

LOWER SOUTHAMPTON TOWNSHIP
RESOLUTION NO. 2024-14
A RESOLUTION OF LOWER SOUTHAMPTON TOWNSHIP,
BUCKS COUNTY PENNSYLVANIA, REGARDING LAND
DEVELOPMENT APPLICATION FOR 530 CLEARVIEW AVENUE
TMP NOS. 21-16-458 and 21-16-457

WHEREAS, Carmen Petrella, with an address of 11 Woodbine Avenue, Feasterville, PA 19053 ("Applicant") has submitted an Application for Preliminary/Final Land Development review for property located at 530 Clearview Avenue, Treose, PA 19053, consisting of Tax Parcel Numbers 21-016-458 and 21-016-457 ("Property");

WHEREAS, the Property is approximately 0.50 acres in size and is located on the Northern side of Clearview Avenue and is located in the I – Industrial Zoning District;

WHEREAS, Applicant proposes to develop the Property with a 5,535 square foot building to be used as a contractor office and shop, which is a permitted use on the Property;

WHEREAS, the Township Engineer issued a review letter dated February 21, 2024;

WHEREAS, Applicant received zoning relief from the Lower Southampton Township Zoning Hearing Board by way of a written decision dated May 10, 2023; and

WHEREAS, the Board of Supervisors of Lower Southampton Township is prepared to grant conditional approval of the Applicant's Preliminary/Final Land Development Plan, consisting of ten (10) sheets, dated January 23, 2023, last revised January 4, 2024, prepared by Dumack Engineering ("Plan"), subject to certain conditions.

NOW, THEREFORE, be it resolved, and it is hereby resolved by the Board of Supervisors of Lower Southampton Township, that the Board of Supervisors hereby grants conditional approval of the Applicant's Preliminary/Final Land Development Plan for the Property subject to the Applicant satisfying and complying with the comments and requirements set forth in the February 21, 2024 review letter from the Township Engineer, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, together with all of the following conditions in their entirety:

A. ZONING ORDINANCE

1. The following variances were granted by the Lower Southampton Township Zoning Hearing Board by way of the written decision dated May 10, 2023 (Appeal No. Z23-02):

- a. From Section 1002.F. of the Zoning Ordinance, to permit a rear yard setback, reducing the nonconformity, from 0 feet to 5 feet, where 35 feet is required;
- b. From Section 1002.G. of the Zoning Ordinance, to permit a buffer yard, reducing the nonconformity, from 0 feet to 12.5 feet, where 25 feet is required; and,
- c. From Section 1002.C. of the Zoning Ordinance, to permit 71% impervious surface coverage on the Property, where a maximum of 60% is permitted and 65.77% existed on the original lot.

2. The above-referenced variances were granted by the Zoning Hearing Board subject to and conditional on the following conditions, all of which are conditions of the instant conditional approval of the Plan:

- a. Applicant must merge the two adjacent lots making up the Property (TMP Nos. 21-016-458 and 21-016-457), and record the merger at Applicant's sole cost and expense;
- b. Applicant must move the proposed reconstructed building 6.5 feet toward TMP No. 21-016-457;
- c. There shall be no residential use conducted on the Property, and there shall be no kitchen, cooking and/or showers within the building on the Property;
- d. There shall be no retail sales from the Property;
- e. The hours of operation on the Property shall be limited to 6:00 a.m. to 8:00 p.m.
- f. All parking associated with the use on the Property shall be on the Property, within the fence lines, and shall not be on the street(s) and/or neighboring properties;
- g. There shall be no outdoor storage of material or vehicles;
- h. There shall be no autobody repair or painting conducted on the Property;
- i. Applicant shall comply with the Lower Southampton Township Fence Ordinance;
- j. The size and orientation of the proposed building shall be consistent with the Plan, except for the shifting of the building 6.5 feet toward TMP No. 21-016-457; and,
- k. Applicant must comply with all other requirements and conditions of all agencies and entities having jurisdiction over the Plan and Property, including but not limited to the conditions of the instant conditional Plan approval.

The above-referenced conditions associated with the Zoning Hearing Board's May 10, 2023 decision shall be added to the Plan prior to recordation.

