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## **REGULAR SEMI-MONTHLY MEETING**

### **February 26, 2019**

The regular semi-monthly meeting of the Board of Supervisors, Hanover Township, Northampton County, was called to order by Chairman John Diacogiannis at the Hanover Township Municipal Building, 3630 Jacksonville Road, Bethlehem, PA, 18017 at 7:00 P.M.

Present were Supervisors Salvesen, Nagle, Lawless, Prendeville, Diacogiannis, Engineer Brien Kocher, and Solicitor Wendy Nicolosi.

The Pledge of Allegiance was performed.

Upon motion of Mr. Salvesen, seconded by Mr. Nagle the Board approved the Agenda.

Mr. Salvesen aye, Mr. Nagle aye, Ms. Lawless aye, Mr. Prendeville aye, Mr. Diacogiannis aye.

Upon motion of Mr. Salvesen seconded by Mr. Nagle, the Board approved the minutes from the meeting of the Board of Supervisors dated February 12, 2019.

Mr. Salvesen aye, Mr. Nagle aye, Ms. Lawless aye, Mr. Prendeville aye, Mr. Diacogiannis aye.

Upon motion of Mr. Nagle seconded by Mr. Salvesen, the Board approved the list of bills and transfers dated February 26, 2019.

Mr. Salvesen aye with the exception of check number 3925, the portion of the proceeds which benefit himself. Mr. Nagle aye with the exception of check number 3925, the portion of the proceeds which benefit himself, Ms. Lawless aye with the exception of check number 3925, the portion of the proceeds which benefit herself, Mr. Prendeville aye with the exception of check number 3925, the portion of the proceeds which benefit himself, Mr. Diacogiannis aye with the exception of check number 3925, the portion of the proceeds which benefit himself.

#### COURTESY OF THE FLOOR

Mr. Finnigan noted for the record the Board met in Executive Session prior to the regular meeting, in pursuant of Pennsylvania Sunshine Act, 65 Pa.C.S. §§ 701-716, regarding litigation.

#### REPORT OF THE CHAIRMAN

Mr. Diacogiannis reported on the Police Commission Meeting.

#### REPORT OF THE VICE CHAIR

Mr. Prendeville had nothing to report.

#### SUPERVISOR'S COMMENTS

Mr. Nagle – Road District #1, Mr. Nagle commended the Public Works crew on their work during the last snow storm.

Mr. Diacogiannis– Road District #2, had nothing to report.

Mr. Salvesen – Road District #3, had nothing to report.

Ms. Lawless – Road District #4, Ms. Lawless gave an update on the Multi-Municipal Comprehensive Plan.

Mr. Prendeville – Road District #5, had nothing to report.

## APPOINTMENTS AND RESIGNATIONS – BOARDS, COMMISSIONS & COMMITTEES

### PLANNING & ZONING

#### ADMINISTRATION

##### **PNC Presentation**

Paul Kamor presented the Board with a client review of the Hanover Township Retirement Plan.

##### **Stormwater Management Ordinance – Public Meeting**

It was noted for the record the ordinance had been duly advertised and the Secretary had received proof of publication.

Ms. Lawless moved the Board adopt Ordinance 19-1 amending in its entirety Chapter 152 (Stormwater Management), and repealing all ordinances or parts of ordinances inconsistent herewith.

Mr. Prendeville seconded the motion.

Mr. Salvesen aye, Mr. Nagle aye, Ms. Lawless aye, Mr. Prendeville aye, Mr. Diacogiannis aye.

##### **Easton Municipal Band – Performance Contract**

Ms. Lawless moved the Board authorize the Chairman to sign the performance contract with Easton Municipal Band for their performance on April 28, 2019 at the JP Sousa Concert.

Mr. Prendeville seconded the motion.

Mr. Salvesen aye, Mr. Nagle aye, Ms. Lawless aye, Mr. Prendeville aye, Mr. Diacogiannis aye.

