

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

Lehigh County, Pennsylvania

Monday, May 4, 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; Andrea Silvestri, Zoning Officer; and three members of the public.

The meeting was called to order by John Harbove, Chair, at 6:35.

The Pledge of Allegiance was recited.

Motion was made by John Bannon and seconded by Vice-Chair Kara Stever to appoint the Lower Milford Zoning Officer, Andrea Silvestri as the Planning Commission Secretary for the remainder of the year, the motion carried unanimously.

Kara Stever made a motion to accept the minutes of the April meeting with corrections as noted: add Mark Somers as present at the meeting, correct the numbering issue where the document moved from item 9 to item 10.1; note that the draft watermark did not render as expected. The motion was seconded by John Bannon and was so moved.

Agenda Overview

Primary agenda items: Rooftop solar ordinance language and an update/discussion on the comprehensive plan and potential overlay district.

Reason for meeting priority: The Commission wanted to move the rooftop solar ordinance toward the Board of Supervisors because solar permit applications are increasing and repeated zoning hearing processes are costly and time-consuming for the Township.

Regional Plan, Overlay District, and Data Centers

Legal framework summarized: Lower Milford participates in a regional planning framework, Counsel explained the difference between joint zoning and joint regional planning under the Municipalities Planning Code. and the discussion

indicated it does not have joint zoning with one shared zoning hearing board and planning commission.

Regional plan defense: Because Lower Milford is identified in the regional plan as an agricultural/agricultural preservation area, the Township could argue that certain non-agricultural uses, such as data centers, do not need to be provided within Lower Milford if they are available within a reasonable geographic area elsewhere in the regional plan.

Reasonable geographic area: Counsel noted that there is little controlling case law defining a "reasonable geographic area." One non-binding discussion referenced approximately four to five miles, but counsel emphasized that a court would need to make a factual determination in any challenge.

Nearby industrial areas: Maps were discussed showing industrial areas in Upper Milford and Lower Macungie. Lower Macungie was described as having amended its ordinance to allow data centers in an industrial zone.

Overlay district risk: Commission members discussed that creating an overlay district could open the door to uses the Township does not want by identifying a location and potentially giving developers a path or "blueprint" for applications.

Data center ordinance risk: Commission members also discussed that adopting a specific data center ordinance could invite applications by specifying standards and a potential approval path. Without such an ordinance, an applicant would need to challenge the ordinance and the Township could rely on the regional plan and agricultural designation.

Action - overlay district: A motion was made by Allison Schaffer and seconded Kara Steever to table the overlay district concept until other uses or new facts justify further consideration. Motion carried.

Action - data center ordinance: A motion was made by Allison Shaffer and seconded John Bannon to abandon/not proceed with a specific data center ordinance at this time. Motion carried.

Consensus follow-up: The Commission expressed interest in considering general protective zoning standards, not written specifically as a data center ordinance, such as standards related to lighting, noise, generator use, emergency power, energy-intensive operations, environmental impacts, and agricultural impacts.

Residential/Rooftop Solar Ordinance

Scope discussed: The current priority is residential rooftop solar. The discussion focused on allowing rooftop accessory solar energy systems by right, while avoiding overhang beyond the roofline.

Ground-mounted systems: The Commission discussed leaving ground-mounted solar systems outside the by-right rooftop category and continuing to require special exception or Zoning Hearing Board review, with standards still needing further refinement.

Definition issue: Members noted that the common term "accessory solar energy system" can include both roof-mounted and ground-mounted systems. The draft should therefore clearly define the by-right category as rooftop-only or expressly exclude ground-mounted systems from that definition.

Drafting direction: Revise the draft so references to by-right accessory solar systems are clearly tied to rooftop systems, and ensure the definition section controls the rest of the ordinance amendment.

System size and use: Members discussed limiting systems to on-site utility consumption or typical property use, especially for ground-mounted systems. The discussion acknowledged that Pennsylvania net metering currently reduces the financial incentive for oversized residential systems, but members still wanted clearer standards.

Ground-mounted standards to research: Possible standards include maximum coverage or number of panels, setbacks, property-size limits, road and neighbor setbacks, on-site consumption limits, and clearer special exception criteria.

Process concern: Members preferred not to rush approval of a lengthy ordinance amendment without reading it carefully. A workshop was favored for line-by-line review of the revised draft.

Commercial Solar and Agricultural Solar Concerns

Commercial solar: The Commission noted that commercial solar remains a separate issue and that a proposed commercial solar ordinance is still only an outline with further opinions and edits to incorporate.

Agricultural solar sizing: Members discussed that farms may need a significant number of panels for on-site power, depending on operations such as dairy, shop,

or other agricultural uses. The Commission discussed the need to be careful when distinguishing agricultural self-use from a commercial solar farm.

Land clearing and timber harvesting: Members discussed whether land clearing or timber harvesting standards could help control large-scale solar installations, especially if wooded land were cleared for panels.

Timber Harvesting Ordinance

Model ordinance: The timber harvesting language was described as based on the Penn State model ordinance.

Need to advance: Counsel noted that the Township had received notice of a challenge involving the existing timber harvesting ordinance, and that the Attorney General's office was informed the Township was working on amendments.

Exposure if delayed: Counsel emphasized that the timber harvesting ordinance should move forward because there is legal and financial exposure if the Township does not address the issue.

Combined amendment process: Members discussed whether solar and timber provisions should be separated for ease of review. Counsel explained that separate ordinances would require separate review, advertising, and hearings; the combined amendment process may be more efficient, but members requested clearer review copies.

Workshop approach: The Commission leaned toward reviewing the timber and solar provisions carefully at workshop, possibly with clearer formatting or highlighting for review purposes while keeping the final amendment in the required ordinance format.

Ordinance Amendment Process and Workshop

Required process: Counsel explained that zoning ordinance amendments require review by other municipalities/regional groups and the county planning commission, public hearing notice, a public hearing before the Township, stenographer attendance, and formal adoption.

Revised draft: The draft should be revised to incorporate the rooftop solar/ground-mounted solar clarifications discussed at the meeting, then redistributed to Commission members for review.

Workshop date discussed: A workshop date of May 18 was discussed as the third Monday of the month. Members anticipated using the workshop to process comments and questions and determine whether the draft could move forward.

Member review: Members were asked to read the revised draft in advance and bring or submit questions so they can be addressed at the workshop.

Other Ordinance Topics Mentioned

Accessory dwelling units and tiny houses: Tiny houses and accessory dwelling units were briefly discussed as potential future ordinance topics. No formal action was taken.

Short-term rentals and bed-and-breakfasts: Prior workshop notes on short-term rentals and bed-and-breakfasts were mentioned as items that could be brought back and combined with future ordinance work.

Other Business and Project Updates

Historic structure / Beverly Hills Drive: Members discussed a class two demolition item at or near 1200 Beverly Hills Drive and whether it related to a pending development. It was noted that the Historic Commission had recommended allowing a deteriorated structure to be rebuilt while trying to maintain the footprint and foundation.

Beverly Hills final plan: A final plan for Beverly Hills Drive was discussed as having been accepted for review and still requiring plan review, including Lehigh Valley Planning Commission review.

Survey monuments/control points: Members discussed the need to preserve or identify survey monuments/control points on plans and to show any monuments to be replaced.

Motion was made by John Bannon and seconded by Vice-Chair Kara Stever to adjourn the meeting at 8:10, the motion carried unanimously.

Respectfully submitted,



Andrea Silvestri

Lower Milford Township Planning Commission Secretary