

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – JUNE 9, 2025

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on June 9, 2025. Mr. Coyle called the meeting to order at 7:33 p.m.

Those present:

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

Others: James Majewski, Community Development Director
 Dan McLoone, Planner
 Maureen Burke-Carlton, Township Solicitor
 Juni Alam, Township Engineer

Absent: Daniel Grenier, Supervisor Liaison

TABLING OF MINUTES OF THE APRIL 29, 2025 MEETING

As the Commission was not provided the Minutes from the meeting held on April 29, 2025, they were Tabled at this time, and they will be considered by the Commission at their meeting in July.

#562 – DOGWOOD DRIVE SUBDIVISION

Approval of Sewage Facilities Planning Modules Component 4A – Municipal Planning Agency Review

Mr. McLoone stated the Subdivision was approved approximately five years ago. Recently Dumack Engineering, on behalf of the developer, reached out to the Township to fill out the Component 4A Municipal Planning Agency Review. The developer and the engineer have been working with Aqua over the last few years to finalize the sewer alignment, and this is a chance for the Planning Commission to provide comments and confirm that the Component 4A sheet which was provided to the Planning Commission is in line with the Ordinances and the Master Plan. Mr. McLoone stated he and Mr. Majewski feel that it is in line with the Comprehensive Plan and all of the relevant Planning Ordinances.

Mr. Majewski stated this is required to be signed by the Planning Agency, which is the Lower Makefield Planning Commission or the Township could sign it on their behalf if the Planning Commission approves it. Mr. Majewski stated the Applicant did receive Variances for the project and received Planning Commission approval, and it is compliant with our Ordinances and our Act 537 Plan which envisions sewerage as many properties in the Township as possible.

Mr. Gill moved, Mr. Costello seconded and it was unanimously carried to approve and sign the Review letter for Dogwood Drive Subdivision.

APPROVAL OF SALDO ORDINANCE AMENDMENT TO REPEAL STORMWATER SECTIONS FOR CONSISTENCY WITH THE NEW STORMWATER MANAGEMENT ORDINANCE

Mr. McLoone stated about one year ago, the Township engaged HRG to do an overhaul of our Stormwater Management Ordinance to make it in line with recent changes from the DEP and make it more stringent and do what we could in terms of statutory requirements to make stormwater management more stringent throughout the Township.

Mr. McLoone stated the SALDO Amendment on the Agenda is to repeal the Stormwater Management Sections that have been superseded by the recently-adopted Stormwater Management Ordinance. He stated the new Stormwater Management Ordinance that was adopted by the Board of Supervisors encompasses a lot of the items that are currently in the SALDO Ordinance related to stormwater, and this will allow the Township to grant less Waivers to developers and will reduce some red tape. He stated it will be 178-93 Stormwater Management and Surface Run-off Control, 178-94 Stormwater Detention Basin Ownership and Maintenance Fund, and 178-95 Erosion and Sedimentation Controls Grading. Mr. McLoone stated all of these have been either incorporated into the Ordinance or are no longer relevant.

Mr. Coyle asked if a County Planning Commission review of this is required; and Mr. Majewski stated since this is an Amendment to Subdivision and Land Development, it does need to go to the County for their concurrence. This will then go before the Board of Supervisors for a vote.

Mr. Costello asked for an example of what has been taken out. Mr. Majewski stated every stormwater-related item that was in the Subdivision and Land Development Ordinance was incorporated into the Stormwater Ordinance. He stated there were a number of technical items that were not in the prior Act 167 Plan Ordinance, and Mr. Robinson from HRG incorporated all of those where applicable into our Stormwater Management Ordinance. He stated there were also a few things that were outdated and no longer applicable, and Mr. Costello asked what they were. Mr. Majewski stated one of them was the minimum pipe size for certain things, but with newer, best-management practice techniques you sometimes have smaller pipe sizes; and there were a few other items that were outdated.

Mr. Coyle stated a number of these are items that are often the subject of Waivers on Plans.

Ms. Alam stated some of what was removed was redundant, and it is better practice to have them in one place. She stated that the PennDOT requirements will still be held to.

Mr. Costello moved, Mr. Gill seconded and it was unanimously carried to repeal Sections 178-93, 178-94, and 178-95.

