

TOWNSHIP OF LOWER MAKEFIELD  
PLANNING COMMISSION  
MINUTES – NOVEMBER 13, 2025

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on November 13, 2025. Mr. Coyle called the meeting to order.

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  
                                      Maureen Burke-Carlton, Township Solicitor  
                                      Daniel Grenier, Supervisor Liaison

APPROVAL OF MINUTES FROM THE 9/8/2025 AND 10/7/2025 MEETINGS

The Minutes from the September 8, 2025 meeting had been Tabled pending any comments for requested changes from Mr. Grenier. Mr. Grenier stated he had no suggested changes.

Ms. Torbert moved, Mr. Costello seconded and it was unanimously carried to approve the Minutes from the September 8, 2025 and October 7, 2025 meetings.

APPEAL #Z-25-26 194 RIVER ROAD, WASHINGTON CROSSING, PA 18977  
Tax Parcel #20-028-068 – R-RP Residential-Resource Protection  
Planning Commission Advisory Recommendation on a Special Exception  
Request for reconstruction of a non-conforming structure which would  
lead to a greater than 50% increase in volume or area from the existing non-  
conforming structure (#200-86.B.(3)(b) in accordance with the standards set  
forth in Section #200-98 of the Lower Makefield Township Zoning Ordinance

Mr. Majewski stated as part of our Ordinance for a Special Exception it is required that the Zoning Hearing Board first get an advisory report from the Planning Commission with respect to location of such use in relation to the needs and growth pattern of the area and, where appropriate, with reference

to the adequacy of the site area and arrangements of buildings, driveways, parking areas, off-site truck-loading spaces, and other pertinent features of the Site Plan. Mr. Majewski stated the Planning Commission is limited to what should be done with the Site Plan and not the Zoning issues and if the Planning Commission sees any issues with the location.

Mr. Coyle stated the Planning Commission is to make a recommendation to the Zoning Hearing Board before the Zoning Appeal is heard, and Mr. Majewski agreed.

Mr. Edward Murphy, attorney, was present with Mr. Vince Fioravanti, engineer. Mr. Murphy stated he has never seen another Ordinance that suggests that the Planning Commission has a role in recommending a Special Exception, which is the sole province of the Zoning Hearing Board to determine.

Mr. Murphy stated they have been back and forth between the Township's former and current engineers with respect to reviews of the Application.

He stated this matter is scheduled to be heard by the Zoning Hearing Board on December 16. He stated they have had two review letters from the Township's current engineer. He stated when the current engineer was appointed, they undertook a review separate from RVE, and there were a number of items in that first review letter and additional information was submitted. A second review letter was received which are essentially all will-comply type items. Mr. Murphy stated they will review what is currently on the site, what is proposed, and what impact there is, if any, on the floodplain given the fact that the property to be improved with the home will generally be in the same location that the existing house is in today that they will remove.

Mr. Fioravanti showed a board of the existing dwelling that they are looking to remove and replace. He stated the entire property is in the floodplain. He stated Zoning requires 3 acres for a minimum lot area, and they have 0.4 acres. He stated the Zoning Ordinance also subtracts out natural resources in order to get to the net lot area; and if you subtract out the natural features including floodplains from the lot, there is a lot area of 0. He stated in terms of being a non-conforming lot, all of the lots along the River are non-conforming lots.

Mr. Fioravanti stated they are looking to rebuild the dwelling in its existing location, but this time the dwelling will be safer and elevated above the flood waters, and will be designed to withstand the forces of nature that it may encounter. He showed the architectural drawings of the proposed new home. He noted an area in blue which is the depiction of the 100-year flood elevation as it would pass underneath the deck and the structural members that would be holding up the dwelling. He stated the new dwelling will look very nice from the road as opposed to what is there as they will remove what they consider to be a blight. He stated it will be designed to withstand the 100-year flood. Mr. Fioravanti stated the first floor is a couple of feet above the 100-year flood elevation.

Mr. Fioravanti stated the first floor would be the garage, and it would have panels that would hinge open to allow water to pass through and underneath the dwelling.

Mr. Fioravanti stated the Variances being generated are with respect to the small lot area and the small setbacks. He stated all of the setbacks with the exception of the rear yard setback are actually less non-conforming with the new dwelling than with the existing dwelling so they are reducing the non-conformities for most of them.

Mr. Fioravanti stated there is a well on the property and a new septic system has been built on the property. He stated the soils were inspected and were reviewed and approved by the Health Department. He stated the soils were good in this location for a septic system.

Mr. Majewski asked how much higher is the proposed dwelling than the existing one, and Mr. Fioravanti stated the first-floor elevation of the proposed dwelling is 49.5, and the elevation of the floodplain is 43.7. He stated the first-floor elevation of the existing dwelling is about 38.

Mr. Fioravanti showed the location of the existing home on the drawing. Mr. Fioravanti stated they went back a little further so that they could pull away from the road noting how close the existing dwelling is to the road.

Mr. Majewski asked how much room there is from the road to where the house is. Mr. Fioravanti stated they are proposing 20' to the property line and 26' to the edge of the road. Mr. Majewski stated that should be enough room for a car to pull in, and Mr. Fioravanti agreed. Mr. Fioravanti stated that dimension is shown on the Plan as 26.5' from the edge of the cartway to the edge of the garage door.

Mr. Murphy asked about the amount of fill today that is in the floodplain versus the amount of fill that would be in the floodplain with the proposal. Mr. Fioravanti stated they had to make sure that they had no adverse impact on the flood Elevation since they have to have less fill in the floodplain than the existing dwelling has. He stated their fill will be reduced by a couple hundred cubic feet. He stated the exact number is on the Exhibits that were filed.

Mr. Gill asked if it is the back of the house where the fill is being removed, and Mr. Fioravanti agreed.

Mr. Grenier stated in this area they have both the floodplain and the regulated floodway, and Mr. Fioravanti agreed. Mr. Fioravanti stated the boundary between the floodway and the floodplain in this area is essentially River Road. Mr. Grenier stated they are technically in the regulated floodway, and Mr. Fioravanti agreed. Mr. Grenier stated a floodplain is what is commonly talked about as “the 100 year,” although it is now called the 1% annual chance flood special flood hazard area. He stated a floodway is an area within the floodplain where you have flow during a flood, which is the most dangerous area. He stated there is the flood fringe which is the area between where water pools but it does not necessarily flow based on the FEMA modeling. He stated when it is in the floodway, that is the danger zone when it comes to flooding.

