
REGULAR SEMI-MONTHLY MEETING February 8, 2022

The regular semi-monthly meeting of the Board of Supervisors, Hanover Township, Northampton County, was called to order by Chairman John Nagle at the Hanover Township Community Center, 3660 Jacksonville Road, Bethlehem, PA, 18017 at 7:00 P.M.

Present were Supervisors, Warren, Lawless, Diacogiannis, Nagle, Engineer Brien Kocher, and Solicitor Jim Broughal. Supervisor Prendeville was absent.

The Pledge of Allegiance was performed.

Upon motion of Ms. Lawless, seconded by Mr. Warren, the Board approved the agenda.

Mr. Warren aye, Ms. Lawless aye, Mr. Diacogiannis aye, Mr. Nagle aye.

Upon motion of Ms. Lawless seconded by Mr. Warren, the Board approved the minutes from the meeting of the Board of Supervisors dated January 25, 2022.

Mr. Warren abstain, Ms. Lawless aye, Mr. Diacogiannis aye, Mr. Nagle aye.

Upon motion of Ms. Lawless seconded by Mr. Diacogiannis, the Board approved the list of bills and transfers dated February 8, 2022.

Mr. Warren aye, Ms. Lawless aye, Mr. Diacogiannis aye, Mr. Nagle aye.

COURTESY OF THE FLOOR

REPORT OF THE CHAIR

Mr. Nagle reported that he attended a combined Recreation Advisory Committee and Special Events Committee meeting.

REPORT OF THE VICE CHAIR

SUPERVISOR'S COMMENTS

Mr. Nagle – Road District #1, had nothing to report

Mr. Diacogiannis – Road District #2,

Mr. Warren – Road District #3, advised he was absent from the previous meeting, so he could attend the middle school open house. Mr. Warren provided an update on the redistricting, Hanover Township will now have two separate State Legislative Districts; 137th and 135th.

Ms. Lawless – Road District #4, had nothing to report.

Mr. Prendeville – Road District #5, was absent.

APPOINTMENTS AND RESIGNATIONS – BOARDS, COMMISSIONS AND COMMITTEES

PLANNING & ZONING – Ms. Lawless

Zoning Hearing Board – 1278 Birchwood Drive

The applicant is requesting an Interpretation and variances in order to construct a new medical building on an existing lot on a property of the Estate of John J Ellis Jr. Located at 1278 Birchwood Dr., Bethlehem, PA.

The Board will be sending representation.

ADMINISTRATION – Mr. Diacogiannis

Recreation Appointments

Mr. Diacogiannis moved to appoint Alison Marie Ritter as the Assistant Recreation Director effective February 14, 2022, at an annual salary of \$48,000.00, payable bi-weekly at \$1,846.16 from the Recreation Funds of the Township. Position is full-time and exempt.

Ms. Lawless seconded the motion.

Mr. Warren aye, Ms. Lawless aye, Mr. Diacogiannis aye, Mr. Nagle aye.

Mr. Diacogiannis moved to appoint Lisa Outcalt as the Preschool Director effective on a mutually agreeable date at an annual salary of \$41,500.16, payable bi-weekly at \$1,596.16 from the Recreation Funds of the Township. Position is full-time and exempt.

Ms. Lawless seconded the motion.

Mr. Warren aye, Ms. Lawless aye, Mr. Diacogiannis aye, Mr. Nagle aye.

Proclamation

Mr. Diacogiannis moved the Board adopt Proclamation 2022-3 applauding and recognizing Michael J Kovach for his years of service as a Police Officer and the Board of Supervisors express its gratitude and appreciation. The Board of Supervisors also proclaims the week of March 7, 2022, as Michael J. Kovach Week in Hanover Township.

Ms. Lawless seconded the motion.

Mr. Warren aye, Ms. Lawless aye, Mr. Diacogiannis aye, Mr. Nagle aye.

COVID Policy Update – Employees

Mr. Diacogiannis moved the Board adopt the updated Covid Policy for Employees as presented by the Township Manager.

Ms. Lawless seconded the motion.

Mr. Warren aye, Ms. Lawless aye, Mr. Diacogiannis aye, Mr. Nagle aye.

Resolution – LSA Northampton Lehigh County

Mr. Diacogiannis moved the Board adopt Resolution 22 – 08 expressing the Township’s desire to apply for grants with the Commonwealth Financing Authority from the Local Share Account of Northampton & Lehigh Counties and requesting \$29,262.27 from the Commonwealth Financing Authority to be used for a ELSAG Plate Hunter F3-2 Camera System.