#### DEVELOPMENTS

##### **Hanover Flex Center – Security Release**

Mr. Salvesen moved the Board approve Security Release #2, for 5000 Township Line Road, in the amount of \$173,558.00, resulting in a security balance of \$87,542.75, per the recommendation of Hanover Engineering's letter dated February 21, 2019. The reduced amount of the release is conditioned upon the following:

1. The developer acknowledges the security provided for all improvements will remain in force at a minimum of \$87,542.75 for the remaining work, plus contingencies.

2. The Developer adheres to Township Policy 25 (payment of Plans and Appeals Accounts).

Mr. Nagle seconded the motion.

Mr. Salvesen aye, Mr. Nagle aye, Ms. Lawless aye, Mr. Prendeville aye, Mr. Diacogiannis aye.

##### **Northgate II Lot 4 – Extension**

Mr. Salvesen moved the Board grant the developer of Northgate II Lot 4 an extension to September 4, 2019 to complete the improvements, per their letter dated February 19, 2019.

Mr. Nagle seconded the motion.

Mr. Salvesen aye, Mr. Nagle aye, Ms. Lawless aye, Mr. Prendeville aye, Mr. Diacogiannis aye.

##### **Freshpet Plant #2 - Preliminary/Record Lot Consolidation and Land Development Plan**

Mr. Salvesen moved that the Board of Supervisors approves the Preliminary/Record Lot Consolidation and Land Development Plan of Freshpet Plant 2 Additions, dated as last revised February 4, 2019, upon the following conditions:

##### **CONDITIONS:**

1. The Developer/Owner shall address all outstanding comments in the Hanover Engineering Associates, Inc. review letter dated February 21, 2019 to the satisfaction of the Township Engineer prior to Plan recording.
2. The Developer/Owner shall provide two (2) copies of all final reports (i.e. Post-Construction Stormwater Management Control Summary, Geotechnical Report, Erosion and Sediment Pollution Control Narrative, Traffic Reports, etc.) and supporting documentation prior to Plan recording.
3. Notes shall be added to the Plan(s) identifying all Zoning Ordinance design aspects and conditions accepted by the Township and waivers and deferrals granted by the Township and the meeting date of the Board of Supervisors action.
4. The Developer/Owner shall enter into an Improvements Agreement with the Township and provide appropriate security. (SALDO Section 159-30.D.(5))

A. The Improvements Agreement shall include a notarized statement, satisfactory to the Township Solicitor, stating that the Township shall be held harmless against any claim of damage from the downstream property owners that may result from the proposed development. (Stormwater Management Ordinance 98-2, Section 152-10.E)

B. The Improvements Agreement and a separate Covenant running with the land shall include provisions satisfactory to the Township Solicitor, that the stormwater collection, conveyance, BMPs and control facilities located on private property shall be properly operated and maintained by the property owner. (Stormwater Management Ordinance 98-2, Sections 152-10.M and 152-24.3)

C. The Improvements Agreement shall include a statement that a BMP Operations and Management Plan (Post Construction Stormwater Management Plan) shall be recorded, listing the person(s) responsible for operations and maintenance, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that cannot be altered or removed without approval by the Township. (Stormwater Management Ordinance 98-2, Section 152-24.5)

5. The Developer/Owner shall enter into a Maintenance Agreement with the Township and provide appropriate security. (SALDO Section 159-30.D.(6))
6. The Developer/Owner is not required to provide an Open Space Contribution, as this requirement was previously satisfied by LVIP, Inc. (SALDO Section 159-16.D)
7. The sanitary sewer system that this lot connects to flows into the Bethlehem Township Municipal Authority sanitary sewer system. The lateral and collection system within LVIP IV was constructed by Lehigh Valley Industrial Park, Inc. The sanitary sewer does not utilize any facilities constructed or paid for by the Township; therefore, the Developer/Owner is not required to pay any sanitary sewer fees to Hanover Township. The Developer/Owner may be required to pay sanitary sewer fees to the Bethlehem Township Municipal Authority. (Sewers Section 140-13)
8. The Board of Supervisors, at their meeting of June 16, 1992, waived additional Impact Fees for new development in LVIP IV; therefore, the Developer/Owner is not required to pay any Traffic Impact Fees to Hanover Township. (Impact Fee Ordinance 91-12, Resolution 2013-20)

