

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – FEBRUARY 12, 2024

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on February 12, 2024. Mr. Bush called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: Tony Bush, Chair
Tejinder Gill, Vice Chair
Colin Coyle, Secretary
Adrian Costello, Member
John DeLorenzo, Member

Others: James Majewski, Community Development Director
Dan McLoone, Planner
Barbara Kirk, Township Solicitor
John Lewis, Supervisor Liaison

APPROVAL OF MINUTES FROM JANUARY 8, 2024

Mr. Coyle moved, Mr. Costello seconded and it was unanimously carried to approve the Minutes of January 8, 2024 as written.

SEWAGE FACILITIES PLANNING MODULES

Mr. Majewski stated Sewage Facilities Planning Modules for 1273 Lindenhurst Road were mistakenly put on the Agenda for this evening; however, these had already been reviewed by the Planning Commission in January, 2023. He stated the Sewer Planning Modules for the 1511 Lindenhurst Road Subdivision need to be approved by the Planning Commission and they will be before the Commission soon. No action is needed to be taken tonight.

MODEL SUSTAINABLE AND RENEWABLE ENERGY ORDINANCE DISCUSSION

Mr. Bush stated this was presented to the Township by the County. Mr. McLoone stated Mr. Kratzer brought up this Ordinance when he and Mr. Majewski were working on a Permit for a solar panel. It was noticed that the Township is a little

behind compared to some other Municipalities in the State in terms of things that are By-Right and Permitted uses in our Ordinances for things related to alternative energy.

Mr. McLoone stated the model Ordinance has been provided to the Planning Commission, and updates have been made to the Bucks County Planning Commission's model Ordinance. The purpose is to provide for the use of alternative energy systems and facilities to establish fossil fuel reduction related to Residential and non-Residential development. He stated this can be adapted to fit LMT's unique Municipal requirements most likely in the Zoning and SALDO Ordinance or others that are relevant. Mr. McLoone stated the purpose tonight is just to begin the discussion.

Mr. McLoone listed the various sections of the Ordinance. Mr. McLoone stated with regard to the Bonus Provisions, he feels that the ones for non-Residential are worth considering since he believes there is a trend in planning to make sure that newer buildings are energy efficient and promote sustainability which goes with our PA Sustainable Certification.

Mr. Bush stated he understands that this has not yet gone before the EAC, and Mr. McLoone stated it was sent to them today but has not yet been on their Agenda. Mr. Bush asked if other communities in Bucks County adopted this or portions of it. Mr. McLoone stated while he is not sure, he knows that this was the second update to the model Ordinance so he assumes that other Townships have adopted it or parts of it. Mr. Majewski stated he believes that a few Municipalities have adopted the prior version of the Alternative Energy Ordinance, and this is an updated draft. Mr. Majewski stated they can provide a list of the Municipalities and what provisions they used.

Mr. Costello asked if this is only applicable to new development, and Mr. McLoone agreed. Mr. McLoone stated it would apply to smaller-scale projects such as new homes or if someone wanted to install an alternative energy system on their house. Mr. Costello stated it would not be applicable to upgrading existing properties, and Mr. McLoone stated he does not believe so. Mr. Costello stated he feels it would be beneficial if it could be applied to renovations and developments that people want to upgrade such as an office complex or a home since there are not many places left where we would be able to enforce putting in solar panels, etc.

Mr. McLoone stated one of the main things it is doing is explicitly calling out uses by Special Exception or Permitted uses, and it would show that those existing uses could be updated if they wanted to.

Ms. Kirk stated the Township has adopted the Uniform Construction Code and the Building Code, and she asked if there is any conflict in having portions of this Ordinance since it does not fall in the UCC. She stated she does not know if new construction totally or for renovations would qualify. She asked Mr. McLoone to double check to make sure that there is not any conflict of that nature.

Mr. McLoone stated he has a contact with the Bucks County Planning Commission that he can reach out to, and he can also reach out to Mike Kirk and some of the inspectors to get their feedback.

Mr. Bush referred to the Definitions of wind-energy systems and regulations concerning land use and dimensional regulations for wind-energy systems. He stated it looks like it is mostly contemplating large-scale wind power; and although some people are considering that, it is actually old technology. He stated on-line you can see something bladeless that can go on your roof so that if power is lost, it can create power and store it in a battery and run the house. He stated he does not feel this Ordinance addresses systems like that. He stated there is also a lot of shorter Commercial-grade, wind-generating technology that is coming on-line; and he can see a situation with a warehouse, supermarket, etc. which could have something installed on the top that would not be that tall. He stated he feels we would want more flexibility in some of the definitions to contemplate newer technology. Mr. McLoone stated he feels that could be considered.

Mr. McLoone stated he feels some of the energy systems are more realistic than others. He stated he does not know about geo-thermal energy or wind energy in the Township. He stated he agrees with Mr. Bush that smaller-scale systems could be applicable as technology advances.

Mr. Gill stated he does not feel there are going to be windmills in peoples' yards in the Township, but the greener we can get with solar panels and other systems to help the environment would be a plus for the Township.

Mr. Majewski stated we actually do have several geo-thermal systems in the Township on individual lots where residents have invested the money to do it. He stated it does take up a lot of room so you need a larger yard. He stated we also have a few places with green roofs and some other systems. Mr. Majewski stated he feels the model Ordinance is a good start, although there are some things included which we would need to look at more critically to see how we want to incentivize this, whether to permit it or not, and in what areas.