Mr. Murphy stated this property is immediately adjacent to a home that he and Mr. Fioravanti took through the approval process eight to ten years ago; and while it is a much different aesthetic than this home would be, it has withstood the test of time and other pressure.

Mr. Fioravanti stated with regard to the fill, the existing fill in the floodplain is 5,580 cubic feet, and the proposed fill is 5,442 cubic feet.

Mr. Murphy stated Mr. Majewski has highlighted the general conditions of Special Exceptions, and it is very subjective/big picture.

Mr. Fioravanti stated he feels that when you look at the proposed dwelling as opposed to the existing dwelling, this will be much better in terms of character of the area and designed to be where it is located as opposed to the previous house, which when that was built, no one was thinking about flood waters and elevations at that time.

Mr. Gill asked if the existing house is occupied now, and Mr. Fioravanti stated he did not think so.

Ms. Torbert asked how many bedrooms are proposed for the new house, and Mr. Fioravanti stated three are proposed.

Mr. Majewski showed an aerial with the property outlined in yellow. He stated the existing house is right on top of the road, and they are proposing to move it back about 20'. He showed the house next door that they had referenced that had received approval from the Zoning Hearing Board and all Permits from DEP to allow the construction of that home. He stated they elevated that home up on columns similar to what is proposed for this property. He stated water passes through the house in the event of a flood.

Mr. Coyle stated this is really a question whether the Planning Commission would recommend to the Zoning Hearing Board that the proposed new structure on the site would be permitted to have a larger footprint than the current structure. Mr. Fioravanti stated it would be more than 50% of an expansion. Mr. Majewski asked if they see any issue with that from a planning perspective such as parking, etc. Mr. Coyle stated he feels that the existing structure is more dangerous to the town than replacing it, so he is generally in favor of doing some replacement that meets more modern standards and is less at risk of being washed away in a flood and causing damage downstream. He stated the only question he has is the safety of potentially having to back out onto River Road. He stated this could be an issue with regard to deliveries that go with construction of a new home, furniture being moved in, etc.

Mr. Costello stated the key to this house that will make it not that bad is that there is that there is no landscaping or anything obstructing the view of the driveway from the road in either direction, and he would recommend that be the same case with the new home as they would not want trees or large hedges getting in the way of the sight line. Mr. Fioravanti stated the sight distance is good, and the road is straight and level so you can see for a good distance in either direction.

Mr. Grenier asked what is the driveway elevation at, and Mr. Fioravanti stated 38.5 is where it goes into the garage and it is probably a foot or so lower than that where it matches the road. He stated it is about a 2% slope from the road up.

Mr. Grenier asked if the mechanicals, etc. will have to be elevated at least a couple feet, and Mr. Fioravanti stated they will be elevated. Mr. Grenier asked when the house floods, what is the plan to allow for emergency vehicles to safely get residents out of the house. Mr. Fioravanti stated when the 100

year storm comes through, it would 5' of water over River Road, and the residents would be watching it until it subsides. Mr. Majewski stated he would hope that they would adhere to the warnings to evacuate.

Mr. Costello stated it will be safer than what is there today. He stated someone could live in the house today if they chose to because it is an existing structure, and they would be at a greater degree of risk. He stated he assumes that there will be a later point in the process when the safety and efficacy of the controls for the structure are contemplated. Mr. Murphy stated most of the second review from the current engineer deals with those house details and flood-proofing, all of which are will complies. Mr. Costello stated it is a large home, but it is safer than what is there.

Mr. Bush stated there has been a lot of talk of the 100 year flood, and there have probably been three or four in the last 30 years. He asked at that site, how high has the River gone. He stated they indicated that they are going a couple feet above the 100 year flood line, and he asked if that goes above where the water has been on that site in the last 30 years. Mr. Fioravanti stated when there is a 100 year flood or design storm, some Townships have had situations that exceeded the 100 year flood, and the Township made marks on bridge abutments and other places, and then that became the new standard. He stated he does not know if anything like that has happened in Lower Makefield. He stated it has not gone above the 43.7 to his knowledge, which is the FEMA flood elevation which is shown on the Plans. He stated their first floor is considerably above that at 49.5 with the flood elevation at 43.

Mr. Majewski stated from the floods that we have experienced since 2004, this is well above all of those floods. He stated the 100 year floodplain in this area almost equates to the 1955 flood, but we do not have the actual flood mark in this area because there was nothing built at the time. He stated their first floor will be 5' or 6' above that, and all mechanicals will be at least 2' above the 100 year floodplain to reduce risk.

Mr. Coyle stated the first floor shows as 49' 5 ½" and the floodplain is 43' 8 ½". He stated it looks like the threshold of the central door is at 43' 8" which is ½" below the floodplain. Mr. Fioravanti stated they do not have a detailed floor-plan. Someone called out that as soon as you walk in the front door, you walk up many more steps. Mr. Coyle asked if that is a recommended best practice since it is a half inch lower than what the floodplain is. Mr. Fioravanti stated

the first floor is the garage, and there is a lobby that would go up to the actual first floor which can be seen to the right on the drawing which shows the Elevation. Mr. Coyle stated he would recommend to the architect that the threshold of the front door not be lower than the predicted flood.

Mr. Coyle stated with regard to the garage doors, Mr. Fioravanti discussed the flood control with the doors opening. Mr. Coyle stated it is shown on the plan as electronic, and he asked if there is an on-site generator; and Mr. Fioravanti stated there would be a generator in the house.

Ms. Torbert asked what the supports for the house will be made of, and Mr. Fioravanti stated he believes that they will be steel and reinforced concrete. Ms. Torbert asked if there is an existing driveway, and Mr. Fioravanti stated there is an existing gravel parking area that is level with the road where you go past the house and pull over. Ms. Torbert asked how many cars there is room for there, and Mr. Fioravanti stated probably two existing. Ms. Torbert asked if that will be expanded, and Mr. Fioravanti stated they are not proposing to use it right now. Mr. Majewski stated there will be two inside garage bays, and they will have room for two cars in the driveway since they are now setting the house back a little bit more from the road. He stated they could also probably fit three in the gravel area. Ms. Torbert asked if they would put asphalt in the gravel area, and Mr. Fioravanti stated they are not proposing that.

