin is proposed. The required soil map should be provided per the referenced ordinance section.

11. **Sewage facilities**—The applicant must submit a Sewage Facilities Planning Module Application Mailer to the Pennsylvania Department of Environmental Protection (PaDEP) to determine if an Act 537 Planning Module must be submitted for this proposed land development.

This review will be included in the Bucks County Planning Commission board materials for the July 5, 2023, meeting. It is not necessary for you to attend this meeting, but you are welcome to do so and to offer comments on the proposal to the BCPC board and staff.

In order that we may be more aware of your concerns, please send us a copy of all municipal decisions sent to this applicant.

LYL:emh
23-0117

cc: Ilya Vorobey (via email)
Vincent W. Fioravanti, PE, Fioravanti Inc. (via email)
Kurt M. Schroeder, PE, Gilmore & Associates, Borough Engineer (via email)
James Dillon, Borough Manager (via email)
Sally Bellaspica, Borough Zoning Officer and Planning Administrator (via email)

[2] http://websoilsurvey.nrcs.usda.gov/