

MIDDLETOWN TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, May 7, 2025

PRESENT:

Richard Nuttall

Peter Tantala

Joseph Antonelli

Tom Piacentino

Keith Auerswald

Ryan Leighton

Jim Ennis – Building and Zoning Director

Dominic Cundari– Township Engineer – Remington & Vernick, RVE

Jim Esposito – Township Solicitor Curtin & Heefner

ABSENT:

Amber Watson-Tardiff

1. Call to Order, Pledge of Allegiance and Roll Call

Mr. Nuttall called the meeting to order at 7:00 PM. The pledge of allegiance was recited. Tom Piacentino took roll call with 9 members present.

2. Approval of Minutes –April 2, 2025

Ryan Leighton made a motion to approve the minutes of the May 7, 2025, Planning Commission meeting. Joseph Antonelli seconded, and the motion passed with a vote of 6-0.

3. S/LD 22-2, Dan Leach, Applicant/Developer, and Kimberly Brett, Property Owner are requesting a waiver of minor subdivision to the Olive Street Subdivision that was previously approved.

Mr. Bryce McGuigan, Attorney, was present to represent Dan Leach, Mr. McGuigan explained that the waiver request strictly concerns the required planting of four street trees. Mr. McGuigan went over how the applicant did not make this request when the subdivision was originally approved. The applicant has agreed to pay a fee-in-lieu in the alternative. Rich questioned how

many trees and how much each tree would cost. Dominic Cundari, RVE stated they would be \$500.-\$525. Per tree.

The board made a recommendation of approval of The Waiver of Minor Subdivision for a previously approved minor subdivision S/LD 22-2 – 750 Olive Street. The applicant has agreed to pay a fee-in-lieu in the alternative.

Keith Auerswald made a motion to approve. Ryan Leighton seconded the motion which passed with a 6-0 vote.

No public comment

4. S/LD 25-1, Zoya Feldman, Applicant/Owner, requesting to add a Small Addition to the existing Rising Star Daycare and reconfigure the existing parking lot at 1411 Highland Avenue, Langhorne, PA 19047, TMP 22-016-183, R-2 – Residential Zoning District.

Bryce McGuigan, Attorney, was present to represent Zoya Feldman. Mr. McGuigan discussed the plan to add an addition to the existing Day Care. Mr. Nutall had concerns for the Lighting plan, sidewalk and curbs. Mr. Nutall asked the Engineers and Traffic Engineers if they had any concerns. Mr. Cundari expressed concern for the sidewalks and Utility Pole. He stated they are not opposed to the waivers. Matthew Johnston, Pennoni said he agreed with Mr. Cundari's concerns. Mr. McGuigan stated they will comply. Mr. Piacentino requested a waiver to do a fee in lieu for the trees that will be taken away to add additional parking. Bryce McGuigan made a comment all issues are will comply. The applicant would like help from the Township to have utility pole removed but stated "if the pole has to be removed and we have to pay for it, we will do so." Peter Tantala questioned if there have been issues with pick up and drop off and adding curb and sidewalk & bollards would be safer.

Public comment

Dan Murray, 745 Sunflower Avenue – wanted to express his opposition stating it is a zoo at pick up time, you can't get through the street. Sherry Cohen the director stated that there is a bus stop in front of the daycare and that is why it is a zoo at pick up time. She assured it's not the children at her daycare. They have requested for the bus stop to be moved, with no avail. Mr. Piacentino asked if any of the day care kids get picked up or dropped off by the bus. Ms. Cohen replied 7 kids do. Mr. Tantala stated the expansion is non-conforming. Mr. Ennis stated they went before the ZHB and were approved already. Jim Ennis recommended the applicant contact Citizen Traffic Commission to help get the bus stop moved or discuss other options. He will reach out to the Assistant Township Manager.

