

**PERKASIE BOROUGH
RESOLUTION NO. 2023-52**

**A RESOLUTION OF THE BOROUGH COUNCIL IN AND FOR
THE BOROUGH OF PERKASIE, BUCKS COUNTY,
COMMONWEALTH OF PENNSYLVANIA, APPROVING THE
MINOR SUBDIVISION APPLICATION SUBMITTED BY
GREGORY A. AND MALISA ANN NYCE AS A FINAL MINOR
SUBDIVISION PLAN**

WHEREAS, Gregory A. and Malisa Ann Nyce (hereinafter referred to as “Applicant”) propose to subdivide Bucks County Tax Parcel No. 33-007-009 containing approximately 3.0689 acres; and

WHEREAS, the Application proposes to subdivide Tax Parcel Nos. 33-007-009 so as to create a new 1.42978 acre lot with access to North Ridge Road, with the remainder of the parcel to consist of a 1.6392 acre lot with access to North Ridge Road that will contain the existing dwelling and other improvements; and

WHEREAS, access for Lot 1 as depicted on the Plan will be provided by the existing access easement through the property in Tax Parcel 33-007-008; and

WHEREAS, the site is zoned Single-Family Residential (R-1A) which permits single-family residential dwellings and the intended uses are consistent with the provisions of the Perkasio Borough Zoning Map; and

WHEREAS, the plans were prepared by Bux-Mont Surveying Services, LLC, were dated August 18, 2023, and last revised October 19, 2023, consisting of seven (7) sheets; and

WHEREAS, the Perkasio Borough Planning Commission at its meeting held on September 27, 2023, recommended conditional approval of the Final Minor Subdivision; and

WHEREAS, the Perkasio Borough Planning Commission recommended the grant of waivers from the following Sections of the Perkasio Borough Subdivision and Land Development Ordinance :

1. §164-20.C – Requires that streets be constructed in accordance with the requirements as set forth therein. Applicant is seeking a partial waiver to the extent it may apply to existing road frontages;

2. §164-20.C & §164-26 – Requires that all sidewalks be laid out and constructed in accordance with the current regulations and specifications of the Borough related to sidewalks, but Applicant seeks a partial waiver to the extent that it may apply to existing sidewalks as there are currently no sidewalks in the area.

3. §164-20.C & §164-28 – Requires that curbs be provided along both sides of all streets, but no curbs are proposed.

4. §164-36.D – Requires that in residential subdivisions or land development applications the Applicant shall dedicate suitable open areas for recreation. Applicant does not provide any recreational area, but is agreeable to providing a fee-in-lieu for the additional lot for the proposed new dwelling.

5. §164-4 – The Minor Subdivision definition requires that it be a minor subdivision depending upon the extent of improvements and the waiver is being requested because of the insignificant nature of the subdivision.

6. §164-41.1.B.(3) – Requires that a forty-eight-inch-high wooden snow fence be placed along the boundary of the tree protection zone.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Perkasio, that the Borough Council hereby approves the Minor Subdivision Plan of Gregory A. and Malisa Ann Nyce, subject to the following conditions:

1. Compliance with the Gilmore & Associates, Inc., Engineer review letter dated October 31, 2023, except to the extent a waiver is granted as part of the approval process;
2. Compliance with the Gilmore & Associates, Inc., planning review letter dated August 24, 2023;
3. Compliance with the Bucks County Planning Commission letter dated September 19, 2023;
4. Compliance with the conditions noted in the Perkasio Borough Planning Commission's Memorandum dated September 28, 2023;
5. Applicant shall pay a Park and Recreation fee-in-lieu of dedication of Park and Recreation land for the one (1) additional lot in the amount of One Thousand Five Hundred Dollars (\$1,500.00), which shall be payable at the time of the application for a building permit;
6. Applicant shall obtain any and all additional permits and/or approvals as required for the Perkasio Regional Authority, 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 ("Additional Permits"). Copies of these permits and approvals shall be submitted to the Borough;
7. Applicant shall fund and execute land development, financial security and stormwater facilities maintenance and monitoring agreements, in a form satisfactory to the Borough Solicitor, prior to plan recordation, if required;
8. 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;

9. 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;

10. The Plan shall be ADA compliant, to the extent applicable;

11. The Borough Council, by the approval of this Resolution, hereby grants waivers from the provisions of Sections 164-20.C., 164-20.C. & 164-26, 164-20.C. & 164-28, 164-36.D., 164-4, and 164-41.1.B.(3) of the Perkasio Borough Subdivision and Land Development Ordinance, as noted previously in this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Perkasio Borough Council, in lieu of a public hearing, has offered the public the opportunity to comment on the proposed plan at a public meeting in accordance with the requirements of 53 P.S. §10508, and has provided residents with the ability to comment and address concerns relative to the Minor Subdivision Plan at all public meetings discussing this Plan, and after consideration of the Plan and the aforementioned conditions, finds that the approval of the Applicant's Final Minor Subdivision Plan will not be detrimental to the welfare, health, peace, and morals of the Perkasio Borough or its residents; and

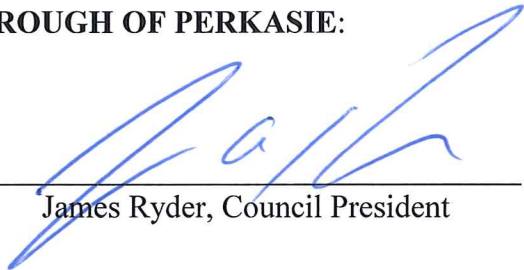
BE IT FURTHER RESOLVED, that the Perkasio Borough Council approves, by adoption of this Resolution, the Applicant's Final Minor Subdivision Plan and the Waivers referenced above, subject to the aforementioned conditions; and

THIS RESOLUTION WAS DULY ADOPTED by the Perkasio Borough Council on the
6th day of November, 2023.

ATTEST:

By: 
Andrea L. Coaxum, Secretary

BOROUGH OF PERKASIE:

By: 
James Ryder, Council President