9. The Developer/Owner shall provide a Storm Sewer Interceptor Improvements Value of \$13,320.00 (\$1.80/SY of impervious cover X 7,400 SY of impervious cover) for the additional impervious area exceeding 60%, as the Storm Sewer Interceptor Improvements previously provided by LVIP, Inc. only addressed an on-lot impervious cover of 60%. (Stormwater Management Ordinance Section 152-12.B.(2))
10. The Developer/Owner shall pay all current fees, including any outstanding plans and appeals account charges. (SALDO Section 159-36J)
11. The Developer/Owner shall provide two (2) Mylars for recording the plans and ten (10) sets of plans which are signed and notarized by the Owner and sealed by the Surveyor/Engineer. (SALDO Section 159-34.B)
12. The Developer/Owner shall meet all conditions of the Preliminary/Record Plan approval, and the Preliminary/Record Plan shall be recorded within twelve (12) months of Conditional Plan approval, and agrees that if such conditions are not met, the conditional Preliminary/Record Plan approval shall be considered void, and the application for Preliminary/Record Plan approval shall be considered void and withdrawn.

Mr. Salvesen further moved, that the granting of conditional Preliminary/Record Plan approval of this plan recognizes that the Township is agreeing to the following on the Lot Consolidation and Land Development Plans:

- A. That the Board of Supervisors accepts the proposed locations of the two (2) buildings on one (1) lot as shown on the Plan per Zoning Ordinance Section 185-14.A.(1).
- B. That the Board of Supervisors accepts the location of Subsurface Detention Basin A in the front yard at the northwest corner of the site and Subsurface Detention Basin B in the rear yard along the south side of Plant #2 as shown on the Plan per Zoning Ordinance Sections 185-14.C.(3) and G.
- C. That the Board of Supervisors accepts the proposal to construct only 275 of the required 637 parking spaces as shown on the Plan per Zoning Ordinance Section 185-17.B and C, conditioned upon the Developer/Owner providing a Plan and separate agreement (if required by the Township Solicitor) showing that the total number of required parking spaces can be constructed on the lot, if necessary in the future.
- D. That the Board of Supervisors accepts the parking lot landscaping as shown on the Plan per Zoning Ordinance Section 185-17.F.
- E. That the Board of Supervisors accepts the proposal to construct only 32 of the required 37 off-street loading spaces as shown on the Plan per Zoning Ordinance Section 185-18.B and C.
- F. That the Board of Supervisors accepts the building heights of 38.58 feet from the finish floor to the top of roof, 42.58 feet from the truck dock to the top of roof, and 48.33 feet from the rear retaining wall to the top of roof as shown on the Plan per Zoning Ordinance Section 183-35.F.(2).

