

Lehigh Valley Planning Commission

GREG ZEBROWSKI
Chair

STEVEN GLICKMAN
Vice Chair

PAMELA PEARSON
Treasurer

BECKY A. BRADLEY, AICP
Executive Director

August 28, 2020

Mr. John Finnigan, Manager
Hanover Township
3630 Jacksonville Road
Bethlehem, Pennsylvania 18017

**RE: Zoning Ordinance Amendment – Maximum Heights of Buildings
Hanover Township – Northampton County**

Dear Mr. Finnigan:

The Lehigh Valley Planning Commission (LVPC) considered the subject amendment at its Comprehensive Planning Committee and Full Commission meetings, pursuant to the requirements of the Pennsylvania Municipalities Planning Code (MPC). Discussion on agenda items largely happens during the Committee meeting. Both meetings were virtual, please see the meeting details below.

- LVPC Comprehensive Planning Committee Meeting
 - August 25, 2020 at 12:00 PM
- LVPC Full Commission Meeting
 - August 27, 2020 at 7:00 PM

The draft zoning ordinance amendment proposes to increase the permissible maximum building and structure heights in the Township's commercial and employment zoning districts to 45 feet. This amendment is of local concern and is generally consistent with *FutureLV: The Regional Plan* because it does not pose substantial impacts to the region. Rather, the proposal is supportive of higher density development, through increased building heights along Corridors, which increases 'the social, economic and environmental well-being of the region' (of Policy 1.1).

If you have any additional questions regarding the content of this letter, please do not hesitate to call. Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read 'Samantha Smith', written in a cursive style.

Samantha Smith
Chief Community Planner

cc: James Broughal, Esq., Hanover Township Solicitor

AN ORDINANCE OF THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, PENNSYLVANIA AMENDING CHAPTER 185 ZONING, ARTICLE XII ADMINISTRATION AND PENALTIES OF THE CODE OF CODIFIED ORDINANCES TO PROVIDE CHANGES TO THE APPEALS, VIOLATIONS AND PENALTIES OF THE ZONING ORDINANCE OF THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, PENNSYLVANIA

WHEREAS, the Board of Supervisors of the Township of Hanover, Northampton County, Pennsylvania have enacted, by Ordinance, enforcement, appeal, remedy, violation, and penalty provisions dealing, in part, with zoning which Ordinance has been amended from time to time; and

WHEREAS, the Board of Supervisors of the Township of Hanover, Northampton County, Pennsylvania has determined that it would be in the best interest of the Township of Hanover, Northampton County, Pennsylvania (“Township”) to amend its Ordinance to include updates to zoning enforcement, appeal, remedy, violation, and penalty provisions.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA AS FOLLOWS:

Section 1:

**Chapter 185 Zoning; Article XII Administration and penalties; Section 185-42 Administration and appeals is amended in its entirety to read as follows:
“§ 185-42 Administration and appeals.**

A. Zoning Officer. Provisions of Chapter 185 shall be administered and enforced by the Township Zoning Officer, who shall be appointed by the Township Supervisors. The Township Zoning Officer may not hold any elective office in the Township.

B. Duties and powers of Zoning Officer. It shall be the duty of the Zoning Officer to enforce literally the provisions of Chapter 185 and all rules, conditions and requirements adopted or specified pursuant thereto, and they shall have such duties and powers as are conferred on them by Chapter 185 and as are reasonably implied for that purpose. The Zoning Officer's duties shall include but are not limited to the following:

- (1) Receipt of applications for and issuance of zoning permits and sign permits.
- (2) Keeping an official record of all business and activities, including complaints of a violation of any of the provisions of Chapter 185 and of the action taken consequent to each such complaint. File copies of all applications received, permits issued, reports and inspections made in connection with any use, structure, building, sign and/or land shall be retained as long as they remain in existence, or as otherwise permitted by law.
- (3) Making of inspections as required to fulfill his/her duties. The Zoning Officer shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his/her duties.
- (4) Issuance of permits for special exception uses, conditional uses and for variances only after the same have been approved by the Zoning Hearing Board or Board of Supervisors, as appropriate, in accordance with the regulations of Chapter 185.
- (5) Keeping Chapter 185 and the Zoning Map up to date so as to include all amendments thereto.
- (6) Issuance of certificates of use and occupancy in accordance with the terms of Chapter 185.

(7) Identification and registration of nonconforming uses, structures and dimensions created as a result of the adopting of Chapter 185 and Official Zoning Map or created as a result of amendments thereto and issuance of certificates, upon application, with respect to the same.

(8) Issuance of enforcement notices and institution of civil enforcement proceedings as a means of enforcement.

(9) Issuance of temporary use and structure permits in accordance with the terms of Chapter 185.