B. FENCE ORDINANCE

1. The Applicant shall comply with the Lower Southampton Township's Fence Ordinance.
2. The Applicant shall relocate and reduce the height of the existing fence on the Property to six (6) feet in order to comply with Sections 27-1716.3 and 27-1719 of the Zoning Ordinance.
3. The proposed fence in the front yard shall comply with the requirements and restrictions of Section 27-1719.7 of the Zoning Ordinance.
4. The Applicant shall secure the requisite permits from the Township in accordance with Section 27-1719.a of the Zoning Ordinance.

C. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO)

The Applicant shall comply with the following conditions of approval in accordance with the Lower Southampton Township Subdivision and Land Development Ordinance:

1. Preliminary architectural sketches of the exterior of the proposed building shall be submitted to the Township for review and approval prior to Plan recordation.
2. The construction of all automobile parking areas not intended to be pervious shall comply with the Lower Southampton Township Specifications and Design Standards for Street and Roads, SALDO 22-512.10. The Applicant shall pave the parking lot and driveway entrance in a manner and form acceptable to the Township unless otherwise approved by the Township.
3. The following waivers from the Lower Southampton Township Subdivision and Land Development Ordinance are granted subject to and conditional on the Applicant complying with all of the conditions and restrictions set forth herein:
 - a. Section 22-301 of the SALDO, to not require a separate submission of preliminary and final plans.
 - b. Section 22-404.3.B of the SALDO, to permit an aerial photograph in lieu of requiring the location, names and widths of streets, the location and names of railroads, the location of watercourses, sanitary sewers, storm drains and similar features within 400 feet of any part of the Property.
 - c. Section 404.3.E of the SALDO, to permit one foot contours instead of the required two feet contours.
 - d. Section 22-404.4.H of the SALDO, to not require that the Plan shows all locations and sizes of storm drainage, sanitary sewer, culverts, watercourses and appurtenances thereof, on-site sewage disposal facilities, gas mains, water mains, fire hydrants, streetlights, plantings, special structures and other underground conduits or structures.
 - e. Section 22-505.3 of the SALDO, to not require road widening along Clearview Avenue to 31 feet, subject to a fee in-lieu-of as deemed necessary by the Township.
 - f. Section 22-505.3 of the SALDO, to not require curb along Clearview Avenue, subject to a fee in-lieu-of as deemed necessary by the Township.
 - g. Section 22-505.3 of the SALDO, to not require sidewalk along Clearview Avenue, subject to a fee in-lieu-of as deemed necessary by the Township.
 - h. Section 22-512.2 of the SALDO, to not require the parking lot to be confined by curbing.
 - i. Section 22-512.14 of the SALDO, to not require electrical charging stations.
 - j. Section 22-520.2.A of the SALDO, to allow less than one (1) foot of freeboard in storm sewers, subject to the review and approval of the Township Engineer.
 - k. Section 22-520.2.D of the SALDO, to allow 12 inch diameter pipe instead of 18 inch pipe, subject to the review and approval of the Township Engineer.

1. Section 22-522.2.E of the SALDO, to not require the landscape plan to be signed and sealed by a landscape architect.
- m. Section 22-522.5(C)(2)(a) of the SALDO, to permit a 12.5 foot wide buffer instead of a 25 foot wide buffer, subject to the review and approval of the Township Engineer.

D. GRADING, STORMWATER MANAGEMENT/STORM DRAINAGE AND EROSION AND SEDIMENTATION CONTROL

1. The Applicant shall provide the Township with copies of all correspondence to and from the Bucks County Conservation District in relation to the Plan. The Applicant must obtain approval from the Bucks County Conservation District for the Erosion and Sedimentation Control Plan prior to Plan recordation.
2. The Applicant shall agree to, execute and have recorded a Stormwater Management Agreement prior to Plan recordation in a manner and form acceptable to the Township. The Stormwater Management Agreement shall include a blanket easement over the Property to allow the Township to access and inspect the Property and stormwater facilities.
3. The Applicant shall provide the Township with existing topographical information on adjacent properties to verify the proposed grading along the Property lines.
4. The Applicant shall extend the 12 inch pipe past the second driveway entrance and outlet into the proposed lawn area at the southern portion of the Property.