Preliminary/Final Plan recommendation

Recommendation of approval for S/LD #25-1 - Application proposing the construction of a 30 square foot first floor building addition and 1,082 square foot second floor addition to an existing building used as a day care at 1411 Highland Avenue, Langhorne, PA 19047/BCTMP# 22-016-083 (the Property). Recommendation is based on Plan entitled "Land Development Plan for 1411 Highland Avenue" comprising 3 sheets and dated August 15, 2024 and last revised March 25, 2025. Plan is prepared by Nicholas T. Rose, PE, of ProTract Engineering, Inc. of Hatboro, PA. Recommendation is further based on compliance with the comments provided in the –

- a. April 22, 2025 letter from Isaac E. Kessler, P.E., of Remington and Vernick Engineers, Middletown Township Engineer*
- b. April 16, 2025 letter from Matthew D. Johnston, P.E., of Pennoni Associates, Inc., Middletown Township Traffic and Transportation Engineer*
- c. February 18, 2025 review letter from the Bucks County Planning Commission*
- d. February 14, 2025 letter from Alan Welsh, Middletown Township Fire Marshal*
- e. February 27, 2025 letter from the Middletown Township Environmental Advisory Council (EAC)*
- f. The requested waivers listed in the March 26, 2025 letter from Bryce H. McGuigan, Esquire*

Rich Nuttall made a motion to approve. Keith Auerswald seconded the motion which passed with a 6-0 vote.

5. CU 25-1, Newport Plaza Holdings, LLC, Applicant/Owner, requesting Conditional Use approval for a motor vehicle service station – Take 5 Oil Change at the Shopping Center that contains a Dollar General at 4565 New Falls Road, Levittown, PA 19056, TMP 22-059-030.

Mr. Mark Cappucio, attorney representing Newport Plaza Holdings, discussed proposing a Take 5 Oil Change. Mr. Cappuccio went through all of the Engineers comments and stated they will comply with everything. He also stated most things will be addressed in the Land Development. Asked Dominic Cundari, RVE if he has any questions. Mr.

Cundari stated, everything is will comply & will be addressed in Land Development. Then asked Matthew Johnston , Pennoni if he has any concerns. Mr. Johnston stated everything is will comply and will be addressed in Land Development. Peter Tantala questioned concerns about displacing several parking spots. Marie with take 5 traffic engineer stated they conducted a parking evaluation study and parking is not an issue. Mr. Tantala asked if it meets Zoning requirements, if a new tenant comes in. Jim Ennis responded that it would be on the new tenant to make sure there is adequate parking for that tenant. Mr. Nuttall asked if they are adding parking lighting. Mr. Cappucio stated not at this time. He said they will meet signage requirements. Mr. Piacentino asked about adding trees to New Falls Road, they are on the plans.

No public comment

Recommendation of approval for CU #25-1 - Application proposing a motor vehicle service station by conditional use approval at a 154,117 square foot tract of land in the C Commercial Zoning District. Proposed use will be in a new 1,800 square foot building that will require land development approval. The Property in the C Zoning District contains the address of 4565 New Falls Road, Levittown, PA 19056 and the Bucks County Tax Map Parcel number – 22-059-030. Recommendation is based on the documents submitted with the application and further based on the following:

- 1. Exhibits presented to the Middletown Township Planning Commission during their May 7, 2025 meeting*
- 2. Full compliance with the applicable requirements contained in Sections 500-1502.Q and 500-3209.C of the Middletown Township Zoning Ordinance.*
- 3. Compliance with the March 19, 2025 review letter from Isaac E. Kessler, P.E., of Remington and Vernick Engineers, Middletown Township Engineer.*
- 4. March 26, 2025 letter from Matthew D. Johnston, P.E., of Pennoni Associates, Inc., Middletown Township Traffic and Transportation Engineer*
- 5. Compliance with the February 14, 2025 review letter from Alan Welsh, Middletown Township Fire Marshal.*
- 6. March 27, 2025 letter from the Middletown Township Environmental Advisory Council (EAC)*

Rich Nuttall made a motion to approve. Joseph Antonelli seconded the motion which passed with a 6-0 vote.

