

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – JULY 30, 2025

A meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on July 30, 2025. Mr. Gill called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: Tejinder Gill, Vice Chair
 Adrian Costello, Secretary
 Virginia Torbert, Member

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

Absent: Colin Coyle, Planning Commission Chair
 Tony Bush, Planning Commission Member
 Daniel Grenier, Supervisor Liaison

APPROVAL OF MINUTES

Ms. Torbert moved, Mr. Costello seconded and it was unanimously carried to approve the Minutes of April 29, 2025

Ms. Torbert moved, Mr. Costello seconded and it was unanimously carried to approve the Minutes of June 9, 2025.

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

Mr. Majewski stated there was previous discussion about Amendments to the Floodplain Ordinance that are required as part of the Township's participation in the Community Rating System. He stated there was discussion about the issue of substantial improvement and if that was cumulative. He stated revised language has been added that addresses that, which comes from some other communities, in that the work would be taking place during a ten-year period which the cumulative cost would equal or exceed 50% of the market value. He stated that gains points for the Community Rating System so that we could hopefully

at some point get a higher discount for Township residents who get NFIP flood insurance. He stated 50% of the market value is a standard that is used Nationwide, and is in all of the model Ordinances. He stated while you can go lower than that, it could put a cost burden on homeowners since once you reach that threshold, you would have to elevate your home. Mr. Majewski stated once you reach half the value of the home, it does make sense which is why FEMA and communities Nationwide have used 50% as the standard.

Ms. Torbert stated she had suggested 25% as she felt generally we would want to discourage additional building in the floodplain; and if the threshold were lower, it would discourage additional building. She stated she now understands that 50% is the standard.

Ms. Torbert questioned the values, and she asked for further clarification about the language regarding appraisals. Mr. Majewski stated most people would go with the County appraisal. He stated if someone wanted to dispute that, they would have to get an appraisal from a Licensed appraiser; and the Township would have to review and accept it. He stated the Township could also get their own appraisal if it was felt that it was out of line/inappropriate.

Ms. Torbert asked if that should be included in the Ordinance. Mr. Majewski stated they do not define in the Ordinance how to arrive at market value. He stated he advised the Planning Commission via e-mail that they could go by the County assessment records which show the value of the land, the value of the building, and the total market value which is adjusted yearly. He stated Ms. Torbert had also asked about garages and sheds, and those are separate from the 50% since NFIP primarily insures the structure that people live in and do not insure sheds or detached garages.

Ms. Torbert stated they are looking at the current market value and then measuring it against an assessment which is about 4.4% of the market value. Mr. Majewski showed an example on the Bucks County Board of Assessment site which shows the assessed land value and assessed building value, and they then use a common level ratio to get to the estimated market value of the structure. Ms. Carlton stated they can just take the assessed building value that the Board of Assessment has listed and take the common level ratio factor and multiply that. She stated the common level ratio factor is adjusted annually coming out the end of June, and is effective July 1 for the twelve-month period. Ms. Torbert asked if the number derived from doing that calculation for a specific property is close to what the market value is

Mr. Majewski stated the true market value is how much it is sold for. He stated in our area lately, the sale numbers are far outpacing what they estimate the market value is. Mr. Majewski stated this is how FEMA accepts it to be calculated. Mr. McLoone stated this is just for the dwelling itself which would be lower than what the appraisal would be.

Ms. Carlton stated your assessment only changes if Permits are pulled for existing dwellings. She stated what changes every year is the common level ratio factor, and that adjusts annually to accommodate for the fluctuation in valuations of properties in Bucks County. She stated with regard to the differentiation in values between an appraisal and the assessed value, she has found that assessed values have become more in tune to what the actual values of the properties are over the past few years.

Mr. Majewski stated they looked at the State's model Ordinance and an additional line needed to be added which is 200-54a adding in "a2" to say: "In the absence of a designated floodplain administrator, the floodplain administrator duties are to be fulfilled by the Township Manager or their designee."