E. SANITARY SEWER AND WATER REVIEW

1. This conditional approval is conditional on the applicant securing, agreeing to and executing a service agreement with the Township and the Applicant shall establish and pay the requisite tapping fee and escrow account prior to Plan recordation.
2. This conditional approval is subject to and conditional on the Applicant securing a “will serve” letter for water service from the Bucks County Water and Sewer Authority.
3. The ownership of the building and billing for the utilities must be explained, provided, confirmed and/or resolved in a manner and form acceptable to the Township prior to Plan recordation. The applicant shall confirm and resolve the potential subdivision of the units as described in Note 13 on Sheet 2 of the Plan in a manner and form acceptable to the Township, and each unit may require a separate water and sewer service lateral, as deemed necessary by the Township.

4. Sewage flow information shall be provided by the Applicant to the Township. This information will be used to determine the required sewer tapping fees that must be paid in conjunction with this project.

F. GENERAL ENGINEERING COMMENTS

1. The Applicant shall secure approval from the Bucks County Water and Sewer Authority is required.
2. The Applicant shall secure approval from the Township Fire Marshal is required.
3. The Applicant shall resolve, comply with, satisfy and/or otherwise address the comments and requirements set forth in the General Engineering Comments section of the February 21, 2024 Township Engineer review letter in a manner and form acceptable to the Township Engineer.

G. GENERAL PROVISIONS

1. Prior to Plan recordation and commencing any work on the Property, the Applicant shall submit to the Township evidence of all required permits and approvals from any and all applicable outside agencies, if applicable, including but not limited to, the following:

- Bucks County Conservation District;
- Pennsylvania Department of Environmental Protection;
- Fire Marshal;
- Lower Southampton Township Public Works and/or Bucks County Water and Sewer Authority.

2. The Applicant will comply with all regulations, rules, resolutions, and ordinances of the Township not otherwise set forth herein.

3. All application fees and all administrative, legal, and engineering expenses owed to the Township in relation to the Plan shall be paid in full by the Applicant prior to Plan recordation.

4. The Applicant shall provide paper copies of the complete final record Plan and two (2) signed and notarized mylars, no larger than 24" x 36" of the record Plan to the Township. The record Plan mylar shall be reviewed and approved by the Township Engineer and signed by the Township Engineer and the Board of Supervisors prior to its return for recording. The Applicant shall be required to provide to the County an additional paper copy along with the fully executed record Plan for recording.

5. The Applicant shall comply in all respects with the rules, regulations, and requirements of all governmental agencies and/or bodies having jurisdiction with respect to this Plan application and shall assume all costs, expenses and responsibility in connection therewith.

6. Applicant shall agree to, execute and record all necessary agreements and easements, such as a Development and Financial Security Agreement, Stormwater Management Agreement and all additional agreements and/or easements deemed necessary by the Township, prior to Plan recordation.

7. The Applicant shall post all required financial security associated with the Plan prior to Plan recordation.

8. The Board of Supervisors hereby authorizes the Supervisors and/or the proper officers of the Township to execute and sign all agreements and necessary plans and documents which have been approved by the appropriate Township professionals and to perform such other or further acts as required for the project to proceed.

9. Failure to comply with the conditions set forth herein or noncompliance with said conditions shall make this conditional preliminary/final plan approval null and void. Additionally, failure to timely appeal this conditional approval in accordance with the Pennsylvania Municipalities Planning Code will be viewed as the Applicant’s agreement with the above-referenced conditions.

10. This conditional approval is further conditional on the Applicant complying with all applicable Township, County, State, and Federal statutes, ordinances, rules, and regulations, not otherwise discussed in the above-referenced February 21, 2024 review letter and/or this approval in accordance with the SALDO. This approval is also subject to the Applicant receiving any and all required approvals and/or permits from the Township, County, State or other applicable agencies.

11. This conditional preliminary/final plan approval is subject to fulfillment of all the foregoing conditions, and no permit shall be issued nor shall development take place on the property, and the Plan shall not be recorded unless and until all such conditions are fulfilled.

H. APPROVAL

The Board of Supervisors hereby conditionally approves the above-referenced Plan subject to the above conditions.

ADOPTED and approved this 27_ of March, 2024.

BOARD OF SUPERVISORS
LOWER SOUTHAMPTON TOWNSHIP

Attest:

Kim Koutsouradis, Chairman

Joseph Galdo, Township Manager

Stephen Castle, Vice Chair

Bill Oettinger

Stephen Pirritano