Mr. Costello stated he feels we should consider if there is a way to incentivize people when they are re-doing their roofs to put on solar. Mr. McLoone stated he believes that is called out in the bonus provision section, and one of the ways was a decrease in the Permit cost and for larger-scale projects like Subdivisions in the escrow and additional dwelling units.

Mr. Coyle stated on the bonus side, that would really only apply to new construction. He stated if the Township is going to adopt something like this, we went through a lot about increasing density when we were talking about open space provisions; and the end result was that there is really not much interest in allowing an increase in lot density. Mr. Coyle stated if we are going to move forward with this, the wind options do not seem to be applicable; but out of Section 6 we would probably strike the increase in dwelling density without different direction from the Board of Supervisors. He stated he would like the Board of Supervisors to weigh in on this before the Planning Commission spends a lot of time on that.

Mr. Coyle noted #5 and stated there are some landscaping items and some things that the EAC would want to weigh in on. He stated there is not much undeveloped land left in the Township so he does not know how much effort should be put into advertising changes and putting these “things on the books for two remaining developments.”

Mr. McLoone stated with the model Ordinance we can recommend to adopt as much or as little as the Planning Commission wants.

Mr. Bush stated Mr. Majewski had mentioned that there are a number of green roofs already in the community. He asked about the weight of green roofs and how that is dealt with, and if that is considered in the model Ordinance. Mr. Majewski stated that would be more in the Building Code. He stated this would just regulate some of the features of a green roof and how to do it. Mr. Bush stated that would relate to Ms. Kirk’s point as to how this interacts with the Building Code, and to make sure that everything works together. Mr. Majewski stated that is why Mr. McLoone presented it as a first look to get comments and advise what else they would like the staff to do to provide the Planning Commission with information that would be useful in looking at this further. Mr. Majewski stated this will be going before the EAC at their next meeting.

Mr. Gill asked if there is information as to how many houses in the Township have solar panels or other types of renewable energy. Mr. Majewski stated we have a rough approximation based on the Building Permits. He stated there is a sizable number of residences with solar panels on the roof based on the Permits he has seen.

Mr. Bush stated at this point the Planning Commission would like to get input from the EAC, Supervisor input as to the density issue, applicability to existing construction in addition to new construction, flexibility on wind power, and making sure that green roof requirements, etc. do not conflict with the Building Codes. Mr. Majewski stated he will also look into who else has adopted this or similar Ordinances and what provisions did they come up with.

Mr. Costello stated he does not know how much time they should spend on wind energy. He stated he believes that there is opportunity for solar and geo-thermal. Mr. Bush stated as he noted earlier you can get an individual unit on your house like a Generac but related to wind energy. He stated while there are not many of them at this time, that may change in five years. Mr. Costello stated he would like them to consider what are the priorities and where the Township can have an impact. He stated we are trying to encourage people to consider these systems, and Mr. McLoone stated a portion of it is an incentive Ordinance and the other portion is to specifically call out types of alternative energy providing definitions, etc. Mr. Costello stated this would not be telling people how they want them to do this.

Mr. Coyle stated in some parts it is and he noted Section #5 which sets building standards and says “you shall.” Mr. McLoone stated there are setback requirements, etc.

Mr. Costello stated he would first look at this as a whole and decide where it is realistic and if it will be impactful in Lower Makefield and focus on those since we are at the mature stage of development. Mr. Coyle stated he would maybe recommend focusing on Commercial re-development over anything else, and Mr. Costello agreed. Mr. Coyle stated there was discussion about solar, and there are a lot of parts of the country where parking lots are being covered with solar structures. He stated under this model Ordinance, he is not sure whether that would be allowed, if it is easier, or if it would be in conflict. He asked that a reading of this Ordinance be done with that in mind. He asked if a shopping center wanted to re-develop and include solar panels in the parking lot, covering some of the asphalt, would that be permitted and encouraged.

Mr. Costello noted 4B2 which relates to solar within the Historic District, and it recommends that HARB would have to grant a Certificate of Appropriateness to allow solar in any of the Historic District which he feels is a net good that we could recommend. Mr. Bush agreed.

Mr. Costello stated he feels we should also make note that as Mr. Bush has indicated, that there are systems available that people do not necessarily know about. Mr. Costello stated he had solar put on his roof, and his concern was with it looking “shiny blue with a grid;” but it does not look like that, and from the street, you cannot even tell it is there as it is the same color as his roof. He stated it is important that the alternatives are considered especially in the Historic District; and while we do not want to compromise the historical aspects, there are systems available that we should be open-minded to.

Mr. Lewis stated in terms of areas to consider, we have a number of multi-family properties and Condo Associations; and there is an opportunity to add alternative energy sources there if there is a way to incentivize or encourage that. He stated what he did not see in the draft Ordinance was what the options are to mandate certain kinds of sustainable construction materials to reduce the net amount of greenhouse gases. He stated in terms of anything that generates energy, the question is about where it gets stored and how does the connection to the grid occur. He asked if there are ways that we could encourage PECO to make it easier for connections to the grid or even have a regional storage of energy within neighborhoods or sectors of the Township in the future if this becomes more popular.

Mr. Lewis stated there has been a dramatic increase in incentives at the State level in New Jersey for solar, and it would be interesting to see the impact of that in terms of sustainability goals.

There being no further business, Mr. Costello moved, Mr. Coyle seconded and it was unanimously carried to adjourn the meeting at 7:55 p.m.

Respectfully Submitted,

Colin Coyle, Secretary