



NEWTOWN BOROUGH PLANNING COMMISSION
MEETING MINUTES
January 6, 2025
Hybrid / Borough Hall and Zoom

In attendance were Commissioners Don Hayden, Courtney Lang, Matt Neuman, and Corky Swartz; Borough Councilor Liaison Gail Foley; and Borough Engineer Michele Fountain.

Also present: Ron Gualtieri; John Richardson, Dumack Engineering; and George Asimos, Esq.

Present via Zoom: Councilor Julia Woldorf.

CALL TO ORDER

NEW BUSINESS

Reorganization: Election of Officers

Ms. Lang nominated Don Hayden for Chair, seconded by Mr. Swartz. The Commission voted 3-0, with abstention by Mr. Hayden, to approve Mr. Hayden as Chair.

Mr. Swartz nominated Courtney Lang for Vice Chair, seconded by Mr. Neuman. The Commission voted unanimously to approve Ms. Lang as Vice Chair.

Preliminary/Final Plan Review for Patriots Place Subdivision/Land Development – 110 N. State Street

In answer to a question from Mr. Hayden, Mr. Asimos said that the recommendation for preliminary/final approval would be appropriate if the Commission felt the plans were sufficiently complete. Ms. Fountain said that preliminary as final plan approval can require final plan submission fees to be paid.

The Commission discussed the review from the Zoning Officer, dated January 2, 2025 regarding the required setbacks and public parking space.

Mr. Neuman said that the proposed buildings are not squared to the street line, as required in 486.18.D. Mr. Richardson said they had attempted to make the side property lines squared in Lots 1 and 2, so as not to be oddly shaped, which skewed the buildings. He said that they would comply to make the building facades parallel to the right of way line, as required.

There was some confusion regarding the setback calculation. Mr. Richardson said that they understood that there was a range of 5.3 -25 feet. It was noted that the required 5.3-foot setback had been determined by the Applicant's engineer. Ms. Fountain said that the setbacks are 6.1 feet and 6.3 feet presently on the plans. She said that the build-to setback line should be 5.3 feet, as per 550.16.B.2. Mr. Newman said that the build-to (setback) line is calculated from the average of the front yard setbacks of the buildings on each side, to blend the new buildings with those surrounding. Ms. Fountain said that the Zoning Officer's review letter stands, at 5.3' with regard to the required setback. Mr. Richardson asked if the stoop, steps, or porch would be included in the calculations; he will get clarification from the Zoning Office.

Mr. Hayden said that he was concerned with the public parking space. Ms. Fountain said that more details were needed, suggesting that directional signs could be added for the public space. Mr. Asimos said that he could not find any Borough ordinance that required the replacement of a public space taken away by a driveway. He said that the extra parking space that they provided for residents of Lot 3 was added so that residents would not need to park on the street. He said that he felt that it would be inappropriate to have a public parking space accessible from a private driveway, leading to a public space on private property.

Mr. Hayden asked if the Applicant would be willing to grant an easement for access to Newtown Common via a future creek walk. Ms. Lang said that there have been discussions about connecting public spaces through a creek walk and the development of a pedestrian footbridge. Ms. Fountain said that after development is completed, the Borough would need to speak with property owners separately about constructing a trail, if an easement area was granted now. Mr. Asimos said that there would not be an HOA for the 3-house development, but that there would be a shared driveway easement, shared stormwater maintenance by the

residents, and the parking spaces would be designated by lot. Mr. Swartz clarified that the streetlights would need to be maintained by the residents.

The Commission discussed the review letter from CKS, dated November 18, 2024, noting:

Zoning Issues

- #4 Mr. Swartz recommended two streetlights, one at each end of the street, one at the south end and one near the driveway, since the end of the street is very dark. He said that the lights should match the existing streetlights between Washington and Centre Avenues.
- #6 It was clarified that the ornamental shrubs and trees were not indicated in the disturbance area and the Zoning Officer and Borough Solicitor determined that the planting of landscaping is not considered disturbance within a floodplain.

Subdivision and Land Development Ordinance

- #3 It was clarified that the letter required to be sent to all residents within 300 feet of the property had been sent; the Applicant will send a copy of the notice to the Borough.
- #4 A new letter from the Fire Marshal is required, as the SALDO application was not recommended for approval because the location of the fire hydrants is needed.
- #5 The PennDOT Highway Occupancy is required. Mr. Richardson said that they have applied to PennDOT, and that he would send a copy of the letter to Ms. Fountain.
- #10 Waivers:
From Section 486-41.C.2, to permit an aerial photograph instead of plans indicating location of names, sewer lines, storm drains, and similar elements: Ms. Fountain said that details are only needed within 100 feet and should be easy to provide. Mr. Richardson said that the required elements would be added to the plans.