Mr. Majewski stated there was a question about how people would be directed to this new stand-alone Ordinance from the current Zoning Ordinance. He stated currently under Natural Resources, there is an item for Floodplains (200-51b1a and b) and in that it is noted: "Floodplains include all of the areas within the community as selected to enforce floodplain regulations, and it will always include the area identified as a Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study but may include additional areas identified for the community." Mr. Majewski stated we have not identified any of those areas yet, but we could if we chose to do so if there is an area where we did a flood study that is prone to flooding that is not on the FEMA maps, and that could be designated as a Flood Zone as part of our floodplain management duties.

Mr. Majewski stated Section b is to add at the end changing the reference of 200-54 to being in Chapter 114 – Floodplain Management.

Mr. Costello stated he understands that the reason we are doing this is only for the purpose of meeting the standard for the insurance to lower insurance rates for anyone who lives in the floodplain in the Township, and Mr. Majewski agreed. Mr. Majewski added that FEMA reviewed our Ordinance and noted a few changes needed to be made.

Mr. Costello asked if someone owns their home outright and does not get flood insurance, do they still have to follow this Floodplain Ordinance Amendment; and Mr. Majewski stated they do. Mr. Costello asked if the Township will proactively communicate that this has been put in place to those who live in these properties or will they just find out when they put in a Permit. Mr. Majewski stated part of our Community Rating System is to educate property owners about this. He stated it is recommended that property owners be notified about changes, and he will include something about this in the next Township Newsletter. He stated there has been an article about floodplain management in almost all recent newsletters. He stated this is a change that property owners should be made aware of. Mr. Costello stated they should also be advised why it is a benefit. Mr. Majewski agreed adding that it is already required when an addition is made that electric and mechanical systems cannot be in the lower level if the property is in the floodplain.

Ms. Torbert asked if you own a property in the floodplain are you required to have flood insurance. Mr. Majewski stated all homes that have Federally-backed mortgages are required to have flood insurance. He stated if you paid cash for your home, you are not required to have flood insurance, although he would still recommend that property owners have flood insurance since even one inch of water in the first floor of your home during a flood is estimated to result in \$25,000 worth of damage. Ms. Torbert asked if it correct that if you make improvements more than the 50%, at that point you would be required to have flood insurance, and Mr. Majewski stated that is incorrect. Ms. Carlton stated you would have to comply with the Ordinance, but it is not required to have flood insurance.

Mr. Costello stated the Township property owners are getting a discount because the Township is managing the properties within the floodplain to a certain set of standards and are limiting how much work can be done on a house before you have to raise it or take other floodplain precautions.

Mr. Costello stated he is in favor of the ten-year window. Mr. Majewski stated in reviewing how other communities handled this, he felt ten years was a reasonable number.

Mr. Gill asked how much of the Township is in the floodplain. Mr. Majewski stated it is 350 to 400 properties according to the FEMA-designated floodplain out of 11,000 residential properties. He stated there are other homes that are not in a FEMA-designated floodplain which should consider flood insurance, and he particularly noted properties that are near a stream unless

the property sits high. Ms. Carlton stated there are many property owners who do not realize that they are in a floodplain. Mr. Majewski stated they have included information about this in Township Newsletters advising that the Township can be contacted to look into whether a property is in a floodplain. He stated there are also a number of tools on the Township Website, but the Township can also be e-mailed or called to get a determination of whether a property is in a floodplain.

Ms. Torbert moved, Mr. Costello seconded and it was unanimously carried to recommend to the Board of Supervisors the adoption of a stand-alone section of the Township Code entitled “Floodplain Management” as discussed. Amendment of the Zoning Ordinance to repeal the following Sections to be contained within the new Floodplain Management Section of the Township Code (Chapter 114), Section 200-53, 200-54, 200-55, 200-56, 200-57, 200-58, and 200-59. Revise Chapter 200-51.b1a and b1b that “a” would be “Floodplains include all of the areas within which the community has selected to enforce floodplain regulations will always include the area identified as a special flood hazard area on the flood insurance rate maps and flood insurance study, but may include additional areas identified by the community” and b “Resource Protection Ratio for floodplain shall be 100%, no structures, filling, piping, diverting, or stormwater detention basins shall be permitted within the Floodplain District except as provided for in Chapter 114 – Floodplain Management.”