6. S/LD 24-10, ELU DeLuca SB Middletown LLC, Applicant, and Shady Brook at Flemings Inc., Owner, to petition for a Zoning change and Zoning Text Amendment and are proposing to develop a large property of Farmland on Shady Brook property that neighbors the border of Lower Makefield Township into 161 active adult units, with a Clubhouse and other Community Amenities. 927 Stony Hill Road, TMP22-031-024.

Ed Murphy, attorney representing ELU DeLuca SB Middletown LLC, discussed proposing the construction of 150 active adult townhouses with a clubhouse and other improvements at the 53.7 acre Shady Brook Farm property. Mr. Joe Morrissey of Foxlane Homes had discussed the presentation from the previous meeting and acknowledged the questions that had been asked by residents and the Planning Commission board. He went over the scope of the new plan and the changes. They decreased the number of units from 161 units to 151 units.

Dominic Cundari, RVE stated the revised plans addressed most of the concerns. RVE opposed one waiver but it was removed. Tommy asked where the access will be. Mr. Morrissey stated it will be Stony Hill is Lower Makefield. Mr. Johnston, Pennoni, asked about access through the development, will it be gated, which it will.

Mr. Murphy stated they will accommodate what the Township recommends. Jim Ennis will talk to the Fire Marshal about the Emergency Access. Mr. Tantara stated many things are resolved. The EAC didn't provide a letter, but will provide one.

Rich Nuttall asked who the owner of the property is. Mr. Murphy stated it is still owned by the Flemmings.

*****Public Comment*****

Ted and Theresa Roblesky, 209 Chilton Rd. – Silverlake, wanted to express his opposition for safety and traffic congestion reasons. People will use Village Road as a cut through and traffic congestion it will bring to an already congested area.

Tom Morelli, 203 Chilton Place, concerned about the access road. People parking at their houses and walking through the trail. Overall it's the overbuilding and traffic congestion. Joe from Foxlane has assured he will be the builder.

James Klemick, 266 Chilton Road, building these Townhouses will take away from everything that makes their development special.

Mr. Rich Nuttall stated there is no EAC or Bucks County Planning Commission Letters.

Zoning Ordinance Amendments and Preliminary/Final Plan recommendation

Recommendation of approval for S/LD #24-10 - Petition to extend the AQC Age-Qualified Community Zoning District over the approximately 53.7 acre property at 927 Stony Hill Road, Yardly, PA 19067/BCTMP# 22-031-024 (the Property) currently zoned RA-1 Residence Agricultural Zoning District. Petition includes zoning text changes to the AQC District. Application also proposes the construction of 150 active adult townhouse units with a 4,652 square foot clubhouse and improvements including roadways, sidewalks, and landscaping at the Property. Recommendation is based on Plan entitled "Farms Edge at Shady Brook" comprising 61 sheets and dated December 5, 2024 and last revised April 3, 2025. Plan is prepared by Robert T. Cunningham, PE, of Holmes Cunningham LLC of Doylestown, PA. Recommendation is further based on compliance with –

- a. April 30, 2025 letter from Isaac E. Kessler, P.E., of Remington and Vernick Engineers, Middletown Township Engineer*
- b. May 2, 2025 letter from Matthew D. Johnston, P.E., of Pennoni Associates, Inc., Middletown Township Traffic and Transportation Engineer*
- c. May 1, 2025 letter from Alan Welsh, Middletown Township Fire Marshal*
- d. The May 3, 2025 waiver request letter from Robert Cunningham*
- e. The Roadway, Traffic, and Signal improvements approved by Lower Makefield Township*
- f. Resolving the emergency access road design connecting the Silver Lake Development and the recommendations of the Township's Environmental Advisory Committee and Bucks County Planning Commission review letters once they are submitted to the Township*

Rich Nuttall made a motion to approve. Keith Auerswald seconded the motion which passed with a 5-1 vote with Ryan Leighton be the dissenting vote.

7. Review of Zoning Hearing Board Advertisement

N/A

8. Other Business

N/A

7. Adjournment

Rich Nuttall made a motion for adjournment at 9:31 PM. **Keith Auerswald** seconded the motion, which carried on a 6-0 vote.