N E W B E R R Y T O W N S H I P
PLANNING COMMISSION A G E N D A
NOVEMBER 9, 2026

1) **Pledge of Allegiance**

2) **Meeting Called to Order by Chairman Parsons**

3) **Approval of Minutes September 14, 2026**

4) **Old Business N/A**

5) **New Business N/A**

6) **Conditional Use N/A**

- **Subdivision Plan 26-04 - <u>Final Land Development Plan for William Stanley 1960 Potts Hill Road</u>**

<u>Requested Waivers</u>:

344-31 R (3)(b) Access drive vertical design requirement

344-31 R (3) (C) Access drive setback 15' from a property line

- **Subdivision Plan 26-07 - <u>Red Mill Townhomes Final Minor Subdivision Plan</u>**

<u>Requested Waivers</u>:

<u>§344-15 – Preliminary Plan Application</u>

a. **Required:** Provide Preliminary Land Development Plan Application.

b. **Proposed**: Combined Preliminary/Final Land Development Plan.

c. **Justification**: The Applicant requests a waiver of providing separate Preliminary and Final Land Development Plans. This Final Plan submission was prepared to provide all required information for Preliminary and Final plan applications and design standards. If provided, the separate Preliminary Plan would provide duplicate information on the Final Plan set, as well as the same information being presented at separate Planning Commission and Board of Supervisors meetings.

§344-32.A. – Sidewalks Required Along Corn Hill Road (Deferral)

a. **Required**: Sidewalk shall be provided in for all developments within the zoning districts in the designated growth areas or in the designated rural areas where the median size of the lot areas is equal to or less than 15,000 square feet or median lot width less than 100 feet whichever is less.

b. **Propose**d: The applicant proposes a deferral of the requirement to provide sidewalk along the right-of-way of Corn Hill Road.

c. **Justification**: The deferral of sidewalk is requested as there are no existing sidewalk or pedestrian pathways available for connection along Corn Hill Road. The plan proposes to widen the street to the required lane width for Corn Hill Road based upon current SALDO regulations, as well as to provide curb which is not currently installed. When sidewalk is extended along either adjoining property, the developer and/or HOA shall install sidewalk along the frontage of Corn Hill Road within a reasonable timeframe as determined by the Township Board of Supervisors.

§344-32.C.(1)(b) – Sidewalk Located Two Feet Inside Street Right-of-Way

a. **Required**: Sidewalk along public streets shall be located two feet inside the street right-of-way and physically divided from the street curb by a three-foot grass strip.

b. **Proposed:** Sidewalk is provided adjacent to proposed street rights-of-way and a 3.33-foot planting strip is provided between the curb and sidewalk.

c. **Justification**: The Applicant requests a modification of the requirement to provide sidewalk two feet inside the street right-of-way. The SALDO requires a minimum public street right-of-way width of 50 feet, and sidewalks to be provided along the public streets within the right-of-way where residential units are located. To provide ADA compliant sidewalk with a minimum 5-foot width, and maintain a minimum 3-foot-wide planting strip between the curb and sidewalk, the required 2-foot separation between the back of sidewalk and the right-of-way line cannot be satisfied. This plan proposes a 3.33-foot grass planting strip between the curb and sidewalk, allowing for adequate separation between pedestrian and vehicular traffic, while also meeting minimum right-of-way width requirements for the development.

§344-42.B.(5)(b) – Disturbance of Slopes of 15% to 25%

a. **Required**: On slopes of 15% to 25%, the only permitted grading beyond the terms described above shall be in conjunction with the siting of a single-family dwelling, its driveway and the septic system.

b. **Proposed:** Disturbance of slopes 15% to 25% is proposed only for the "Street A" right-of-way and cul-de-sac and the proposed stormwater management facility. The remaining steep slopes, including those toward Yocumtown Road and along the eastern property line will remain undisturbed.

c. **Justification:** The Applicant requests a modification of §344-42.B.(5)(b) pursuant to SALDO §§344-17 and 344-29.B and Section 512.1 of the Pennsylvania Municipalities Planning Code, to permit a portion of the slopes exceeding 15% to be disturbed. The hardship arises from peculiar conditions of the property. A band of 15% to 25% slopes crosses the center of the 11.70-acre tract and divides its developable land into two areas, and access is confined to the existing Red Mill Road frontage, which fixes the location of Street B (see Items 5 through 7). Any internal street that meets the Township's grade standards, and any stormwater facility located at the site's natural low point to collect runoff by gravity, must cross or abut this slope band. Reducing the number of units would not eliminate these crossings, which are needed to develop the tract for townhouses, which is permitted use. Strict application of a standard that permits grading only for a single-family dwelling, driveway, and septic system would therefore prohibit the streets and stormwater facilities that the SALDO and Stormwater Management Ordinance themselves require. The layout places the townhouse units on the gentler upper terrain and leaves the majority of the steep slopes undisturbed. The purpose of §344-42.B(5), preventing severe erosion, will be preserved and the chance of erosion will be reduced or eliminated by the work. All cut and fill slopes will be 3:1 or flatter, consistent with §344-31.N, and all disturbed areas will be stabilized under an Erosion and Sediment Control Plan meeting 25 Pa. Code Chapter 102 requirements. The stormwater facility will reduce downstream erosion. The waiver is not contrary to the public interest because it provides safe access for residents and emergency vehicles and proper stormwater management. The requested relief of the minimal disturbance proposed to existing slopes of 15% to 25% is the minimum necessary.