Mr. Grenier asked if they have had any Application meetings with the Pennsylvania DEP, and Mr. Fioravanti stated they have not although they will have to get a Permit for this. Mr. Grenier stated under Chapter 105 of the PA Code any work in floodways is regulated by the DEP.

Mr. Coyle moved and Mr. Costello seconded to recommend to approve the Applicant's request for the Special Exception for the reconstruction of the non-conforming structure for a greater than 50% increase in volume or area from the existing non-conforming structure.

Mr. McLoone advised Mr. Murphy that this matter will go before the Zoning Hearing Board on December 2, 2025 not December 16, 2025. Mr. Majewski stated if that date does not work, they will have to re-schedule.

Motion carried unanimously.

APPROVAL OF MORRISVILLE SEWAGE FACILITIES MANAGEMENT (ACT 537) PLAN

Mr. Bob Campbell, Pennoni Associates, was present on behalf of Morrisville Municipal Authority.

Mr. Grenier stated when Pennoni appeared last there was discussion about lack of a conflict of interest, and he asked Ms. Carlton if that needs to be re-addressed for this meeting; and Ms. Carlton stated it is in the Minutes so we do not have re-address that.

Mr. Campbell stated at the last meeting the recommendation was Tabled. He stated he was provided a written list of all of the questions that were asked at the last meeting, and he provided written responses to those.

Mr. Bush stated while he was not at the last meeting, he did read the responses which were very thorough which he appreciates. He stated there was a note at some point that the site selection was going to allow for the decommissioning of the U. S. Steel Sewage Treatment Plant which has also been under scrutiny. He asked if there is any contribution coming from U. S. Steel, and Mr. Campbell stated there is not as Morrisville owns that property.

Mr. Bush stated there was the issue of Aqua having been offered the right to obtain additional capacity allocation with costs not yet calculated, and he asked if there is any further information about that. Mr. Campbell stated any additional capacity allocation would have to go through 537 Planning. He stated currently Lower Makefield is at 3.1 million gallons a day; and if Aqua does not obtain additional capacity allocation through the current process, they would have to come back and go through 537 Planning again to request additional capacity. Mr. Bush asked what capacity is being sought in this Application, and Mr. Campbell stated it is 3.1 million gallons a day for Lower Makefield. Mr. Bush asked what was the capacity before this Application, and Mr. Campbell stated it was the same.

Mr. Coyle stated it was answered at the last meeting that there is no perceived benefit to the residents of Lower Makefield Township other than our sewage will be treated in a different place than it is today, and it will cost a lot of money to do that.

Mr. Bush asked what happens with additional development in the future, and he asked if there is additional capacity for that. Mr. Campbell stated currently he believes the latest Chapter 94 Reports they have prepared have Lower

Makefield's flow on average of about 2.95 million gallons a day which means they are nearing the 3.1 million gallon a day capacity. He stated previously it was discussed that the Township did not see any additional development throughout the service area, and they were not interested in additional capacity. Mr. Coyle stated it would be about a 7% or 8% increase in total water volume to hit the 3.1 million so he does not believe there will be that increase in the total number of homes in the Township.

Mr. Campbell stated Aqua may come back to adjust flows and turn a pump station around that currently goes to Bucks County or Falls Township; and in that case, they would have to come to the Township for the 537 Plan. He stated the proposed plant is designed to handle 8 million gallons a day. Mr. Coyle asked what is the current plant able to handle, and Mr. Campbell stated it can handle 7.1 million gallons a day. Mr. Coyle asked how much it is handling in total, and Mr. Campbell stated they average about 5.3 million gallons a day. Mr. Coyle stated they could handle about 1.8 million more gallons, and Mr. Campbell agreed. Mr. Campbell added that the KTC site property is 600,000 gallons a day, and they hold additional capacity in reserve. He stated Yardley Borough is .9 million gallons a day at capacity.

Mr. Costello asked what the Torbert Farm and the Wright Farm do to our 2.9 when they are built. Mr. Majewski stated he believes that the Wright Farm goes to the Neshaminy Interceptor, and the Torbert Farm goes through Yardley. Mr. Majewski asked about how many homes would equate to what is left in our capacity. Mr. Campbell stated 260 gallons per day per Residential unit is the number they use for their calculations. He stated he does not know what the ADU value is that Lower Makefield uses. Mr. Coyle stated assuming that there is 1.8 million gallons of capacity left at the existing site at 260 gallons per day means that 6,923 homes could be constructed within the service area before there was a problem. Mr. Majewski asked how much Lower Makefield has left of its allotment, and Mr. Campbell stated it would 150,000 gallons. Mr. Majewski stated that would be over 500 homes, and he does not believe we have the land available for that to happen.

Mr. Costello asked what a large supermarket or large restaurant would do; and while Mr. Campbell stated he was not sure, but it would be much more than a house.

Mr. Grenier stated the Board of Supervisors is initiating a Planning Study for the corridor from the By-Pass, through the area, down to Edgewood Village, and that whole area so there is potential re-development of an entire corridor. He stated the Wright Farm is on the north end of that corridor, and the corridor is about a couple miles long. He stated he thinks it will be a Mixed Use or a lot of different things, and he wants to make sure they can accommodate that type of development in that area. Mr. Majewski stated that flow would go to the Neshaminy Interceptor. He stated we only have the opportunity for potential re-development of McCaffrey and Giant Shopping Centers which would not generate significantly more flows. Mr. Grenier stated the Flowers Field area has not taken off.

Ms. Torbert asked how many houses could be at the Harris Farm, and Mr. Majewski stated their latest Plan was for 32 homes.

Mr. Coyle asked if the question before the Planning Commission is to recommend to the Board of Supervisors that they support or not support the Act 537 Plan Application, and Ms. Carlton agreed. Mr. Coyle stated whatever the Planning Commission says does not matter. Ms. Carlton stated the Planning Commission is a recommending board. Mr. Costello stated he feels they need to consider if we want to continue with the current, outdated, almost obsolete treatment plant with no cost increase for the time being or do we want to commit to a new treatment plant with nothing else changing, and help pay for that. Ms. Carlton stated that is correct.