DISCUSSION AND TABLING OF FLOODPLAIN ORDINANCE AMENDMENT TO BE CONSISTENT WITH NEW REQUIREMENTS FOR FEMA COMMUNITY RATING SYSTEM PROGRAM

Mr. Majewski stated the Floodplain Ordinance was re-adopted in 2014 to be consistent with the updated Floodplain mapping that was done around that time. He stated since that time, we have become involved in the Community Rating System, which is a Program FEMA has to help lower flood insurance rates for residents to the National Flood Insurance Program if the Township takes additional measures and steps to make their Floodplain Management Program more robust and more strict. Mr. Majewski stated the Township has done that, and we are considered a Class 7 Community, which allows us a 15% discount on flood insurance rates through the National Flood Insurance Program.

Mr. Majewski stated as part of the Program, we get reviewed every year; and this year when we were reviewed, there were a few minor changes to what they were looking for in the Ordinance. He stated the Community Rating system is looking for requirements above and beyond those that are required from FEMA. He stated he has looked at the comments that came from the Insurance Services Office and came up with the draft revisions that were provided to the Planning Commission.

Mr. Majewski stated one of the changes was the definition of a “substantial improvement;” and the Ordinance had stated that any reconstruction, rehabilitation, addition, or improvement of a structure that exceeds 50% of the value needs to be brought in compliance with the program. He stated they wanted it worded that it be “any new construction or development.” He stated they also wanted to take away the allowance that if a structure is modified to correct existing violations of local health, safety, Code specifications that those not be exempted from the substantial improvement requirement.

Mr. Bush asked who determines what is 50% of the value. Mr. Majewski stated that determination is made by either the market value or by an acceptable appraisal to the Township of the value of the structure itself not the value of the whole property.

Mr. Gill asked if it is known how much development this would effect now or in the future, and Mr. Majewski stated it would affect any property within the floodplain that is modified. Mr. Majewski stated if a home was valued at \$300,000, it could be modified up to \$150,000 in improvements; but once 50% of the value of the structure is exceeded, it would be required to bring the entire structure into compliance with the current Floodplain Management Ordinance regulations. He stated if a house is in the floodplain, there is a chance that it could be damaged during a flood; and while improvements are needed in homes, when the project costs half the value of the structure, the extra money should be spent to make it more flood resistant. He stated elevating the home is the most common way to make it more flood resistant.

Mr. Coyle stated a homeowner could do a major project that costs less than 50% of the value of the structure and two years later could do another major project that costs less than 50% of the value of the structure. Mr. Majewski stated the numbers would be cumulative. Mr. Coyle asked where that is included in the text since someone could do a series of improvements to get around having to comply. Mr. Majewski stated he felt that was in the Ordinance; and since it is not, they will need to include that wording.

Mr. Coyle asked the urgency to get this approved; and Mr. Majewski stated there is a meeting with the Community Rating System representative in August, and the Township would like to have this done in the next month.

Mr. Gill asked if this is consistent with neighboring Townships. Mr. Majewski stated it is similar, and they are based on the Model Ordinance which has been periodically updated. He stated they will check the most current Ordinance to see if there is anything else they should add.

Ms. Torbert asked what is the 50% requirement based on; and Mr. Majewski stated he does not know and he believes they came up with a number that they felt was reasonable. Ms. Torbert stated she feels there should be an incentive for properties in the floodplain so that the structures would be as floodproof as possible. Mr. Majewski stated there are other provisions within the Ordinance including elevation of utilities.

Mr. Coyle stated none of the changed requirements would lead to a resident who has flood insurance today losing their flood insurance, and Mr. Majewski agreed.

Mr. Majewski stated the Ordinance had referenced the 2009 International Building Code and International Residential Code; and effective in July, the State is adopting the 2021 Codes so those references have been revised to be consistent with that. He added that the 2023 Model Code used the 2018 Code or as amended, but the 2021 Code will be used since that will be in effect by the time this Ordinance will be in effect.

Mr. Majewski stated one Section of our Ordinance could have been misconstrued that we allow development below the floodplain (200-54D2H), and this has been amended to indicate that the systems listed in that Section should be designed to be 2' above the base flood elevation and meet the requirements of ASC 24 and other Code provisions of the Electrical Code.