#693 – 1511 LINDENHURST APPROVAL

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

Mr. Gill stated this was discussed previously, and Aqua was not going to allow them to get into their sewage component; but it has now changed, and they are allowing them to connect.

Mr. Majewski stated Aqua did not like having part of the line being on another lot, but they came up with a compromise where they would have two individual lines run separately with their own separate Easements privately owned that would tie into their terminal manhole that is located in an Aqua Easement. He stated that makes it clean for Aqua.

Mr. McLoone stated the Sewage Facilities Planning Module is regulated by the DEP – Component 4A Municipal Planning Agency Review. He stated no encroachments are proposed, there are no known historical or archeological resources, it is consistent with the Ordinance, and they did obtain Variances. Mr. McLoone stated it can be signed after the Planning Commission makes a recommendation.

Mr. Gill asked why this is coming before the Planning Commission if it meets everything, and Mr. Majewski stated the Planning Modules require a concurrence from the Planning Commission that what they are proposing is consistent with Planning. He stated they were granted Variances, and the Planning Commission recommended approval at a prior meeting. It was verified that everything they have is consistent with that approval. The Planning Commission needs to vote to authorize the signing of Component 4A of the Planning Module.

Mr. Costello moved, Ms. Torbert seconded and it was unanimously carried to approve Component 4A for 1511 Lindenhurst.

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

Mr. McLoone stated we are repealing three Sections from the Subdivision and Land Development Ordinance because of the new stand-alone Stormwater Management Ordinance. He stated these Sections are 178-93 – Stormwater Management and Surface Run-Off Control, 178-94 – Stormwater Detention Basin Ownership and Maintenance Fund, and 178-95 – Erosion and Sediment Controls for Grading.

Ms. Carlton stated she will be changing this for formatting and include a few more additions.

Mr. Costello moved, Ms. Torbert seconded and it was unanimously carried to approve the SALDO Ordinance Amendment to repeal Stormwater Sections specifically Sections/Chapters 178-93, 178-94, and 178-95 for consistency with the new Stormwater Management Ordinance.

OTHER BUSINESS

Mr. Costello stated with regard to prior approval for a Lot Line change, there was a contingency that a shed be removed; and he asked the timeline for it coming down. Mr. Majewski stated all the Plans have been signed and are ready to be Recorded. He stated the Solicitor's office has those to take to the County; and if they have not already been Recorded, they will be Recorded very soon at which point the property owner will be advised that the shed has to be taken down. Ms. Carlton stated they will be Recorded next week.

Mr. Costello asked that the Planning Commission be notified when the shed is taken down.

It was noted that the next meeting of the Planning Commission will be August 11. Mr. Majewski stated in speaking with the attorney for the Torbert plan, they have indicated that they are considering revising the Plans to be re-reviewed to get a cleaner letter and then come to the Planning Commission at some point in September. Mr. Majewski stated the Extension only runs to the end of August so they are tentatively scheduled for August 11 unless they revise the Plans and grant an Extension and come back in September.

Mr. McLoone stated there is also a Special Exception for a home in the flood-plain that is to go before the Zoning Hearing Board that will first need to come before the Planning Commission, and that is scheduled for August 11.

Ms. Torbert asked about the project at 136 Old Oxford Valley Road. Mr. McLoone stated that is scheduled to go before the Zoning Hearing Board on August 5. Only a Zoning Plan has been submitted for Variances, and that does not need to come before the Planning Commission. No technical formal Plans have been submitted.

Mr. Costello moved, Ms. Torbert seconded and it was unanimously carried to adjourn the meeting at 8:10 p.m.

Respectfully Submitted,

Adrian Costello, Secretary