C. Enforcement notice. The Zoning Officer shall serve an enforcement notice on any person, firm, corporation, partnership or other entity responsible for violating any of the provisions of Chapter 185 or in violation of a detailed statement or a plan approved thereunder. The enforcement notice shall be in writing and shall state:

(1) The name of the owner of record and any other person against whom the Township intends to take action;

(2) The location of the property in violation;

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of Chapter 185;

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed;

(5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in Chapter 185; and

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

D. Appeals. Any other appeal(s) from a decision of the Township Zoning Officer shall be made directly to the Township Zoning Hearing Board.”

SECTION 2. Chapter 185 Zoning, Article XII Administration and Penalties;

Section 185-43 Violations and penalties is amended in its entirety to read as follows:

“§ 185-43 Violations and penalties.

A. Remedies. In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of Chapter 185, the Board of Supervisors or, with the approval of the Board of Supervisors, the Zoning Officer or other officer of the Township or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

B. Violations and penalties. Any person, partnership, corporation or other entity who or which has violated or permitted the violation of the provisions of Chapter 185 shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge who has jurisdiction over the action. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further

determines that there was a good faith basis for the person, partnership, corporation or other entity violating Chapter 185 to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of Chapter 185 shall be paid to the Township for its general use.”

SECTION 3. SEVERABILITY. The provisions of this Ordinance are severable, and if a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

SECTION 4. REPEALER. All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective five (5) days after adoption.

James L. Broughal, Solicitor
Hanover Township
Northampton County
38 West Market Street
Bethlehem, PA 18018

The following is the proposed Amendment to the Hanover Township Zoning Ordinance:

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, PENNSYLVANIA AMENDING PART II GENERAL LEGISLATION, CHAPTER 185 ZONING, ARTICLE VII COMMERCIAL DISTRICTS AND ARTICLE VII EMPLOYMENT DISTRICTS OF THE CODE OF CODIFIED ORDINANCES TO PROVIDE CHANGES TO MAXIMUM HEIGHTS OF BUILDINGS AND STRUCTURES OF THE ZONING ORDINANCE OF THE TOWNSHIP OF HANOVER

WHEREAS, the Board of Supervisors of the Township of Hanover, Northampton County, Pennsylvania have enacted, by Ordinance, maximum heights of buildings and structures in Commercial and Employment Zoning Districts, which Ordinance has been amended from time to time; and

WHEREAS, the Board of Supervisors of the Township of Hanover, Northampton County, Pennsylvania has determined that it would be in the best interest of the Township of Hanover to amend its Ordinance to include updates to maximum height of buildings and structures in Commercial and Employment Zoning Districts.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA AS FOLLOWS:

SECTION 1.

Section 185-30D(5) is amended in its entirety, to read as follows:

“Maximum building or structure height: 45 feet.”

SECTION 2.

Section 185-31E(4) is amended in its entirety, to read as follows:

“Maximum building or structure height: 45 feet.”

SECTION 3.

Section 185-32E(4) is amended in its entirety, to read as follows:

“Maximum building or structure height: 45 feet.”

SECTION 4.

Section 185-34D(5) is amended in its entirety, to read as follows:

“Maximum building height: 45 feet.”

SECTION 5.

Section 185-34D(6) is amended in its entirety, to read as follows:

“Maximum structure height: 45 feet.”

SECTION 6.

Section 185-35F(2) is amended in its entirety, to read as follows:

“General Criteria

Principal Use	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage	Maximum Lot Height	
	(acres)	(feet)		(stories)	(feet)
All uses	3	225	70%	4	45
	2*	175	65%	4	45
	1*	150	60%	4	45

NOTES:

*The minimum lot area may be reduced below three acres only if the average lot area throughout the approved PIBD development is equal to or greater than three acres.”

SECTION 7.

Section 185-36H(1) is amended in its entirety, to read as follows:

“General Criteria

Principal Use	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Land Coverage		Maximum Building Height	
			By Buildings	By Total Impervious Cover	(stories)	(feet)
Single-family detached	Use R1-S standards [see § 185-26F(2)]					
Other uses	3	225	40	65	4	45**
	2*	175	35	60	4	45**
	1*	150	30	55	4	45**

NOTES:

*The minimum lot area may be reduced below three acres only if the average lot area throughout the nonresidential portion of an approved PORR development is equal to or greater than three acres.

**Four-story buildings shall be located no closer than 250 feet to a residential zoning district boundary line. Buildings less than four stories may be located less than 250 feet to a residential zoning district boundary line, but in no case closer than the minimum yard requirements in this Planned Office, Research and Residential District.”

SECTION 8.

Section 185-37E(5) is amended in its entirety, to read as follows:

“Maximum building and structure height: 45 feet or four-story.”