Mr. Grenier asked if the all-stock purchase of Aqua by American Water will impact anything on this, and Mr. Campbell stated he does not believe so.

Mr. Bush asked if there are any safety issues with the current treatment plant; and Mr. Campbell stated currently they are meeting the effluent requirements, but the DRBC, EPA, and DEP are proposing increased water quality levels for discharges to the Delaware River which they will not be able to meet. He stated it is possible that as soon as their next renewal which is four years from now that they will not be capable of meeting the effluent requirements. Mr. Bush asked what would happen under that scenario, and Mr. Campbell stated they would be under another Corrective Action Plan and be required to take action to fix it. He stated in order to do it at the existing facility, they would have to tear down the plant and try to re-build it which would involve much of the same level of effort, but you would have to put in temporary by-pass pumping and temporary treatment so that the cost of it would probably go up significantly on the existing footprint. He stated the new footprint gives them the opportunity to build it and

meet the effluent requirements. Mr. Coyle asked if the temporary costs are in excess of the \$25 million required to construct a new pump station, and Mr. Campbell agreed.

Mr. Costello stated one of the issues he recalls with the outdated technology at the plant was that there was one repair person who comes in from Phoenix, and that there are only three repair people in the whole Country that can do it. Mr. Campbell stated right now they are aware of just this person.

Ms. Torbert asked with the sale of the Sewer system to Aqua were there any guarantees given to households in terms of Sewer rates, and Mr. Coyle stated he believes any rate locks expired this year. Mr. Grenier stated they have already gone to the PUC to ask for rate increases. Mr. Campbell stated at the time of purchase they were required to put in \$50 million in their proposed rates to show how the rates would be impacted by a purchase price of \$50 million. He stated he does not know that is the approach Aqua is taking, and if they are looking at putting it in the rates so it is paid off as opposed to being paid off as a lump sum down payment of \$50 million which is how he thinks the sale was set up. He stated it looks like it is going to be included in the rates but that is Aqua's decision as to how it gets handled and how it gets dispersed.

Mr. Grenier stated all of the original rate freezes that were part of it are over, and they have already gone back to the PUC after the fact to ask for new rates; and we are only going up from here on. He stated American Water is going to be purchasing Aqua to create the largest water utility in the Country. Mr. Coyle stated they have also purchased a gas provider in the Commonwealth. Mr. Grenier stated Essential Utilities is the parent company, but Aqua is the water and sewer. He stated we will see the effects of whatever happens as we end up having American Water and Aqua combined assuming it gets approved.

Mr. Grenier asked about other customers who could offset the cost that are not Municipal. He stated for a number of years there was discussion with MMA before the Sewer sale occurred about whether they were going to re-build on site or have a new location. He stated there are data centers and distribution centers coming up with potential re-development of Keystone. He asked Mr. Campbell if he has more information on any other non-Municipal customers who could offset costs. Mr. Campbell stated the Governor spoke about a data center that was being developed. Mr. Campbell stated they are supplied by River water so it is non-potable water coming from the River, and their discharges go to the industrial system; and they are not organic

discharges and do not impact the domestic wastewater treatment plant that much. He stated that is not something they see as a potential source of additional flow or source of additional revenue. He stated what the Township is looking at is what is the share of the Debt Service overall, and the Township's Debt Service is related to the 3.1 million; and Morrisville carries the rest of that Debt Service that is unallocated, although it is available for sale to any buyer that comes in. Mr. Campbell stated there is additional allocation for Lower Makefield, but they have not heard from Yardley so they are not sure what their position will be. He stated the only area in Falls Township that they have identified is S. Pennsylvania Avenue leading into the Keystone Trade Center itself; and those are the areas that they are looking at for potential growth. He stated he would not say that any of that growth would create an offset of costs, and it just enables Morrisville to recover some of their own investment.

Mr. Coyle asked if it is a case where they will not be able to get the replacement components, etc. in two to twenty years if something were to break; and he asked if any of the replacement components have to be custom manufactured. Mr. Campbell stated it is a membrane system where they bring in air, and it forces the air through the membrane breaking the air into its components, and they are stripping the oxygen out of the air. He stated the technology is still there. He stated they have been able to maintain parts, repair, and replace to date; but he does not know what the long term is. He stated the problem is that there is one individual who knows what the maintenance issues are and how to fix them. Mr. Coyle stated he feels a new person could be trained for less than \$25 million. Mr. Campbell stated there is still a lot of old technology, and they still need to meet the increasing effluent. quality. He stated there is a lot of deferred maintenance at this point. Mr. Coyle stated this is a lot of money for being told that they may not be able to meet the standards in a couple of years. Mr. Campbell stated they would not be able to meet new discharge requirements, although to date they have not rolled new discharge requirements into the current Permit.

Mr. Coyle asked if there is any way to meet those discharge requirements other than spending \$25 million for a pump station and \$125 million to build a new station off-site. Mr. Campbell stated they were at \$125 million without doing any upgrades to the existing plant based on numbers provided by Kleinfelder in their report. He stated they need to add an additional treatment system and it does not fit in line so they would have to pump up to another system; and there would have to be a pump station anyway, and that pump station would need to flow into a BNR system which would enable them to remove ammonia and phosphorous. He stated the capability is not there today.

Mr. Coyle stated the building of the second facility in any case would cost \$125 million or more; and Mr. Campbell stated the \$125 million is just the additional treatment, and it does not improve any of the existing infrastructure.

Mr. Coyle asked the total construction cost of the proposed new plant, and Mr. Campbell stated it is \$150 million which includes the pump station. Mr. Coyle asked how much it would cost to build the additional treatment facility and pump to that facility to meet the new standards if there was open land next to the existing plant. Mr. Campbell stated they could not do it by gravity. He stated the way it flows now, the wastewater comes in, it is pumped up to the top of the plant, goes through the plant, and down through the plant by gravity. He stated there are a minimum number of pump stations so that they do not have to re-pump that flow, and everything is in alignment and the primary clarification goes through, the reactors go through, the secondary clarification goes through, the tertiary filters, and disinfection, and then out to the River. He stated this could not be constructed in line in that train as there is not space to be able to add any additional treatment in that train. He stated they would have to pull the wastewater out of the train, pump it up, and re-start the entire process over and start at a higher point in order to add in any additional treatment systems. Mr. Coyle asked if adding an additional treatment system would cost the same amount of money as building an entirely new plant. Mr. Campbell stated the issue is that there is not enough space.