- G. That the Board of Supervisors waives the requirement to provide a maximum driveway curb radius of 55-feet and accepts a 75-foot radius along the truck driveway along the south side of Plant #2. (Driveways Section 73-7.D.(2) and SALDO Section 159-15.I.(1))
- H. That the Board of Supervisors waives the requirement to provide a maximum driveway width of 30-feet and accepts a 45-foot driveway width at the truck driveway along the south side of Plant #2. (Driveways Section 73-7.E.(1)(b) and SALDO Sections 159-15.I.(1) and (5))
- I. That the Board of Supervisors waives the requirement to show all trees on the plan in accordance with the Preliminary Plan requirements. (SALDO Section 159-17.A)
- J. That the Board of Supervisors waives the requirement to identify the location of all existing features within 200 feet of any part of the land to be developed. (SALDO Section 159-29.C.(1) and 159-30.C.(3))
- K. That the Board of Supervisors waives the requirement to identify the size and species of all trees four (4) inches or more in trunk diameter at a height of four and one-half (4 ½) feet above grade. (SALDO Sections 159-29.C.(3) and 159-29.C.(6)(a))
- L. That the Board of Supervisors waives the requirement that the detention facility outlet arrangements provide complete outletting of all detained water, unless provisions for permanent ponding have been approved, and to allow the subsurface lined detention basins with spray irrigation indicated on the plans to meet DEP and Township water quality requirements. (SMO Section 152-10.I.(3))
- M. That the Board of Supervisors waives the requirement that the minimum slope of the bottom of a detention facility be 2% toward the outlet structure and to allow the subsurface lined detention basins with spray irrigation indicated on the plans to meet DEP and Township water quality requirements. (SMO Section 152-10.I.(10))
- N. That the Board of Supervisors waives the requirement that storm sewer pipes be Class III reinforced concrete pipe with “O” ring joints and to allow HDPE perforated pipe in the subsurface detention basins and solid HDPE pipe for the storm sewer conveyance system. (SMO Section 152-11.G.(3) and Construction Standards Section 67-9.A.(1))
- O. That the Board of Supervisors waives the requirement that storm sewer pipes have a minimum diameter of fifteen (15) inches and to allow twelve (12) inch diameter pipes within the site. (SMO Section 152-11.G.(4))
- P. That the Board of Supervisors waives the requirement that discharge structures be located no closer than 20-feet to downstream off-site properties or drainage easement boundaries and to allow the endwalls to discharge to the existing swale as shown on the Plan. (SMO Section 152-11.G.(7))

Mr. Salvesen further moved, that the Township Secretary be authorized to notify the Developer of the Board’s action.

Mr. Nagle seconded the motion.

Mr. Salvesen aye, Mr. Nagle aye, Ms. Lawless aye, Mr. Prendeville aye, Mr. Diacogiannis aye.

### **3864 Adler Place – Conditional Use**

Mr. Salvesen moved that the Board approve the Conditional Use Application of Valley Park Adult Day Care Services, Inc., for a portion of property located at 3864 Adler Place, Bethlehem, Pennsylvania 18017, with the following conditions:

1. Applicant shall comply with all applicable Commonwealth of Pennsylvania and Federal Statutes, Rules and Regulations required for an adult day care facility and shall have received a license from the Pennsylvania Department of Aging to operate an adult day care and maintain such license as long as the adult day care facility is operated in Hanover Township.
2. Applicant shall prepare a Policy & Procedure Manual to deal with potential adult day care patients who may wander away or abscond from the memory care/dementia unit of the adult day care facility, and submit the Policy and Procedure Manual to the Township by December 1<sup>st</sup> every year.
3. Applicant shall use such management and security measures pertaining to the storage of controlled medications, including opioids and psychotropic medications which are in accordance with all applicable Commonwealth of Pennsylvania and Federal rules and regulations.
4. Applicant shall restripe the parking lot utilized by the adult day care facility to reflect the proposed traffic circulation and drop-off for the adult day care facility.
5. The approval of this Conditional Use does grant approval of the outdoor patio and fence shown on the Exhibit to the Application. That approval must come from the Hanover Township Zoning Officer.

AND to notify the Applicant of the Board's decision.

Mr. Nagle seconded the motion.

Mr. Salvesen aye, Mr. Nagle aye, Ms. Lawless aye, Mr. Prendeville aye, Mr. Diacogiannis aye.

### PUBLIC WORKS

### COURTESY OF THE FLOOR

### STAFF REPORTS

Mr. Kocher – Engineer – requested a motion to advertise the Biafore Ave Grouting Project.

Mr. Nagle moved the Board authorize the advertisement of the Biafore Ave Grouting Project.

Mr. Salvesen seconded the motion.

Mr. Salvesen aye, Mr. Nagle aye, Ms. Lawless aye, Mr. Prendeville aye, Mr. Diacogiannis aye.

Ms. Nicolosi – Solicitor – had nothing to report.

Mr. Milite – Public Works Director – had nothing to report.

Mr. Finnigan – Township Manager – had nothing to report.

Upon motion of Mr. Salvesen the Board adjourned at 7:50 PM.

Elizabeth D. Ritter  
Township Secretary