



RESOLUTION NO. 2017-35

**SUBDIVISION APPROVAL
FOR WRIGHT FAMILY PARTNERSHIP, L.P. ON BEHALF OF
ANNA M. WRIGHT FOR
4019 (aka 4015-4021) WEST CHESTER PIKE AND 16 BOOT ROAD
TAX MAP NO. 30-30-003-001, FOLIO 30-00-02847-00**

WHEREAS, applicant is Wright Family Partnership, L.P. on behalf of Anna M. Wright, 3404 B Horton Road, Newtown Square, PA 19073, (“Applicant”) regarding the properties known as 4019 (aka 4015-4021) West Chester Pike and 16 Boot Road, having a combined Tax Map Numbers, 30-30-003-001, Folio No. 30-00-02847-00; and

WHEREAS, Applicants submitted a Preliminary/Final plan prepared by H. Gilroy Damon Associates, Inc., dated December 20, 2016 and last revised May 17, 2017 (The “Plan”), consisting of one sheet, to subdivide and change the lot lines of the aforementioned properties into two separate lots, with Lot 1 fronting on Boot Road and Lot 2 fronting on West Chester Pike;

WHEREAS, the subject lot was once two separate parcels, with a residential property fronting on Boot Road and commercial property fronting on West Chester Pike, but the properties were combined into one lot to facilitate obtaining water service, but now that water service has been provided, the applicant seek to subdivide the combined lot back into two lots, similar to its previous configuration;

WHEREAS, the two new lots will have certain non-conformities related to minimum lot size and street frontage, but the subdivision is beneficial to the neighborhood in that it clarifies that the new lots will be solely residential on Boot Road and that the commercial uses will be limited solely to the West Chester Pike property;

WHEREAS, on April 21, 2017, the Newtown Township Zoning Hearing Board granted applicant relief in the form of variances to Township Code Sections 172-29B(1)(a) and 172-117D(2) related to respectively, minimum lot area and street frontage on the residential property and street frontage on the commercial property;

WHEREAS, the Newtown Township Planning Commission considered the application at its June 22, 2017 meeting, at which meeting it recommended approval; and

WHEREAS, on June 22, 2017, Township Engineer Stantec Consulting Services, Inc., issued an engineering review setting forth a series of requests, comments and recommended conditions.


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

1. The subdivision set forth set forth on the Plan is approved subject to:
 - (a) Applicants will provide new legal descriptions and file new deeds for the two remaining parcels.
 - (b) The new deeds will contain covenants and restrictions, in compliance with the April 21, 2017 Zoning Order, that, notwithstanding any existing zoning district/lines to the contrary,
 - a. the entirety of Lot 1 (the Boot Road property) will be used solely for residential use, irrespective of any portion of that lot being designated on the Township Zoning Map as commercial, and the portion that does fall in the C-1 district will remain undeveloped and may in no way be used to support commercial development on that lot; and
 - b. no development or construction is permitted on any portion of Lot 2 (the West Chester Pike property) designated as residential or R-1 zoning district;
 - (c) Compliance with the April 21, 2017 Zoning Order;
 - (d) Lot 1 shall retain the postal address of 16 Boot Road and Lot 2 shall retain the postal address of 4019 (aka 4015-4021) West Chester Pike and any change will be coordinated with the Post Office and Township.
 - (e) Compliance with the requests, comments and conditions as set forth by the Township Engineer in the June 22, 2017 review letter;
 - (f) Payment of all outstanding fees, deposits, and costs owed to the Township by the applicants shall be made prior to recording of the Plan.
2. The following waivers are requested and approved:
 - (a) Newtown Code Section 148-12 to allow combined filing and approval of preliminary and final land development applications; and
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 10th day of July, 2017 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/Secretary