Mr. Coyle stated while he understands there is not enough space, he asked if there is no suitable site closer than the Keystone site that they own that would require the construction of less pipeline, etc. Mr. Campbell stated they have not identified another site. He stated there was an evaluation looking for available properties. He stated there was one property they looked at which then sold to a developer and has been developed. He stated this is the latest site, and DEP is looking at it with the other treatment plant as well as they have the treatment at KTC which needs to be resolved. Mr. Coyle stated it is a lot of money which we will have to pay; and it is difficult to agree that we will be paying more for sewage treatment but will be gaining nothing from it.

Mr. Costello stated we have responsibility for the watershed and the future potential catastrophic failure of our wastewater treatment facilities. He stated there are other responsibilities that we have besides our monthly bill. Ms. Torbert stated she agrees. She stated the Delaware River is all of our stewardship responsibility, and it benefits us to have a healthy Delaware River. She stated she feels that after this new plant goes in, we will. Mr. Coyle asked Mr. Campbell if we will have a healthier River after the construction of the new plant, and Mr. Campbell stated it will contribute to it.

Mr. Grenier stated they have been talking about a new plant well before 2017. He stated at one point MMA made some presentations at the Township and there was some open discussion. He stated there were some other issues between the Township and MMA that have since been addressed.

Mr. Grenier asked between 2017 and now what did or did not happen that prevented the plant from being built since prices have only gone up since then. Mr. Campbell stated there were multiple changes in possible site locations as they looked at multiple properties. He stated they had a site at U. S. Steel, but U. S. Steel terminated discussions with them in 2019/2020. He stated U. S. Steel sold to NorthPoint and advised MMA that they should talk to NorthPoint. He stated Lower Makefield then sold their system to Aqua; and while that did not necessarily impact MMA, it is something they have to look at since they are now in a situation where they have to re-negotiate the Contract with Aqua which is ongoing. He stated DEP got involved and Falls Township had to pass a 537 Plan in order for Morrisville to take over ownership of the wastewater treatment plant at KTC as they did not want it under private ownership, and Morrisville took ownership of that. He stated they also purchased a property from NorthPoint which gave them an opportunity to build the facility there.

Mr. Campbell stated since then Morrisville has increased their efforts in order to get into more detailed design, get the numbers more in line, and try to have a better idea as to where they are with the pricing. He stated they are closing in on a 60% design review and a lot of Permit Applications being ready to go as well as lining up funding Applications trying to get Grant money which would directly offset the cost and that go directly into the cost of the project. He stated they have not had a lot of success with that, and he understands they have \$1 million so far.

Mr. Grenier stated he recalls from the presentation in 2018 that there were two primary options were between \$75 million and \$130 million, and Mr. Campbell stated there were at \$85 million to \$125 million. Mr. Grenier asked since the Township sold their Sewer system to Aqua does that raise MMA's costs or projections now that they are dealing with Aqua; and Mr. Campbell stated it has no impact at all. He stated the only thing that changes is allocation; and if Aqua needs additional allocation, he believes that they will come to Lower Makefield since Lower Makefield controls the 537 Plan as it is a Municipal document. He stated the Township will make the decision whether or not Aqua obtains the additional allocation which means additional Debt Service, and the percentage of Lower Makefield's total cost goes up with the additional allocation.

Mr. Grenier asked if MMA's discussions with Aqua, or whoever their parent company ends up being, are there public records that the Township would have access to, and Ms. Carlton agreed they would have access.

Mr. Coyle stated his discomfort is that we are not building it so we do not have the level of detail that we would if we were building it and a Party to the construction so that he would have more data around the compelling necessity of the investment at this time in this way. He stated he agrees that it is important take care of our watershed. Mr. Coyle stated he does not have a compelling interest in recommending a yes to the project. Mr. Costello stated he does not want to recommend no to the Board of Supervisors, but he agrees that we are not seeing all the processes. He stated he feels part of the recommendation to the Board of Supervisors would be if there is a way for them to get more transparency in the process to make sure that the Township is getting their just due along with everyone else. He stated he does not want to "kick it down the road again;" and if we need to do it, we should do it. Mr. Coyle stated he would feel more comfortable with that if it was our engineer who was employed to act in the interest of the Township telling us that it needs to be done and that there is not a better way of doing it.

Mr. Costello asked if there is a way we could have our engineer look into it and advise if this would be good for the Township. Mr. Grenier stated it would be a third-party review of the design; and if we wanted to do that it might not be our Municipal engineer and it might have to be another engineer that specializes in this type of work. He stated that Pennoni is one of our engineers but on the traffic side. Mr. Campbell stated HRG was the designer. Mr. Costello stated HRG was the designer under Contract but not to Lower Makefield Township or acting on behalf of the Township. Mr. Grenier stated we commonly hire other engineers to do things; but in order to expend the funds to do that, we would want to have a reason to do it and have a clear scope to make sure that they look at all of the alternatives.

Ms. Torbert asked if we still have a Sewer engineer; and Mr. Grenier stated we do not.

Mr. Bush stated there should not only be an analysis of the design but an analysis of the justification since we do not have the information to know whether there are more options.

Mr. Campbell stated Aqua asked the same questions in their discussions indicating that they wanted to do their own review, and they asked for the opportunity to review the Plans. He stated MMA would ask that we move

forward in the process, and the Township could make it as a Condition in their approval and notification to the DEP. He stated the DEP process is a nine-month process so there is a lot of time from the time that Lower Makefield accepts the 537 Plan to resolving the questions and comments that Lower Makefield and the DEP have. Mr. Grenier stated oftentimes when the DEP has a letter that says the Township has adopted it, it does not matter what our conditions are, and they will move forward with it. Mr. Grenier stated while he is not sure that the Board of Supervisors will end up doing it, the Planning Commission could recommend that they engage an engineer to do a review; and the Board of Supervisors would discuss that and see what their next steps would be.

Mr. Costello stated he cares about the design, but at some point we have to acknowledge that the Township does not own the Sewer system any more even though we are being asked to pay for it. He stated he feels the question is are the specs for the plant being built to something that we all agree with. Mr. Grenier stated that is part of it, but we also have a fiduciary responsibility to our residents. He stated the Board should consider if they feel the need to trust but verify and spend some money to do that to see if we agree with the final option.

