

# **NEWTOWN BOROUGH PLANNING COMMISSION**

## **MEETING MINUTES**

**May 4, 2026**

### **Hybrid / Borough Hall and Zoom**

In attendance were Commissioners Don Hayden, Nicole Rodowicz, Scott Williams, and Corky Swartz; Borough Engineer Michele Fountain, and Borough Councilor Liaison Gail Foley.

Present via Zoom: Commissioners Courtney Lang and Matt Neuman; and Councilor Julia Woldorf.

## **CALL TO ORDER**

## **REORGANIZATION: ELECTION OF OFFICERS**

Mr. Swartz nominated Don Hayden for Chair, seconded by Mr. Williams. The Commission voted 5-0, with abstention of Mr. Hayden, to approve Mr. Hayden as Chair.

Mr. Williams nominated Courtney Lang for Vice Chair, seconded by Mr. Swartz. The Commission voted 5-0, with abstention of Ms. Lang, to approve Ms. Lang as Vice Chair.

## **NEW BUSINESS**

### ***Initial Review of 532 East Penn Street Subdivision/Land Development***

Present for the applicant were Sean Riley; Alan Daniels; Lawrence Byrne, Eastern Chadrow Associates, Inc. and Alex Shnayder, Esq. Mr. Byrne presented an overview of the plan for two single-family dwellings to be built at 532 East Penn Street. Ms. Fountain and Commission members asked questions of Mr. Byrne and a discussion of various aspects of the project ensued. Mr. Byrne, Mr. Shnayder and Mr. Riley indicated a willingness to work with the Planning Commission, the Borough Engineer and the Zoning Officer to address open items related to the application.

### ***Public Comment Regarding 532 East Penn Street Development***

Terry Kiely, Borough resident, expressed concern that the developer did not have a specific plan to manage stormwater runoff and recommended that a drainage system be required for each new dwelling. Ms. Fountain advised that such a system was not required by ordinance and that the developer's proposed reduction in total impervious surface versus the prior development on the lot might be expected to improve stormwater management. Ms. Kiely also asked whether interim and permanent erosion control plans had been submitted. Ms. Fountain replied that the Bucks County Conservation District had reviewed and approved such plans. Ms. Kiely also questioned whether the developer had met the requirement to seed or sod the property within 20 days of the demolition of the prior dwelling to control erosion during the construction process. Ms. Fountain recommended that she follow up with the

Zoning Officer and the Borough Manager in this regard because the commission does not regulate demolition permits.

Mary Lippincott, Borough resident, expressed concern about additional stormwater runoff associated with the new development and noted that stormwater management has been a significant issue along this block of East Penn Street for many years. She further noted that recent development has made the matter worse.

Wanda Kuchinsky, Borough resident, also expressed concern about additional stormwater runoff associated with the new development and the amount of rainwater already flowing down Penn Street during significant rain events.

Bret Barry, Borough resident, recommended that the requested waivers to not install curb and sidewalk for the new development be denied. He cited the need to make every effort to improve pedestrian safety and walkability in the area, noted that the proposed construction of two dwellings on what had been a single-dwelling property would further increase the number of residents in the immediate area, and questioned what “hardship” on the part of the developer would warrant such waivers.

Judith Carver, Borough resident, expressed the view that the demolition of the prior dwelling and associated structures “had not been professional”, citing dust and debris in the air, dirt and water runoff, and a power outage in the area caused by the developer’s crew. Ms. Carver further expressed concern as to what the experience to date portends for the quality of the development itself.

Tim Jones, Borough resident, questioned the need for waivers to the curb and sidewalk requirements, and suggested granting these waivers would set precedents that might not serve the Borough well with future developments.

Michele Carter, Borough resident, expressed concern about the changing complexion of the community along Penn and Lafayette Streets, citing the replacement of existing homes with larger new homes and the impending multi-home development in Newtown Township (at the end of Lafayette Street).

### ***Proposed Next Steps for 532 East Penn Subdivision/Land Development***

Mr. Hayden then summarized the list of action items that need to be completed by the applicant:

1. The required front yard setback for the lot must be established as the average front yard setback of the existing buildings within the same block on either side of the lot, and if the location of the existing buildings on either side of a lot and within a distance of 100 feet on the lot are nearer to the street than the required front yard setback, the average setback must be the build-to line for any new or proposed buildings. (550-16.B.2)
2. The maximum front yard, build-to-line is 25 ft. or the average of the setbacks of existing development within the same block. The proposed dwellings are shown at 27 ft. A calculation of the average of the setbacks of all existing development within the same block must be noted on the plan. The proposed dwellings must be relocated on the plan. (550-29.B)
3. The plans must be revised to show the proposed garage at each dwelling to be recessed at least 5 ft. from the front façade of that dwelling. (550-18.F.3.c)