SECTION 9.

Section 185-38I(2) is amended in its entirety, to read as follows:

“General criteria:

Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Lot Coverage		Maximum Building Height*	
		Buildings	Total Impervious	(stories)	(feet)
5	275	30%	50%	4	45

NOTES:

*All buildings must comply with Federal Aviation Administration regulations for the maximum building height within any portion of the AFHBD.”

SECTION 10. SEVERABILITY. The provisions of this Ordinance are severable, and if a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

SECTION 11. REPEALER. All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 12. EFFECTIVE DATE. This Ordinance shall be effective five (5) days after adoption.

James L. Broughal, Solicitor
Hanover Township
Northampton County
38 West Market Street
Bethlehem, PA 18018

RESOLUTION 2020 - 13

HANOVER TOWNSHIP – NORTHAMPTON COUNTY

WHEREAS, public safety is one of the primary functions of municipal government; and

WHEREAS, speeding motorists on local roads is one of the most common safety concerns voiced by constituents to local elected officials; and

WHEREAS, municipal police are not authorized to use radar and LIDAR, the speed-timing tools used by the State Police including on the local roads they patrol; and

WHEREAS, Pennsylvania is the only state in the nation that prohibits municipal police from using radar and LIDAR which are considered the safest, most efficient, and most economical speed-timing devices; and

WHEREAS, the National Highway Traffic Safety Administration reported that nationally in 2015, 85-percent of all speeding-related traffic fatalities occurred on local roads where posted speeds are 55 miles or less per hour; and

WHEREAS, Pennsylvania has the distinction as the state with the worst record for speeding-related fatalities based upon statistics compiled by the National Highway Traffic Safety Administration for 2015. Additionally, Pennsylvania had the fourth highest number of speeding-related fatalities, the second highest percentage of speeding-related fatalities to total fatalities, and second highest number of speeding-related fatalities on local roadways in the country; and

WHEREAS, Senate Bill 607 was introduced in the Pennsylvania State Senate to allow local police and give municipalities the ability to use radar and LIDAR to monitor vehicle speeds on local roads.

WHEREAS, Senate Bill 607 has passed the Pennsylvania State Senate during the current legislative session and was sent to the Pennsylvania House Transportation Committee on June 26, 2019; and

WHEREAS, Senate Bill 607 is on second consideration by the Pennsylvania House of Representatives and is awaiting a final vote by the full House of Representatives; and

WHEREAS, it is a falsehood that municipalities will use these devices to generate local revenue as a municipality receives only a small portion of the base fine that does not cover the personnel costs of using these devices.

THEREFORE, BE IT RESOLVED for the reasons stated above, the Hanover Township Board of Supervisors urges State Representative Marcia Hahn to aggressively call upon the leadership of the Pennsylvania House of Representatives to bring Senate Bill 607 to a vote by the full Pennsylvania House of Representatives.

BE IT FURTHER RESOLVED, the Hanover Township Board of Supervisors urges its citizens who support local use of radar and LIDAR to help protect public safety to contact State Representative Marcia Hahn to voice their support in favor of Senate Bill 607.

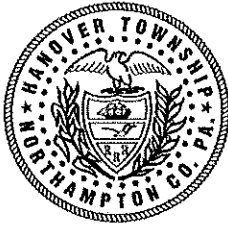
IN TESTIMONY WHEREOF, the undersigned has caused this Resolution to be signed by a duly authorized officer and its corporate seal, duly attested by the Board Secretary, to be hereunto affixed this 22nd day of September, 2020.

**HANOVER TOWNSHIP,
NORTHAMPTON COUNTY, PA**

ATTEST:

Elizabeth D. Ritter, Secretary

John N. Diacogiannis, Chairman



BOARD OF SUPERVISORS
Zoning & Code Enforcement
Hanover Township Northampton County
3630 Jacksonville Road
Bethlehem, Pennsylvania 18017-9302
610.866.1140
Fax 610.758.9116

John J. Finnigan, Jr., Township Manager
Yvonne D. Kutz, Zoning Officer – B.C.O.
Joseph G. Bednarik, Jr., Code Enforcement

September 17, 2020

To: Board of Supervisors
John J. Finnigan, Jr
Elizabeth Ritter
Barbara Baldo
Joseph Moeser
Brian Dillman
Ted Lewis, Esquire
Jim Broughal, Esquire
Brien Kocher, HEA
Planning Commission

RE: Zoning Petition: 20ZHB15
Applicant: Coleen and Jorge Alvarez
Property location: 4437 Kathi Drive, Bethlehem PA
Zoning District: R1-S, Residential Suburban District

Enclosed is a copy of an application received September 17, 2020, from Applicant is seeking a variance from the setback provisions of the Ordinance to construct an inground swimming pool

Meeting is tentatively scheduled for Thursday, October 15, 2020, Notice of hearing will follow under separate cover.