Mr. Costello asked if you have to buy flood insurance if you have a property in the floodplain, and it was noted that would be possible if you were to pay with cash. Mr. Costello asked if what they are discussing will still apply to those property owners, and Mr. Majewski stated it will since it is a requirement of the National Flood Insurance Program.

Mr. Costello stated if the Township wants to stay in the Program, he assumes that we cannot grant a Waiver from it; and Mr. Majewski stated there is a Variance Appeal process that is allowed as with any rule or regulation, but in order to get that Variance, you would need to make a very strong case of why you feel it is necessary to deviate from the standards. That Appeal process would be with the Township Zoning Hearing Board.

Mr. Bush stated because the Township is a Class 7 Community, there is a 15% discount for flood insurance. He asked if there are other Classes that would give more or less of a discount and what would those regulations be if they do exist. Mr. Majewski stated just complying with the FEMA regulations for the Floodplain Ordinance would allow you to be a Class 9 Community which gets a 5% discount. Mr. Bush asked if there are any discounts greater than a Class 7 discount, and Mr. Majewski stated there are. Mr. Coyle stated there is a 45% discount for a Class 1. Mr. Majewski stated the highest rated Community in Pennsylvania is a Class 6 Community. He stated while Lower Makefield has gotten close to that, they then change some of the rules and scoring system. There are a series of things that need to be done to be a Class 6 Community including activities, flood data maintenance, flood map, communication with the public some of which is already done by the Township; but to get to the higher rating, it is very labor intensive. The next level of discount would be 20%. Mr. Majewski stated hopefully by the time we have our visit with the Insurance Service Office in August, we may have more things that we feel we would be able to take on to get closer to the higher discount.

Mr. Bush asked how many residences in the Township are in a floodplain, and Mr. Majewski while he does not have that number right now it is not as high as 10%.

Mr. Coyle asked if FEMA would let us know what our residents are paying in flood insurance premiums annually. Mr. Majewski stated they have statistics on a community-wide basis as to how many properties are insured and how much the total insurance costs are. Mr. Coyle stated it may take more time to investigate getting up to another 5% discount; and until it is known how much money that will save the Township residents, we do not know whether or not it is worth the effort. Ms. Alam stated there is a lengthy study that can be done; and her firm did that for a Borough, and it took a year. Mr. Coyle stated the National Flood Insurance Program is a Federally-run program. He asked if anyone ever tried to do a FOIA request to the NFIP to ask what the total premiums paid were in a calendar year. Mr. Majewski stated he

believes that data is available although not easily accessible. Mr. Majewski stated there are approximately 350 buildings in the Township that are in the floodplain. Mr. Majewski stated they try to encourage people to get flood insurance whenever possible. He stated FEMA is limited on the assistance they can give if you do not have flood insurance. He stated there are brochures at the Township about flood insurance, and those interested can also call him for assistance.

Mr. Majewski stated another minor change was to raise the safety factor between what the base flood elevation is predicted to be and where the first floor of the house is and/or all of the equipment that could be damaged in a flood. He stated they recommend raising that from 1 1/2' to 2'. He stated that is better for the community since there are floods that are greater than what was previously called "the hundred-year flood." He stated if you are at 1.4' you have a higher insurance rate than if you are at 1.6', so what is being recommended is an extra safety factor to protect the homeowners.

Ms. Torbert asked if that is something that the developers would be aware of when they build houses, and Mr. Majewski stated when building in the floodplain, it is not really a problem to add an extra half foot.

Mr. Coyle stated that is the change in the Table; and he asked if the floodplain elevation changes in the future would that put the homeowner out who was in compliance in 2025. Mr. Majewski stated they rate the homes based on a new system that takes into account how far away you are from a water body and where you are elevation-wise compared to the water body. He stated if they would re-study a water body and come up with different numbers, that could change things. He stated that is another reason why 2' is a good idea.