§344-31.L(2) – Minimum Right-of-Way Width for Minor Street

a. **Required:** Minor Streets shall have Right-of-Way width of 50 feet.

b. **Proposed**: A 38.56-foot-wide right-of-way is proposed at the intersection of Red Mill Road and Street B.

c. **Justification**: The Applicant requests a modification of the requirement that the minimum right-of way width for a Minor Street be 50 feet. The proposed development is confined to the existing right-of-way provided along Red Mill Road and the intersection of Street B with Red Mill Road has been revised to ensure there is no encroachment by the proposed improvements on either of the adjoining properties. The SALDO allows for a minimum of 24-foot-wide cartway for a public street without parking on either side of the street and Street B has been revised to

provide this cartway width. Turning movements have been revised for vehicles turning in and out of Street B intersection with Red Mill Road to demonstrate that the updated configuration will accommodate Fire Apparatus movements. The intersection of Street B with Red Mill Road is also proposed as a right-in/right-out only access, limiting turning movements to provide a safer means of ingress and egress from Red Mill Road. The reduced right-of-way width for Street B at its intersection with Red Mill Road is a condition that was not imposed by the Applicant, and the plan has been updated to accommodate this feature. 2.

§344-31.O(6) – Minimum Radii for Cartway Edge of Minor Street

a. **Required:** Minor Streets shall have minimum radii of 20 feet for cartway edge when intersecting another Minor Street.

b. **Proposed:** 15-foot radii for Street B intersection with Red Mill Road is proposed.

c. **Justification**: The Applicant requests a modification of the requirement that the minimum radii for cartway edge of Minor Street be 20 feet. Due to the constrained right-of-way width at the intersection of Street B and Red Mill Road, the radii of the cartway edge must also be reduced to avoid encroachment into adjoining properties. The reduced cartway edge radii safely permit ingress/egress of vehicles and emergency services and the minimum cartway width required for Minor Street per SALDO is satisfied.

§344-31.O(4)(a) – Minimum Distance Between Intersections of Minor Streets

a. **Required**: Minimum required distance between centerline intersections of Minor Streets shall be 150 feet.

b. **Proposed**: 136.50 feet is provided between the intersections of Corn Hill Road and Street B with Red Mill Road.

c. **Justification**: The Applicant requests a modification of the requirement that the minimum required distance between the centerline intersections of Minor Streets be 150 feet. The centerline of Proposed Street B is confined to the existing frontage along Red Mill Road for the subject tract. As such, the centerline of Street B intersects the centerline of Red Mill Road at a distance of 136.50 feet from the intersection of the centerlines of Corn Hill Road and Red Mill Road. Street B access is proposed as a right-in/right-out only turning movement to ensure safe ingress and egress from the development. The alignment and intersection of proposed Street B cannot be relocated without encroaching into adjoining properties. The configuration of Street B intersection with Red Mill Road allows for safe access by vehicles and emergency services.
NEWBERRY TOWNSHIP Stormwater Management Ordinance

§332-17.C.(1)(d) – Minimum Pipe Flow Velocity

a. **Required**: The velocity to be used in the design of any piped stormwater conveyance system shall be a minimum of 2.5 feet per second.

b. **Proposed**: The following proposed storm sewer segments do not meet the required minimum velocity of 2.5 feet per second: I-8 to I-9, I-10 to I-11, I-23 to I-24, I-23 to I-25, I-25 to I-26.

c. **Justification**: The Applicant requests a waiver of the requirement to provide a minimum pipe flow velocity of 2.5 feet per second for the above referenced storm sewer segments. The maximum drainage areas to the above-referenced storm sewer segments do not generate enough runoff to produce flow rate capable of achieving the minimum pipe flow velocity required. The pipe runs are installed to the minimum diameter and slope as required by Township SWMO. To increase the flow velocity within the pipe segments, the pipe slopes would need to be increased beyond current designed slopes, and/or the pipe diameters would need to be reduced as more drainage cannot be routed to the referenced pipe segments. The proposed flow velocities of the referenced pipe segments will not cause harm to future residents or adjoining property owners.

7) Adjournment