4. The dimensions of the front façade and garage must be added to the Record Plan, with the garage width not being 30 percent or greater of the width of the overall dwelling. (550-18.F.3.c)
5. The width of the driveways at Penn Street must be dimensioned and shown to be 12 ft. or less. (550-18.F.3.d)
6. The plans must show two off-street parking spaces for each single-family detached dwelling, not counting the garage. Furthermore, spaces that are stacked and require the moving of another vehicle in order to get access to the space shall not be counted toward the off-street parking requirement. (550-19)
7. The plans must provide shade trees or street trees in accordance with the Borough Shade Tree Commission requirements outlined in its April 9, 2026 letter, the Borough Subdivision and Land Development Ordinance, and the Master Tree Plan for the Borough. The London Plane trees must be placed in the right of way and their location must account for overhead utility lines. (550-20.A and 550-20.F)
8. All mechanical and electrical equipment not enclosed in a structure shall be fully screened from view from the street. Proposed equipment locations and any required landscaping must be shown on the plans. (550-20.E)
9. If any driveway light is proposed, it must be shown on the plans, with information to include type, illumination specifications and location. (550-21.A and 550-21.C)
10. All steep slopes must be identified on the plans along with the area of their disturbance. (550-22.C)
11. The total acreage of the existing property should be provided on the plan, and the deed for the property must be submitted to the Borough. (702.B7) The applicant should also determine if there are any deed restrictions existing on the property that could impact the proposed subdivision and land development.
12. A Fire Marshal review letter must be reviewed by the Borough Planning Commission. (486-10.F)
13. The planting of the shade trees must be listed in the Sequence of Construction and must note that the trees are not to be planted until finished grading has been completed. (486-23.C)
14. Existing trees greater than 8 in. in diameter must be preserved. The type and size of the existing tree along the frontage must be listed on the Existing Features Plan and shown to be protected. (486-24)
15. If the existing tree is to be removed, a fee-in-lieu of payment for the removal may be offered to Borough Council. Council is not obligated to accept the fee-in-lieu payment. (486-25.A)
16. A note must be placed on the plan stating that topsoil must not be removed from the site. (486.26)
17. A half-width mill and overlay of Penn Street for the entire frontage of the property must be noted on the plan. (486-30.D)
18. A letter from the Newtown, Bucks County Joint Municipal Authority must be submitted stating that they have capacity to service the subdivision. (486-10, 486-35 and 486-37)
19. A Planning Module must be submitted to the Borough for the proposed subdivision and approved by the Pennsylvania Department of Environmental Protection before the subdivision plan is approved. (486-37.D)
20. The concrete washout area should be relocated to be outside the right-of-way area.

21. Note 10 on Sheet 1 must be revised to add “and stormwater/grading permit” after a building permit plot plan.
22. The required and available sight distance must be shown on a plan, as stated in Note 16 on Sheet 1.
23. The parcel number for lands of Lippincott must be revised to 28-005-133.
24. Signature certifications on Sheet 1 of 4 must be to the satisfaction of the Borough Solicitor.
25. The top of wall and landing elevation for the basement access stair at the west side of each dwelling must be indicated on Sheet 3. Drainage for the stairway landing must be shown on building permit plans.
26. The plans should state if the wood fencing at the existing lot perimeter will remain, be removed, or replaced.

The applicant noted that everything in the consultant review letters were “will comply”, that no driveway lighting is proposed, and that the fence as shown on the plan is to remain. The applicant also noted that the tree shown on some earlier aerial photographs was removed by the prior owner in either 2019 or 2022, and inquired whether they will be required to replace the tree.

Mr. Hayden expressed the view that while the presentation and ensuing discussion had been helpful, the application is not currently complete enough to support a full discussion and recommendation for Preliminary or Preliminary/Final Approval by the Planning Commission in this meeting. Other Planning Commission members concurred with this view.

*Mr. Hayden then made a motion to defer making a recommendation on the current application and request that the developer address the action items noted as part of an updated application that would be reviewed and discussed at a future Planning Commission meeting. Mr. Swartz seconded this motion, and the motion was unanimously approved.*

To help guide the applicant in the development of a revised application, the Planning Commission then engaged in a discussion of each of the five waivers requested by the applicant. These waivers are:

1. Section 486-9.B.2: A waiver is requested to allow a simultaneous Preliminary and Final Plan Approval.
2. Section 486-15.C.1: A waiver is requested to not require cartway widening of Penn Street. The plans have an existing overall width of 24± feet.
3. Section 486.16.F.: A waiver is requested to permit grading within 5 ft. of the property line.
4. Section 486-20: A waiver is requested to not require curb along the property frontage of Penn Street.
5. Section 486-22: A waiver is requested to not require sidewalk along the property frontage. (The Borough may require the developer to grade the area for a future sidewalk now, if the waiver is granted.)

The general view of the Planning Commission was that it remained open to the idea of waivers related to Section 486-9.B.2 (simultaneous Preliminary and Final Plan Approval) and Section 486-16.F (permit grading within 5 ft. of the property line), but that it was not likely to support waivers to Section 486-15.C.1 (to not require cartway widening of Penn St.) or to Section 486-20 (to not require curb along the property

frontage of Penn St.). Regarding a waiver to Section 486.22 (to not require sidewalk along the property frontage of Penn St.) the Planning Commission is not likely to support the waiver as requested, but it will further discuss requiring a sidewalk versus grading for a sidewalk with a commitment to install a sidewalk in the future.

## **OLD BUSINESS**

### **Approval of the Minutes of November 3, 2026**

*Mr. Swartz made a motion to approve the minutes of the November 3, 2025 meeting as submitted. Mr. Williams seconded the motion, which was approved unanimously by the Commission.*

## **NEXT MEETING**

The next meeting is scheduled for Monday, June 1, 2026, 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 Mr. Neuman, the meeting was adjourned at 8:50 pm.