



## **RESOLUTION NO. 2016-30**

### **LOT SUBDIVISION APPROVAL FOR RAFFERTY SUBARU 4700 WEST CHESTER PIKE**

**WHEREAS**, applicant is Rafferty Subaru, regarding the property located at 4700 West Chester Pike; and

**WHEREAS**, Applicant submitted plans prepared by Nave Newell dated March 3, 2016, last revised May 24, 2016, consisting of 16 sheets, to expand the existing showroom by approximately 20,115 s.f., parking/car storage by approximately .64 acres, and the addition of a car wash, along with a stormwater report dated March 3, 2016 and related documents (the "Plans");

**WHEREAS**, the Plans were reviewed by the Delaware County Planning Commission which initially recommended disapproval due to non-compliance with Township green space and parking area requirements, but upon re-consideration upon variances being obtained, issued a recommendation of approval with conditions on May 19, 2016; and

**WHEREAS**, the Newtown Township Planning Commission considered the application at multiple meetings, including most recently at its April 28, 2016 meeting at which meeting it recommended approval with certain conditions and waivers, as the project improved certain conditions on site, and with which conditions the applicant has agreed; and

**WHEREAS**, Township Engineer, Stantec, issued Review Letters dated March 21, 2016, April 21, 2016, and June 30, 2016, which applicant's engineer responded to on April 14, 2016 and May 25, 2016, attached collectively as Exhibit A; and

**WHEREAS**, the Municipal Authority Engineer, MacCombie, issued a review letter dated March 3, 2016;

**WHEREAS**, the Township Fire Marshall issued review letters dated March 12, 2016 and April 23, 2016;

**WHEREAS**, on or about June 16, 2016 the Zoning Hearing Board granted certain zoning relief, including variance and special exceptions, as follows:

- a) 173-93, allowing reduced buffer
- b) 172-131, allowing increased slope for off street parking
- c) 172-77(b)(3), allowing the car wash to utilize the temporary holding tank

d) 172-91(c), allowing for expansion of use into 100 ft set back

**WHEREAS**, on or about November 23, 2015, the Township Board of Supervisors granted conditional use approval and/or other relief related to Section 172-99(b)(3) for expansion of the existing conditional use and Sections 134-7, 8, 9 and 172-23 for uses and disturbance of steep and very steep slopes;

**WHEREAS**, the applicant has requested certain waivers of Township ordinances;

**NOW THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Newtown Township as follows:

1. The aforementioned land development Plans are approved, subject to and conditioned upon:
  - (a) The applicant shall pay a fee in lieu of providing recreational lands in the amount of \$38,379.16;
  - (b) The applicant shall pay a fee in lieu of \$300 for each tree that it cannot provide under the relevant Township ordinances;
  - (c) The applicant shall pay a fee of \$10,000 per year for five years, for a total of \$50,000 which it has offered and agreed to pay to assist the Township in mitigating the reduced green space this plan causes;
  - (d) Compliance with all requirements of the zoning hearing board and conditional use decisions;
  - (e) Compliance with all unsatisfied recommendations and requirements as set forth in the aforementioned Engineer review letters, applicant's response letters, Municipal Authority Engineer review letters, Fire Marshall Review letters;
  - (f) No certificates of occupancy may be granted until such time as all requirements of the DEP sewage facilities planning are met;
  - (g) Compliance with all Township and Commonwealth regulations and permit requirements, including but not limited to storm water management agreements, escrows and fees, and all E&S requirements;
  - (h) The applicant shall enter into a Developers Agreement and Financial Security Agreement with the Township to the satisfaction of the Township Manager;
  - (i) Payment of all outstanding fees, deposits, and costs owed to the Township by the applicants shall be made prior to recording of the subdivision plan.

2. The following waivers are granted:
  - (a) Section 148-21(A) related to submission of preliminary final plans;
  - (b) Section 104-14B related to shrubbery requirements
  - (c) Section 104-14(C) related to parking shade tree requirements
  - (d) Section 104-14 (D)(8)(b)(1&2) related to secondary buffer requirements
3. The Township Manager is authorized to execute all necessary documentation to accomplish this subdivision approval, in consultation with the Township Engineer and Solicitor.

**RESOLVED**, this 11th day of July, 2016 at a public meeting of the Board of Supervisors.

**BOARD OF SUPERVISORS  
TOWNSHIP OF NEWTOWN**

BY: 

John A. Nawn, P.E., Chairman

**ATTEST**



Stephen M. Nease, Township Manager