

Lower Milford Township Planning Commission

Lehigh County, Pennsylvania

Monday, April 6, 2026 – 6:30 PM

Meeting Minutes

Members Present: John Harbove, Chair; Kara Stever, Vice-Chair; John Bannon; Ellen Koplin; Allison Schaffer; Jeffrey Owler; Mark Somers; Mark Cappuccio Esq. of Eastburn and Gray; and three members of the audience.

A. The meeting was called to order by John Harbove, Chair, at approximately 6:38.

B. The Pledge of Allegiance was recited.

C. Chair asked for a volunteer to take notes/minutes for the meeting since the Planning Commission Secretary is no longer with the Township. Motion by Jeffrey Owler and seconded by John Bannon, to elect Kara Stever as acting secretary for one meeting. Unanimously approved.

1. Short-Term Rental Ordinance Review

- Commission reviewed revised draft language.
- Changes discussed:
 - o Bedroom definition clarified (egress requirements).
 - o Bathroom terminology standardized.
 - o Occupancy limits aligned.
 - o Sewage enforcement references removed.

Insurance Discussion

- Extensive discussion on liability insurance requirements:
 - o Industry input: short-term rentals may require policy endorsements or rental policies depending on duration.
 - o Third-party platforms (e.g., Airbnb) provide some coverage, but limitations noted.

- Key points debated:

- o Whether insurance must be submitted at permit issuance.

- o Whether documentation should only be retained for audit.

- o Meaning of “adequate” insurance deemed too vague.

- Direction agreed:

- o Applicant must **provide and maintain liability insurance**.

- o Documentation must be **available upon request**.

- o Insurance requirement should be **linked to permitting process**.

2. Ordinance Development Process

- Discussion on how ordinances proceed:

- o Draft → formatting → zoning oPicer review → legal review → Board of Supervisors.

- o Required **30-day review period** before adoption.

- Commission acknowledged current drafts are **preliminary working versions**.

3. Overlay District Discussion (Initial Phase)

- Topic introduced in relation to:

- o Solar

- o Data centers

- Discussion points:

- o Overlay district could act as designated location for certain uses.

- o Concern raised regarding **usable land availability**.

- o Legal concern: zoning must be **defensible and realistic**.

Issues Identified

- No detailed map available showing:

- o Easements

- o Topography

- o Wetlands

- Without mapping, Commission could not determine:

- o Suitability of proposed overlay areas.

Action

- Overlay district discussion **tabled** until mapping is obtained.

4. Solar Ordinance Review

4.1 Residential Solar

- Agreement:

- o Rooftop solar should be **permitted by right**.

- Ground-mounted systems:

- o Currently not clearly regulated.

- o Discussion on whether to:

- § Allow by right, or

- § Require zoning hearing review.

5.2 Ground-Mounted Systems

- Issue identified:

- o No clear standards for size or scale.

- Discussion:

- o Consider treating systems as **structures**.

- o Consider applying **impervious surface standards**.

- Proposed working threshold:

- o **~1,000 square feet** triggers additional review.

5. Battery Storage Discussion

- Continued discussion into second half of meeting.

Technical Observations

- Modern systems:

- o High voltage (400–500V DC).
- o Integrated with grid via inverter.
- Fire concerns raised:
 - o Lithium battery fires difficult to extinguish.
 - o Examples cited requiring large water volumes.

Discussion Points

- Whether batteries should require:
 - o Separate permits.
 - o Additional regulation.
- Consensus direction:
 - o Include battery info in permit process.
 - o Provide **notification to fire department**.
 - o Focus on **information tracking**, not restriction.

Proposed Approach

- Batteries included in permit application.
- Additional permit required if added later.
- Fire department receives system information (type, capacity, etc.).

6. Solar – Commercial vs Residential Distinction

- Commission clarified distinction:
 - o **Residential/Agricultural:** serves on-site use.
 - o **Commercial:** generates power for sale to grid.
- Discussion:
 - o Commercial systems require additional standards:
 - § Glare studies (for roads, aircraft, neighbors).
 - § Fencing and access requirements.
 - § Decommissioning requirements.

Decommissioning

- Concern:
 - o Companies may abandon installations.
- Direction:
 - o Require **escrow or bond for removal**.

7. Overlay District

- Concern raised that solar ordinance was dependent on overlay district.
 - o **Proceed with ordinance development**
 - o **Defer overlay district determination until mapping is available.**

8. overlay Mapping Discussion

- Identified need for:
 - o Conservation easement maps
 - o Topographic data
 - o Updated township mapping
- Responsibility:
 - o Township staff and future zoning officer.
- Legal caution:
 - o Avoid deliberation via email (Right-to-Know concerns).
 - o Use meetings/workshops instead.

Motion made By John Bannon to table overlay district until additional information is available, second By Kara Stever, Motion carries unanimously

9. Data Center Ordinance Review

A. Framework

- Draft compiled from multiple municipalities.
- Reviewed as outline rather than final ordinance.

B. Key Issues Discussed

- **Phase creeping:**
 - o Expansion beyond original approval.
 - o Addressed via required full build-out plan.
- **Power demand:**
 - o Identified as primary driver for site selection.
- **Technology changes:**
 - o Data centers becoming smaller and more efficient.

C. Physical Standards

- **Height:**
 - o Discussion between 35 ft vs 40 ft.
 - o Must include rooftop equipment (HVAC, cooling).
- **Setbacks:**
 - o Approx. 200 ft discussed as baseline.
- **Noise:**
 - o Preliminary standards discussed (day/night limits)

D. Backup Generation

- **Issue:**
 - o Cannot prohibit generators entirely.
- **Approach:**
 - o Limit:
 - § Testing hours
 - § Fuel storage
 - § Runtime (e.g., 100 hours/year)
- **Purpose:**
 - o Prevent generators from becoming primary power source.

E. Water Usage

- Discussion:

- o Water needs vary widely by design.

- Existing controls noted:

- o Delaware River Basin Commission (10,000 gal/day threshold).

- o Water studies and aquifer testing requirements.

F. Operational Considerations

- Observation:

- o Value of data centers tied to **computing capacity**, not structure.

- Concern:

- o Internal expansion (more servers) difficult to regulate.

- Approach:

- o Focus on:

- § Power limits

- § Infrastructure limits

- § Site plan restrictions.

11. Overlay District – Revisited

- General consensus:

- o Overlay district likely necessary, especially for data centers.

- Concern:

- o Must balance with long-standing policy of farmland preservation.

- Agreement:

- o Cannot finalize without mapping.

- o May require workshop session for focused discussion.

12. Speaker calls for possible motion for adjournment. Motion made by John Bannon, 2nd

By Jeffrey Owler, Motion is voted upon motion, approved unanimously.

---Meeting Is adjourned 8:52pm ---

Documentation provided by John Harbove.