

Lower Milford Township Planning Commission
7607 Chestnut Hill Church Rd Coopersburg, PA 18036
Lehigh County, Pennsylvania

Monday, August 3, 2026 – 6:30 PM

Meeting Minutes

Members Present: John Harbove, Chair; John Bannon; Ellen Koplin; Jeffrey Owler; Mark Cappuccio, Solicitor; Andrea Silvestri, Planning Commission Secretary; and four members of the public.

The meeting was called to order by John Harbove, Chair, at 6:33.

The Pledge of Allegiance was recited.

John Bannon made a motion to accept the minutes of June 1st, which was seconded by Jeffrey Owler and the motion was unanimously passed.

The Planning Commission reviewed the Lee's minor subdivision located at 2948 Plover Lane in the Agriculture Conservation District. Brad Rock of Lehigh Engineering presented the preliminary final plan showing an existing single-family dwelling on proposed Lot 1 and a conceptual single-family dwelling on proposed Lot 2 (net size Lot 2 = 2.46 acres). Michael Smith of Cowan Associates reviewed their July 7, 2026 comment letter and noted outstanding items and the requested waivers. Because no immediate construction/improvements are proposed, multiple waivers were requested which is generally acceptable to the Commission.

Discussion addressing the following items occurred:

- Need for an erosion & sediment plan, stormwater management plan, improvement construction plan, landscaping plan, and sewage planning module — waivers requested because the lots are not currently being developed.

- Stormwater/erosion control and E&S permitting typically occur at the building/construction permit stage for single-family dwellings; thresholds for Lehigh County Conservation District or NPDES were noted for larger earth disturbance areas.

- Right-of-way dedication revised to include the previously orphaned triangular area at the intersection (Chestnut Hill Church Road / Plover Lane).

- Roadway / driveway improvements

Applicant explained existing site drainage and historical driveway alignment that resulted in the current roadway/right-of-way configuration.

Commissioners expressed concern about preventing driveway runoff from reaching the roadway (shoulder/gutter).

Applicant agreed to design the driveway entrance to prevent runoff to the road (options discussed: graded apron/asphalt dip, driveway culvert/cross pipe, trench drain/box drain if required).

The Commission preference was to require improvements at the driveway egress rather than full frontage improvements for Lot 2.

Agreement was to provide roadway improvements within a 20-foot buffer on each side of the driveway centerline (40 feet total) to ensure a stable/clean driveway ingress/egress and proper drainage; this will be included on the plan/notes.

The Commission and applicant discussed drainage and required limited roadway improvements at the driveway entrance. A partial waiver for road improvements limited to a buffer around the driveway was agreed.

- Soils / septic / site capacity:

The soils and wetland delineation report by Barry Isett/BIA was referenced that shows the soils are suitable for a septic system on Lot 2. (net 2.46 acres).

The Sewage Enforcement Officer reviewed and signed the revised module.

-The accuracy and completeness of the wetland delineation and riparian buffer zones in a development plan was explained by EKoplin, emphasizing the need for clear markings of wetlands and buffers to ensure compliance with Article X of the zoning ordinance. Applicant was confident in the submission referencing a report by Barry Isett showing the Army Corps' wetland boundaries and a review with our engineer that did not show inadequacies with the plan. It was explained that these items had been provided in past applications and they wanted it to be addressed for this one as well.

-Additionally, there was a discussion about the need for further information regarding a bog turtle indication on the PNDI and the process for obtaining approval from U.S. Fish and Wildlife.

-Concerns were raised about a public trail on a self-contained parcel owned by a family, questioning the necessity of revisiting the issue, and the ordinance allows for a fee and lieu or the trail to be located on the plan. A motion by Jowler to waive the fee, which is seconded by JBannon, with one nay from EKoplin, the motion carried.

For resubmission:

- Revise Lee's Plover Lane subdivision site plan and/or general notes to show roadway improvements at the driveway: show a 20-foot section on each side of the driveway centerline (40 feet total) along Lot 2 frontage and indicate this as a partial waiver for Section 503 road improvements.
- Confirm method of documenting the driveway improvement requirement on plan and include any proposed driveway grading/profile or general note that the driveway entrance will be designed to prevent runoff to the roadway.
- Discuss with the Department of Community Development whether a fee-in-lieu payment is required in conjunction with the partial waiver for road improvements
- Provide copy of revised sewage planning module and any final SEO signatures to the township file (if not already provided).
- If driveway grading/earth disturbance triggers thresholds, obtain required E&S/stormwater permits or Lehigh County Conservation District adequacy letter when applicable at time of construction.
- Prepare an additional driveway roadway improvements note that specifies the proposed road improvements within 20 feet of the driveway centerline and send it to the township representative for review before finalizing the permit package.
- Revisit the Article X requirements in light of the planning commission's feedback and ensure the preliminary final plan fully complies with all Article X display and delineation standards before moving forward with conditional approval.
- Work with the engineer to obtain clearer guidance from DEP and U.S. Fish and Wildlife on the bog turtle potential indication on the PNDI, determine the required mitigation or study level, and provide the planning commission with sufficient information at the next meeting to support future decisions.
- For each planned zoning variance or waiver, first consult with the engineer to confirm technical feasibility and then bring the waiver request to the planning commission for review and vote.