Yvonne D. Kutz

September 15, 2020

Via email

John J. Finnegan, Jr., Township Manager
Hanover Township
3630 Jacksonville Road
Bethlehem, PA 18017

**Re: Pennsylvania Municipal Planning Code Extension Letter
Willow Crest Farms
Hanover Township, Northampton County, PA
Langan Project No.: 200114001**

Dear John:

Regarding the above referenced project, on behalf of the applicant, please let this letter serve to grant the Township an extension until December 31, 2020 to review and take action under the Pennsylvania Municipal Planning Code.

Please call us at (215) 491-6500 if you have any questions.

Very truly yours,
Langan Engineering and Environmental Services, Inc.



Gregory Elko, PE
Managing Principal / Executive Vice President

cc: Arnold Alleyne – Willow Crest Farms, LLC
Gregory Gulick, - Owner
Jim Holzinger, Esq. - Boyer Holzinger Harak & Scomillio

\\langan.com\data\DT\data\200114001\Project Data\Correspondence\2020-04-24 Hanover Township MPC Extension Letter.doc

BASE ENGINEERING INC.

(610) 437-0978
(610) 437-0979

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Board of Supervisors
Hanover Township
Northampton County
3630 Jacksonville Road
Bethlehem, PA 18017

September 16, 2020

Revised Sept. 18, 2020

Re: TIME EXTENSION letter
Proposed Dunkin Donuts at 4098 Bath Pike
(TMP M6-15-10G-0214) / Base Project #2016-118

Dear Supervisors,

Please consider this letter as requesting the necessary time extension for 90 days beyond September 18, 2020 through December 18, 2020 – on behalf of the Applicant (Divinity Group, LLC). — *for the Developer to complete the improvements.*

Thank you in anticipation of your approval. Please contact this office if you have any questions.

Yours sincerely,

Amit Mukherjee

Amit Mukherjee, MS, PE
Principal Engineer
amukherjee@baseeng.com
(P) 610-437-0978 ext. 13
Fellow-ASCE

c.c.: HEA

AM/clw

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INDUSTRIAL REALTY

Griffin Industrial, LLC
204 West Newberry Road
Bloomfield, CT 06002

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F: 860-286-7653

www.griffinindustrial.com

September 16, 2020

Board of Supervisors
Hanover Township
3630 Jacksonville Road
Bethlehem, PA 18017-9302


Re: 5210 and 5220 Jaendl Blvd
HCC2 Lot 10 Land Development Improvements

To Whom It May Concern:

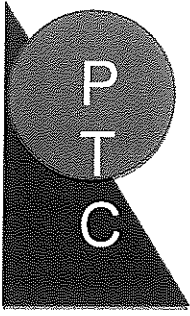
Please accept this request for a 180 day extension of time to complete the Land Development Improvements at 5210 and 5220 Jaendl Blvd (HCC2 Lot 10). The current improvement deadline is October 7, 2020.

Please call should you have any questions concerning this correspondence (860) 243-4011.

Sincerely,



Scott Bosco
Vice President
GLNCM, LLC



PENNTC TECHNOLOGY CONSULTING, LLC

P.O. Box 66, Fogelsville, PA 18051

Phone: 610-730-9809 suekandil3@gmail.com <http://penntc.com>

Land Development /Site/Civil Engineering

September 16, 2020
Planning Commission Board
Hanover Township Northampton County
3630 Jacksonville Road
Bethlehem, Pennsylvania 18017-9302

RE: 6292 Hanoverville Rd, Minor Subdivision Plan
Airport Road and Hanoverville Road
East Allen & Hanover Townships, Northampton County, Pennsylvania
PTC Project No. 180723

Dear Planning Commission Board,

Please accept this correspondence as a time extension to act upon the above captioned Subdivision Plan. This extension shall be valid to and including December 31, 2020. Should you have questions, please do not hesitate to contact the undersigned. Thank you.

Sincerely,

Sue Kandil, P.E.
President
610-730-9809



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September 16, 2020

Board of Supervisors
Hanover Township, Northampton County
3630 Jacksonville Road
Bethlehem, PA 18017-9302

**RE: Time Extension
Freshpet
LVIP IV, Lots 55/56 Manufacturing Addition
LEI Project No. 1468**

Dear Board Members:

On behalf of Professor Connor's, we are hereby requesting a 90-day time extension for the purpose of completing the improvements. The current application expires on October 5, 2020 and the extension is granted to January 5, 2021.

Thank you for your consideration of this matter.

Very truly yours,

LIBERTY ENGINEERING, INC.

Paul A. Szewczak

Paul A. Szewczak
Principal

PAS/scc