Mr. Majewski stated the Ordinance is currently located in the Zoning Ordinance, and most Townships and Boroughs have put it separately as a stand-alone Ordinance. He stated it does not make a lot of difference administratively except that when you want to make changes, it is easier to change a stand-alone Floodplain Ordinance. He stated he also gets question from builders, residents, and contractors as to where is the Floodplain Ordinance, and he has to refer them to the specific Sections within the Zoning Ordinance. He stated his recommendation is to change this to a stand-alone Ordinance and then repeal those Sections of the Zoning Ordinance that would no longer be applicable. Ms. Carlton stated she agrees with that recommendation.

Mr. Coyle stated if that were done, they would lose the force of the Zoning Hearing Board's authority to grant or deny a Variance. Mr. Majewski stated this Ordinance would still go to the Zoning Hearing Board if someone wanted to Appeal the provisions that are contained within. He stated the Ordinance clearly states that the Zoning Hearing Board is the deciding body on Appeals; and he looked at five Ordinances from other areas throughout Pennsylvania, and they all have the same methodology. Mr. Coyle stated that would maintain the authority of Zoning while also making it more flexible for the Township to make adjustments, and Mr. Majewski agreed. Mr. McLoone noted that the Township does not get too many Variance requests related to the floodplain.

Ms. Torbert asked if there will be any reference in the Zoning Code to direct people to the new stand-alone Floodplain Ordinance since some people may be used to seeing it in Zoning. Mr. Majewski stated under 200-51B Natural Resource Protection, there are two items that reference the floodplain, and those would have to be updated to point to the new Chapter of the Ordinance. Ms. Torbert asked where the new Ordinance would be when looking at the Code, and Mr. Majewski stated they try to have it in alphabetical order. Mr. Majewski stated our Permitting system automatically flags any property that touches the floodplain, and they review it in the office to evaluate if the work proposed is in the floodplain which would then be subject to the Ordinance. He stated if the floodplain touches the property but the work is not within the floodplain, it would not be applicable.

Mr. Coyle stated there are references to the Floodplain Administrator, but the Floodplain Administrator is not defined until later in the Ordinance; and he asked if Floodplain Administrator should be in the Definitions part of the document. Mr. Majewski and Ms. Carlton agreed. Mr. Coyle stated the Floodplain Administrator is designated as the Zoning Officer, and he asked who that is; and Mr. Majewski stated he is the Zoning Officer. Mr. Majewski stated that there is also language that reviews are by the Zoning Officer and/or someone who is designated, which could be the Township engineer. Mr. Coyle stated "qualified technical personnel" is not limited to Township employees, and Ms. Carlton agreed.

Mr. Coyle stated his concern is whether the value is cumulative or not, and he does not know that he wants to make a recommendation on that language being included to make it cumulative as he does not know how that would work over time. Mr. Majewski stated it can be tracked. Ms. Carlton asked

about a timeframe, and if it would start over every five years. Mr. Majewski stated the starting date would be when they were first put into the floodplain. He stated for some of the properties that would be the initial 1977 mapping.

Mr. Majewski stated as the price of homes goes up, the substantial improvement threshold goes up. Mr. Bush stated initial improvements would raise the value of the house. Mr. McLoone read from the National Flood Insurance Program recommendation which states, "The rolling period of accumulation of improvements for a building or structure ends when the Permit for the first improvement is finalized or closed."

Ms. Alam stated there are several sources that they can refer to if they want them to look into this further as there are others that are more stringent, and they can look at other definitions. She stated they could also look at the Class 6 to see what they have in theirs. Mr. Coyle stated he does not want to overburden the homeowners, and he does not want to be any more stringent than the program requires to earn the discount. He stated the rolling period being limited to when the first Permit is open through when it is closed makes sense.

Mr. Coyle stated he is concerned about the Township's ability to effectively manage this. Mr. Majewski stated they do not want to punish residents; but at the same time, we are also protecting residents since you would not want them to put \$200,000 into a home and have it damaged by floods. Mr. Coyle stated the Township is putting in the effort to try to help the approximately 350 houses that are in the floodplain get the most discount that they can on their flood insurance. He stated there is also some responsibility on the homeowners in order to get that. Mr. Majewski stated he will check to see what gets the Township the most points toward the discount without unduly burdening the homeowners.

Mr. Gill moved, Ms. Torbert seconded and it was unanimously carried to Table the matter until July so that the Floodplain Administrator can come back with some clarifications on some points.

There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Adrian Costello, Secretary

