



RESOLUTION NO. 2017-27

APPROVAL OF LOT CHANGES AND WAIVER OF SUBDIVISION AND LAND DEVELOPMENT APPLICATION PROCESS FOR LISETER DEVELOPMENT PHASE IV (FORMERLY ASHFORD DEVELOPMENT)

WHEREAS, on July 11, 2011, the Ashford Land Company, L.P. ("Developer") obtained final subdivision and land development approval of its 449 home development, based on its plans identified as "Final Subdivision and Land Development Plans for Ashford Land Company, L.P.," prepared by Advanced GeoServices Corporation, of West Chester, Pennsylvania, sheets 1 through 146, dated November 21, 2007, and last revised June 2, 2011 (the "Final Plan"); and

WHEREAS, the Board of Supervisors approved the filing of the plan in 4 phases; and

WHEREAS, the construction of public improvements, residences and other structures is underway and sales have begun; and

WHEREAS, Developer previously sought and received approval for several modifications to Phase I and Phase II of the previously filed Final Plans, including but not limited to reducing the number of the larger "Estate" units from 51 units to 24 units, increasing the number of smaller "Enclave" units from 77 to 106 units, and reducing the number of townhome units from 125 to 123, (one of the lots to be removed from Phase IV) with the overall number of units remaining at 449 units, increasing open space and eliminating flag lots; and

WHEREAS, the Applicant has identified further changes to improve traffic circulation and increase the usability of certain open space and has submitted additional revised Plans for Phase IV which generally seek to:

- a. reflect the removal of the one Phase IV lot as previously approved;
- b. reconfigure two small portions of Wyola Farm Road to eliminate a dead end on Wyola Farm Road and instead to complete a loop and form a new intersection with Liseter Road
- c. create a small road (Wyola Farm Court) connecting the aforementioned intersection to Wyola Farm Road
- d. adjust approximately 12 lot lines, with no increase in the number or size of the lots, to accommodate these road changes

WHEREAS, these changes are set forth on Revised Subdivision Plan pages C100A, C104-105, C107-108, C140, C142, C204-205, C207-208, C304-305, C307-308, C404-405, and C-407-408 last revised February 1, 2017 (the Phase IV Revised Plans) and Phase IV Comparison Plan dated March 6, 2017; and

WHEREAS, the Developer maintains the changes are *de minimus* and seeks a waiver of the Township's full land development planning and approval process;

WHEREAS, the Township Engineer issued a review letter dated March 16, 2017;

WHEREAS, the Township Planning Commission reviewed the Phase IV Revised Plans on April 26, 2017 and recommended approval and of the Phase IV Revised Plans and requested waivers with the condition that the applicant comply with the Township Engineer's March 16, 2017 review letter;

WHEREAS, the Delaware County Planning Department reviewed the application on March 16, 2017 and recommended approval with certain conditions; and

WHEREAS, the Newtown Township Subdivision and Land Development Ordinance ("SALDO") was prepared in accordance with the Pennsylvania Municipalities Planning Code (53 P.S. § 10101 et seq., Act 247 of 1968, as amended) and the Newtown Township Comprehensive Plan for various purposes, including, but not limited to, assuring that development occurs only on sites suitable for building purposes and human occupancy; assuring that development of the Township is orderly, efficient, integrated and harmonious with the environment; eliminating or minimizing adverse effects or damage to the environment and biosphere; securing equitable handling of all subdivision and land development plans by providing uniform procedures and standards; and creating conditions favorable to the health, safety and general welfare of the citizens of Newtown Township; and

WHEREAS, at section § 148-60, the SALDO provides that the Board of Supervisors may grant a modification of the provisions of the SALDO in such a manner that substantial justice may be done and the public interest secured; provided, however, that such modification shall not be granted if it would have the effect of nullifying the intent and purpose of the SALDO or adversely affecting any other property; and in granting modifications, the Board may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements so modified.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of Newtown Township hereby resolves and conditionally approves:

1. This amendment to the subdivision and land development plan is such that the changes do not warrant land development planning and approval to protect the public interest because the changes are relatively *de minimus*, will not require additional Township resources, will improve traffic circulation and eliminate a dead end, and will improve the usability of open space, the changes are made to a plan that has undergone extensive planning, and the changes as proposed appear orderly, efficient, integrated and harmonious with the existing built and natural environment; waiver of land development planning and approval requirements in this instance would not result in an inequitable handling of subdivision and land development plans; and waiver of land development planning and approval requirements in this instance would not create conditions that pose a threat to the health, safety and general welfare of the residents of Newtown Township.
2. The subdivision, lot line changes and changes to the land development plans as set forth on Phase IV Revised Plans and the Phase IV comparison Plan, and the request for

a waiver from subdivision and land development requirements for the project are approved subject to the applicant complying with the following conditions:

- a. Payment of all outstanding fees and posting of security for each recorded phase, including all storm water management security.
- b. Compliance with the Township Engineer's March 16, 2017, recommendations.
- c. Compliance with the March 16, 2017 recommendations of the Delaware County Planning Department
- d. Filing the amended plan pages within 90 days of the date of this approval.
- e. Developer shall comply in all respects with all applicable Township Codes, ordinances and regulations, as well as any applicable County, State or Federal regulations.
- f. Developer shall develop a new cleanup and maintenance (i/e. construction dirt and debris) program for the maintenance of Goshen Road and Rts 252 to the satisfaction of the Township Manager to address ongoing maintenance issues and reach a written contract regarding same as permissible by PennDOT;

RESOLVED, this 22nd day of May, 2017, at a public meeting of the Board of Supervisors.

**BOARD OF SUPERVISORS
NEWTOWN TOWNSHIP**

BY: _____

John A. Nawn, P.E., Chairman

ATTESTED

Stephen M. Nease
Stephen M. Nease, Township Manager/Secretary