Mr. Campbell stated the difficulty is that they do not have another option; however, Mr. Grenier stated we have to trust them that this is correct. Mr. Campbell stated there is no other option that is being made available right now. He stated if the Township finds another option, “there is no option.” He stated they have spent the last ten years evaluating the options, and reviewing what is available to them, so if the Township is reviewing the Plans and saying they think they could save \$100,000 by removing something, that is one thing; but if they are looking at this and saying they think that if they change the treatment plant, they could save \$10 million, that option is not on the table because they are well past that point. Mr. Grenier stated we do not know that for certain because during the process MMA did not share any information with Lower Makefield. Mr. Campbell stated it is all part of their Feasibility Study, and the Feasibility Study is included in the 537 Plan. He stated he would be happy to answer questions on that as well. He stated the Feasibility Study was completed in 2018, and there was a supplement to that in 2019.

Mr. Grenier stated the Township’s history with MMA is not great, and there has been little to no transparency and years upon years where we did not get bills; and then a \$3 million bill would “come out of nowhere with no back-up.” He stated we had to go back and forth with attorneys. He stated

when MMA comes to the Township and says this is all that they can do, and it will collectively cost \$150 million, and this is the only option; he is not going to agree to that given the history. He stated they would like to look at things to see that they did the right thing before they give an approval; and the Township has not yet had an independent party evaluate that and do the verification.

Mr. Costello asked if this is more of a Supervisors' discussion as opposed to a Planning Commission discussion. He stated he is being told that there is a problem and future ramifications; and while he agrees with the discussion that is taking place, as a Planning Commission member, he does not feel it is his purview. Mr. Grenier stated he thinks that it is the Planning Commission's purview. He stated most of the time the Planning Commission looks at Land Development issues which is very technical, but this is more akin to the Comprehensive Master Plan where it is bigger-picture ideas, considerations, and recommendations which is very much in the Planning Commission's purview.

Ms. Carlton stated she agrees with Mr. Grenier adding that the Planning Commission is recommending, not recommending, or taking no action whatsoever. She stated there are so many components that go into the recommendation that she feels it is part of the conversation that should be had.

Mr. Coyle stated at some point they will have to replace the Sewer plant; and the longer they wait, the more expensive the plant will be. He stated his biggest concern is that there is no way to use the land to make the improvements needed that costs less money. He stated if he were to make a recommendation it would be that we assume that a new plant with better treatment that will protect the watershed is necessary, but that before the Township would approve the Act 537 Plan we endeavor to have an independent evaluation of the choice to relocate to a second site instead of making a different use of the first site.

Mr. Bush stated it was indicated that the Feasibility Study is in the Act 537 Plan, and he asked how long the Township has had that. Mr. Campbell stated it would have been delivered in 2018 or 2019. Mr. Bush asked what the Township has done with that Plan over the last six to seven years. Ms. Carlton stated she does not know the answer to that, and she does not know when the Township actually received it. Mr. Bush stated he also heard that there was poor communication between Lower Makefield and MMA for quite some time so that may have contributed to the lack of review of the Feasibility Study. Mr. Bush stated he feels it is appropriate to look at the Feasibility Study; and if it was delivered six or seven years ago, it seems that a lot could have changed. He stated he feels the Township needs to hire someone to look at it to see if

it still makes sense. He stated maybe it can be done at the same site and maybe it cannot, but we should at least look at the Feasibility Study that we have not looked at in six or seven years.

Mr. Coyle stated he does not feel the Planning Commission is qualified to recommend that they should or should not support the proposed plan, and the only thing they are qualified to do is to say that the Board of Supervisors should have someone independently review the proposed Plan and Feasibility Study before they make their decision.

Ms. Torbert asked if anyone knows what the cost would be of having an independent person come in and do that. Mr. Grenier stated we would want to know if the Feasibility Study has changed. He stated there are different levels of review. Mr. Campbell stated they would need to consider what is the goal of their review. Mr. Campbell stated they are talking about \$150 million that is spread out among 7 million gallons a day flow rate, and the Township's share of that is about \$2 per thousand gallons. He stated currently the Township pays \$13.80 per thousand gallons plus \$50.

Mr. Coyle stated they are being asked to sign off on spending \$150 million without our engineer saying that we should do so. He asked what would happen if they designed a sewage treatment plant that does not do what it was supposed to do, and Mr. Campbell stated that would be a whole other review. He stated that would be a technical review of the final design documents. Mr. Coyle stated that is not covered by the Feasibility Study.

Mr. Grenier stated Mr. Campbell had indicated that they are approaching 60% design, and Mr. Campbell agreed. Mr. Grenier asked when that would be available for review, and Mr. Campbell stated he believes that they are looking at December or January. Mr. Grenier stated they could review the 30% design since it does not usually change a lot between 30% and 60%, although 60% would give more details. He stated they could also wait until they finish the 60% design and review that along with the Feasibility Study to make sure that our independent reviewer is comfortable with where things are going and the associated costs. Mr. Grenier stated Mr. Coyle has been talking about siting, and siting is much earlier in the process. Mr. Coyle stated there could be bad assumptions at any point in the process.

Mr. Coyle moved and Mr. Gill seconded that the Board of Supervisors contract an independent review of the Plan and the Feasibility Study prior to making any decision to approve or reject the Plan.

Mr. Costello stated he does not like the open-endedness of it, and he asked if they would do it in the next six months. Mr. Grenier asked Mr. Campbell if there are any DEP deadlines that are coming up related to this. Mr. Campbell stated they have funding deadlines that they are trying to meet more than anything. He stated it seems that the Planning Commission is agreeing to move this to the Supervisors with comments. Mr. Grenier stated they are making a recommendation to the Board of Supervisors.

Mr. Costello stated he agrees that this needs to be addressed and approved under the qualification that there be a review by the Township to make sure that the plan they have so far actually meets the needs of what a treatment plant needs and does not exceed the needs. He stated he is hearing this project needs to happen, and they have discussed it for fifteen years.