From Section 486-23.A, to use an existing street tree, pay a fee-in-lieu for a second tree, and plant a third tree: the Shade Tree Committee found the waiver acceptable. Mr. Richardson said that they have replaced the proposed cherry tree with a male gingko, indicated on the plans.

From Stormwater Ordinance Section 473-11.K, to allow a dewatering time of 8 hours instead of the required 24 hours. Mr. Richardson said that all ground water would be recharged, with no water discharged to the surface. He said that all stormwater management is yet to be developed. Ms. Fountain said that only a 2-year storm, not all storms, had been addressed and she would like to review the issue further. She noted that the Applicant is required to control the volume and rate of runoff.

Grading, Stormwater Management/Storm Drainage and Erosion and Sedimentation Control

- #1 The letter of adequacy from the Bucks County Conservancy is needed.
- #4 Verification of the driveway slopes needs to be verified. Mr. Richardson said that they were trying to follow grade. Ms. Fountain said that details need to be shown more clearly.

The Commission discussed the review letter from the Shade Tree Commission, dated December 19, 2024. Mr. Richardson said that they would comply with all recommendations and just needed clarification of the fee-in-lieu. Ms. Fountain said that verification of Shade Tree Committee compliance is needed.

The Commission reviewed the completed Sewage Facilities Planning Module Component 4A for the Patriots Place project as accurate, noting that the required information for #6 and #7 have been submitted to the relevant organizations.

Mr. Swartz made a motion to authorize the Planning Commission Chair to sign the Sewage Facilities Planning Module Component 4A for the Patriots Place project. Ms. Lang seconded the motion, which was unanimously approved by the Commission.

The Commissioners agreed that preliminary as final approval was not appropriate at this time. Mr. Neuman noted the late submittal of some information for review and the need for additional revisions.

Mr. Neuman made a motion, seconded by Mr. Swartz and approved unanimously by the Commission to:

- 1. Recommend Preliminary approval of the revised plans for the Patriot Place Subdivision/Land Development at 110 N. State Street, dated November 13, 2024, contingent upon Applicant:*
 - a. Revision of the plans to have the footprint of one of the two new buildings meet the 5.3' setback requirements with all buildings to be parallel to the street line, as per 484.18.D.*
 - b. Confirmation from the Zoning Office that a modest setback of the 2nd new building is acceptable.*
 - c. Deletion of the public parking space previously shown on Lots 2 and 3 is reflected in the revised plans.*
 - d. Inclusion on the revised plans of two new streetlights that meet the requirements outlined in the CKS letter of December 18, 2024; streetlights to be aesthetically consistent with the streetlights on North State Street between Washington Avenue and Centre Avenue.*
 - e. Provision of a statement from the Newtown Artesian Water Company that the subdivision will be served with public water.*
 - f. Provision of a copy of the notice sent to property owners within 300 feet of the property at 110 N. State Street.*
 - g. Provision of the requisite materials to the Fire Marshal and securing of Fire Marshal approval.*
 - h. Provision to the Borough of the application to PennDOT for the Highway Occupancy Permit and notice of PennDOT approval when received.*
 - i. Provision of concrete apron detail for the shared driveway access at N. State Street.*
 - j. Meeting of all the requirements noted by the Shade Tree Commission in its December 19, 2024 review letter plus providing an additional \$750 fee-in-lieu for the third street tree.*
 - k. Meeting of all requirements in 486-41.C.2.*
 - l. Provision of the letter of adequacy from the Bucks County Conservation District.*
 - m. Revision of the plans to accurately reflect the slope of the garage floor elevations for all three lots.*
 - n. Securing of the Solicitor's approval for all operational and maintenance agreements.*
 - o. Revision of the plans to show calculated and deed metes and bounds.*
 - p. Provision of additional finished floor elevations for the addition on Lot 3 on the plans.*
 - q. Meeting all requirements of the Bucks County Planning Commission Review dated December 20, 2024*
 - r. Meeting all requirements of the Bucks County Joint Municipal Authority engineer's review letter dated November 18, 2024*
- 2. Recommend denial of the waiver requests related to Section 486-41.C.2 and Stormwater Ordinance Section 473-11.K pending future review of application for final approval.*

OLD BUSINESS

Approval of the Minutes of October 7, 2024

Mr. Neuman made a motion to approve the minutes of the October 7, 2024 meeting as submitted. Ms. Lang seconded the motion, which was approved unanimously by the Commission.

PUBLIC COMMENT - none

NEXT MEETING

The next meeting is scheduled for Monday, February 3, 2025 at 7:00 pm, a hybrid meeting to be held at Borough Hall and via Zoom.

ADJOURNMENT

On a motion from Mr. Swartz, seconded by Ms. Lang, the meeting was adjourned at 9:20 pm.

Respectfully submitted,
Leslie P. Dunleavy, Recording Secretary