Update and resubmit the waiver list for the minor subdivision project, removing the preliminary final plan waiver that was previously requested.

- Ensure that all waived or deferred requirements on the subdivision plans include clearly written notes specifying the stage at which they are required, such as at the time of permit review, and any applicable conditions.
- Prepare and submit an as-built record for the site, including elevations and driveway/frontage improvements, to the township prior to issuance of the occupancy permit for the new structure.
- Revise the subdivision plans to add a detailed section on the 40-foot swatch of frontage along Plover Lane, showing the hypothetical driveway location, driveway apron, culvert or drainage elements, and PennDOT-standard road cross-section, and attach this detail to the main drawing set.
- Withdraw the waiver request for item #5 (improved construction plan) from the current minor subdivision application and return at a future meeting with additional information on the proposed driveway location and building applications so the Planning Commission can reconsider the waiver.
- Remove the waiver request for item #6 (sewage facility planning module) from the current application, since the sewage facility planning module has not yet gone before the supervisors.
- Remove the waiver request for item #9 (landscape plan) from the current application, consistent with the approach taken for the ENS and stormwater management plans.

The meeting discussed the fee schedule for a subdivision, with a motion by JBannon and seconded by Jowler to waive certain fees.

The planning commission reviewed the Godshall Subdivision at 1200 Beverly Hills Road subdivision plan located in the Rural Residential 2 District, noting the inclusion of lot 19B for open space and the need for legal descriptions for utility easements. Concerns were raised about the impact on a shared well and the need for water sampling data from LCA. The commission agreed to a trailing condition for the plan, pending further information from LCA. The completion of the sewage facilities planning module was also confirmed.

- Contact LCA to obtain the drawdown test records and any available monitoring data for the shared well serving the subdivision and adjacent lower properties, and report the results back to the township.

- Provide whatever assistance the township can to help secure LCA water-use and drawdown records and related water-quality sampling for the shared well so the Planning Commission has the data needed to evaluate impacts on nearby homes.
- Finalize the subdivision documentation and update the homeowners' draft plan to reflect agreed zoning and land development ordinance requirements and any trailing conditions dependent on LCA data.
- Prepare and submit the required stormwater operations & maintenance (O&M) documentation and agreement for the development's stormwater facilities.
- Prepare and execute the administration / improvement agreement and post financial security for project road and related improvements (provide cost estimates for township/deputy engineer review).
- Provide the township engineer with legal descriptions and deeds of dedication for all required easements, including sewer line/extension easements and right-of-way dedications.
- Revise the HOA declaration and covenants to exempt Lot 19/19A/19B (farmhouse/barn parcel) from animal prohibitions and carve that lot out as discussed; update related animal-husbandry provisions as necessary.
- Prepare and provide an easement granting Lot 19A exclusive use/access to Lot 19B for the barn/animal husbandry area, suitable for council review.
- Obtain and provide to the township engineer any available drawdown/monitoring records from the LCA water resource impact analysis (daily records if available); provide whatever monitoring data exists for engineer review.
- Coordinate with Pennsylvania DEP (NPDES/MPDES) and Lehigh County Conservation District to secure final permit approvals and supply permit documentation to the township.
- Plan unchanged; applicant agreed to make a good-faith effort to obtain LCA daily drawdown-test records for the relevant timeframe and provide them for township review.
- If records are unavailable or show impacts to wells, an indemnification mechanism for the township was proposed.
- Open space dedication rate and usability/accessibility of dedicated land were questioned; no change to the rate was made at this meeting.

A motion was made by JBannon and seconded by JOwler to grant Conditional Final Approval of the subdivision subject to solicitor and engineer notes and inclusion of the administrative checklist items. 2 Aye / 2 Nay; chair JHarbove cast deciding vote in favor — Motion carried.

Zoning Amendments — Data Centers / Generators / Noise / Setbacks

- Decision to not adopt a standalone data center ordinance previously agreed; instead draft targeted amendments to commercial zoning addressing generators, maintenance, setbacks, and noise.
- Township designation (high-intensity agricultural area) and limited infrastructure make data center development unlikely; no known inquiries from data center builders.
- Amendments intended to provide guidance/restrictions if such uses are proposed.

Solar Regulations

- Discussion of agrivoltaic (farm-related) vs commercial-scale solar; permitting and structural review required for rooftop installations; larger ground-mounted solar will be regulated under commercial rules.
- Continue review; assess solar-related envelope materials provided to the commission and discuss at next meeting.

A motion was made by John Bannon and seconded by Jeffrey Owler to adjourn the meeting at 9:32, all were in favor.

Respectfully submitted,



Andrea Silvestri

Planning Commission Secretary of Lower Milford Township