Mr. Campbell stated what they have now is the culmination of years and years of doing the bare minimum over the course of time to keep costs low and maintain things. He stated there are two plants that operate in parallel with one handling 40% of the flow and the other handling 60% of the flow. He stated they changed the operations from an old trickling filter plant, and we have rectangular clarifiers that used to be the aeration tanks. He stated there are a lot of things they are using right now that should not have been done; but it worked, and it has worked since 1986. He stated they are now at a point where it is no longer feasible. He stated this is the culmination of all of that time trying to keep costs down.

Mr. Costello stated he is comfortable that the Township should have an expert look at the Feasibility Study and the Design Plan to make sure that it is designed to meet what this plant needs so that we do not have to build another plant for another 50 years. Mr. Coyle stated if an engineer employed by Lower Makefield who has a contractual obligation to behave in the best interest of Lower Makefield and its residents was present and recommended that we move forward, he would vote in favor of moving forward; but no one under the employ of the Township who is an expert has said that. Mr. Grenier stated through the whole history of the project, that has been the case.

Mr. Costello asked that some kind of timeline be put on the Motion since he is concerned that if it is open-ended, it will never get done. Mr. Grenier asked that they do a review of the Feasibility Study and the 60% Design assuming it will be available fairly soon, and do it in a timely manner.

Mr. Grenier stated the Township can prepare an RFP or go out to an engineering firm to be prepared for that and be ready to do it as soon as the design is available.

Mr. Campbell stated the problem with that approach is that the 60% design is not what is on the table, and it is not what is part of the Planning Document which is what the Township is being asked to review as that is what the DEP is asking them to do. Mr. Campbell stated it is not about sharing the Plan, it is about reviewing and commenting on the Planning Document as to whether or not the Plan itself is acceptable. He stated the details of the Design are not something that the Township is being asked to review. Mr. Grenier stated the Township wants to review the Design Plan. Mr. Coyle stated he feels that the Planning Commission can put that onto the Board of Supervisors as opposed to the Planning Commission.

Mr. Costello stated he would like the engineer to at least be able to look at the Design specs that they are going for the parameters as to how they need to do that, and then tell them if that meets the needs and that they are not building capacity for some future, unnamed thing so that they are looking out for things that could be in the specs for the plant that we are being asked to pay for that Lower Makefield does not need.

Ms. Torbert asked if the purpose of selling the Sewer system was not so that the Township would not have to deal with all of this. Mr. Grenier stated it was really a cash flow issue and had nothing to do with MMA. He stated it had everything to do with how that Township Manager and a few Board members looked at our cash flow and the picture there were telling about our Budget which he feels was completely false, and now our residents are paying for it and will be in perpetuity. He stated he was against the Sewer sale. He stated with regard to MMA specifically we knew that there was this pending project that would be very expensive, and we knew that there were a couple of options back then with one of them that would have been less expensive that maybe would have worked for lower capacity and one much more expensive one that would “bring everyone to the table.” He stated we were also talking about how to be a part of that versus not being part of that as a Township. He stated with regard to MMA there were the other issues he has discussed about lack of transparency specific to the Agreement the Township had with MMA at the time and what we were responsible for paying relative to Capital versus Operational. Ms. Torbert stated that part went back years.

Ms. Torbert asked if at the time of the Sewer sale was there any discussion as to what, if any, our future role would be. Mr. Grenier stated some of the Board members attempted to have that discussion. He stated it ended up that we are customers through Aqua or their new parent company that is coming up, and we are just going to have to deal with it. He stated we can do what we can to advocate for our residents who are also ratepayers, but Aqua is the one that is connecting, and we are going through Aqua. Ms. Torbert asked if there is any reason why we cannot advocate through Aqua. Mr. Grenier stated we are reviewing the 537 Plan; and Ms. Carlton stated that is what is before the Planning Commission this evening, and that still remains a Township responsibility and obligation and not something that can be pushed onto Aqua or that we can negotiate through them.

Mr. Costello asked if the Motion could be modified to say that this should be approved with the qualification that the Township has someone review in detail the proposal and make sure that it meets what the Township and MMA needs and that there is “not other stuff in there,” and it is the most efficient approach possible.

Mr. Campbell stated with regard to the question asked if there was a DEP timeline, he stated there is a 60-day review period for the Planning Commission. He stated this is the meeting that they need to get comments back from the Planning Commission. Mr. Coyle asked if it is 60-days from the prior appearance, and Mr. Campbell stated it is 60 days from delivery of the complete 537 Plan. Mr. Campbell stated this would be the last Planning Commission meeting that they could make the recommendation unless they were to have a Special Meeting next week. Mr. Campbell stated the deadline for the recommendation by the Planning Commission is November 23.

Mr. Coyle asked if once it goes from the Planning Commission to the Board of Supervisors, does the Board of Supervisors have a Statutory time to respond; and Mr. Campbell stated that they do not that he is aware of.

Mr. Coyle stated with regard to Mr. Costello’s timeline for the Board of Supervisors, he does not care if the Board of Supervisors takes 4 days or if they take 4 years, although he would not want them to take that long. He stated they could put a timeline in the recommendation, but the Board of Supervisors does not have to follow the recommended timeline. Mr. Grenier stated the current Board, and he assumes the future Board that is coming on, are not going to “sit on their hands for something like this.” Mr. Costello stated he is never really comfortable putting in an open-ended recommendation.

Mr. Coyle moved to amend his Motion that the Planning Commission recommend that the Board of Supervisors expediently review the proposed Act 537 Plan to insure that it is in line with the best interest of the residents of Lower Makefield Township before taking action on the Plan. Mr. Bush accepted the Amendment.

Mr. Costello stated he assumes this will not have to come back to the Planning Commission, and Mr. Grenier agreed.

Motion carried unanimously.

#### DISCUSSION AND TABLING OF DRAFT RENEWABLE ENERGY ORDINANCE

Mr. Grenier stated the reason for this Ordinance is because we are seeing more renewable energy systems being incorporated into the Township without much guidance from a SALDO perspective. He stated it is not just rooftop solar, which is more of a Building Code item, as we are also starting to see ground-mounted systems in side yards etc. He stated they have their benefits, but we want to make sure that we balance things. Mr. Grenier stated there are also other systems such as geo-thermal that some people use for Residential homes in this area, as well as wind systems, although we do not often see that here. Mr. Grenier stated we also have the potential for carports that has been discussed at the Township, and that should be considered.

Mr. Grenier stated the State is talking about community solar of DG-scale which could be several hundred kilowatts to 5 to 10 megawatts, which takes up 5 to 20 acres. He stated while we have not seen that yet, we have properties that could potentially have that in the area. He stated data centers are starting to come on board on a smaller scale, and that is a very popular option for them.

Mr. Grenier stated while we have limited large farms, there is also utility scale renewables that could be on the order of 100 to 1,000 acres; and you can consolidate parcels. He stated Pennsylvania is doing a lot of that. He stated we do not have any guidance for that.

Mr. Grenier stated the goal of the Ordinance is to cover those scenarios. He stated with regard to the ground-mounted ones, the Design Standards are usually straight-forward. He stated one of the most important issues

is de-commissioning, and a lot of these have 30-year leases. He stated there are several Townships and Counties throughout the Commonwealth that have this in place already.

Mr. Grenier stated what the Planning Commission was provided over the last few days is a good start, but it is missing some of the scenarios; and he feels more needs to be addressed and added to the draft Ordinance for the Planning Commission to discuss. He stated he has seen a number of samples so he feels what should be added can be added quickly. He stated he would recommend not considering this tonight and move it to the December meeting, and they will have something updated by then for the Planning Commission to review. He stated it has also gone to the Bucks County Planning Commission to get their input. Mr. Grenier stated the Board of Supervisors would then consider it at their second December meeting, and it could potentially be advertised in the new year.

Mr. Coyle asked that they make sure that a representative from HRG is present at the Planning Commission meeting for that December meeting since this is a very technical document. Mr. Grenier stated they could do that although he does not feel it should be that technical, and it is more akin to a Zoning Ordinance where there are setbacks, etc. He stated they will see if someone from HRG is available.

Mr. Coyle asked if the energy savings requirements are applicable to any new construction within the Township or is that only applicable to whole home construction. He also asked if it is only applicable to only these systems. He noted this is in Section 261 – Energy Saving Requirements. Ms. Carlton stated this is generally for new construction. Mr. Grenier stated that is not something that is found in a Renewable Energy Ordinance in other towns, and that is more building-related.

Ms. Torbert asked about solar for existing homes, and she asked if that would effect that at all. She asked if there is anything in the Township right now that regulates putting solar panels on your roof. Mr. Grenier stated it is in the Building Code. Mr. Coyle stated this Ordinance is only Zoning; and Ms. Carlton agreed, but she added a part of the intent of this is to regulate “just those things.” She stated it has been before the Zoning Hearing Board a couple times this year; and if a resident would like to put some type of solar array/solar panels on their home, right now we do not enough guidance.

Ms. Torbert stated it looked like this only referred to new development. Mr. Grenier stated we are not going to go back and tell someone that they have to take off solar panels from their roof. Ms. Torbert stated she does not mean that. Mr. Coyle asked if the Law requires him to go through Zoning if he wants to add a geo-thermal well to his property, and Ms. Carlton stated it does. She stated she feels the Draft Ordinance states clearly that some things are by Conditional Use and some things are by Special Exception. She stated the people who have solar energy systems associated with their home would be grandfathered in, and we would not go back and re-visit that. She stated any new requests would be subject to this Ordinance; and depending upon the type of system, it will be by Conditional Use or Special Exception.

Mr. Costello asked if they have gotten any input from installers on this. He stated when he got his, Tesla did his whole Permit process, and he did not deal with the Township. He asked if the installers will now not want to provide that service since they will have to go through a Zoning Hearing Board process. Mr. Grenier stated we have the ability to make changes to the Draft. He stated usually solar panels on a Residential roof are allowed; but where they start to have concerns is where there is a ground-mounted system in aside yard and the larger-scale things he was talking about.

Ms. Torbert asked about windmills on a roof. Mr. Grenier stated that is covered, but a windmill/turbine is similar to ground-mounted solar; and we want to have some guidance on that. Ms. Torbert stated she feels this is a huge, complex Ordinance; and she asked if it would make more sense to do solar first, then do geo-thermal, and then do windmills rather than trying to do all three of them at once. Mr. Grenier stated his experience across the Commonwealth and in other States is that while it sounds complicated because of the different types of technology, in practice it is really not. He stated the State has good guidance which is very helpful.

Ms. Carlton stated if you compartmentalize each one and read it individually, it makes more sense than trying to read it as a whole. She stated while it is technical, it is a fairly simplistic read once you get into it. She stated it is based off the Bucks County Model Ordinance. She stated they looked at a variety of Ordinances not just in Bucks County but also in the southeastern part of Pennsylvania and extrapolated things from them. She stated she was very involved in Solebury's Ordinance, and they looked at that although they have a different geographic than Lower Makefield as they demand larger lots than Lower Makefield does so some things would not work here.

Mr. Grenier stated Penn State maintains a clearing house of Solar Ordinances at the County and Municipal levels; and while they focus on solar, most of them cover other renewal energy technologies. He stated they have become pretty consistent across the board although more rural Counties focus on certain items versus more suburbanized Counties. He stated we might want to do a hybrid of the two.

Mr. Costello stated in the next draft, he would recommend differentiating more clearly Commercial versus Residential. Mr. Grenier stated there are Accessory Solar Energy Systems versus Primary Solar Energy Systems, and Accessory is more of the Residential, and Primary are what he would refer to as utility scale. Mr. Grenier stated he agrees with Mr. Costello that he wants to do that as well.

Mr. Costello stated he found that some of the solutions were too specific; and they were not focusing on what they were trying to accomplish which is maximize efficiency and maximize aesthetics as opposed to trying to tell people how to align their houses.

Mr. Bush moved and Ms. Torbert seconded to Table this Agenda item to the next meeting,

Mr. Coyle asked if he could place comment back into the document before the Planning Commission meets again; but Mr. Grenier stated before Mr. Coyle puts comments in, he feels the updates should be completed since it will probably cover a lot of comments. Mr. Coyle asked Ms. Carlton if she sends the Planning Commission a new version of the draft, could he ask questions in the document and send them back to her or would he be in violation of Public Hearing requirements. Ms. Carlton stated he can send comments to her. Ms. Carlton stated she will also work with Mr. Grenier because he had some suggestions.

Motion to Table carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Adrian Costello, Secretary