Ms. Lawless seconded the motion.

Mr. Warren aye, Ms. Lawless aye, Mr. Diacogiannis aye, Mr. Nagle aye.

Resolution – CPA Appointment

Mr. Diacogiannis moved the Board adopt Resolution 22-09 appointing a Certified Public Accountant and establishing their compensation.

Ms. Lawless seconded the motion.

Mr. Warren aye, Ms. Lawless aye, Mr. Diacogiannis aye, Mr. Nagle aye.

Actuary Appointment

Mr. Diacogiannis moved the Board approve to re-appoint Foster & Foster Consulting Actuaries, Inc. to act as the Township Actuary and the Approved Actuary under the Municipal Pension Plan Funding Standard and Recovery Act, as amended for the 2022 Fiscal year.

Ms. Lawless seconded the motion.

Mr. Warren aye, Ms. Lawless aye, Mr. Diacogiannis aye, Mr. Nagle aye.

Advertise Proposed Ordinance – 5G

Mr. Diacogiannis moved the Board authorize the Township Solicitor to advertise a proposed ordinance creating a new chapter 146, small-wireless facilities, establishing procedures and requirements pertaining to the implementation of Act 50 of 2021 and regulating small-wireless facilities to be placed within the public right-of-way, and repealing all ordinances inconsistent therewith.

Ms. Lawless seconded the motion.

Mr. Warren aye, Ms. Lawless aye, Mr. Diacogiannis aye, Mr. Nagle aye.

Advertise Proposed Ordinance – Property Maintenance

Mr. Diacogiannis moved the Board authorize the Township Solicitor to advertise a proposed ordinance amending chapter 133, property maintenance of the code of codified ordinances to provide changes to the property maintenance ordinance of the Township of Hanover to remove language conflicting with existing ordinances and international property maintenance code.

Ms. Lawless seconded the motion.

Mr. Warren aye, Ms. Lawless aye, Mr. Diacogiannis aye, Mr. Nagle aye.

Advertise Proposed Ordinance – Vehicles and Traffic

Mr. Diacogiannis moved the Board authorize the Township Solicitor to advertise a proposed ordinance amending Chapter 172 Vehicles and Traffic of the code of ordinances of the Township of Hanover, Northampton County, Pennsylvania by amending section 172-31 violations and penalties of the code of codified ordinances and repealing all sections inconsistent therewith.

Ms. Lawless seconded the motion.

Mr. Warren aye, Ms. Lawless aye, Mr. Diacogiannis aye, Mr. Nagle aye.

DEVELOPMENTS- Mr. Warren

Willow Crest Farms – Conditional Use

Mr. Warren opened the public hearing.

Mr. Warren moved the Board of Supervisors approves the Conditional Use request of Willow Crest Farms, LLC, for the property located at 3399 Bath Pike, pursuant to the Application for a Conditional Use dated August 23, 2021, with the following conditions:

CONDITIONS

1. All dwelling units constructed by the Developer/Owner/Applicant shall be within structures containing one (1) or two (2) stories in which not more than four (4) dwelling units per floor are serviced by one (1) staircase.
2. The Developer/Owner/Applicant, with the approval of PennDOT, shall provide intersection improvements at the intersection of Jacksonville Road and Stoke Park Road to provide signal timing optimization and additional westbound left-turn storage length, subject to the review and approval by PennDOT, the Township Manager and Township Engineer.
3. The Developer/Owner/Applicant shall provide intersection improvements at the intersection of Jacksonville Road and Blair Road to provide additional capacity for the westbound approach of Blair Road, subject to the review and approval by the Township Manager and Township Engineer.
4. The Developer/Owner/Applicant shall provide sidewalks along one side of Blair Road from Timothy Drive/Site Driveway to Jacksonville Road, subject to the review and approval by the Township Manager and Township Engineer.
5. The Developer/Owner/Applicant shall provide traffic calming, including intersection bulb-outs, along Blair Road from Timothy Drive/Site Driveway to Jacksonville Road, subject to the review and approval by the Township Manager and Township Engineer.
6. The Developer/Owner/Applicant, with the approval of PennDOT, shall provide an emergency access road to State Route 512, subject to the review and approval by PennDOT, the Township Manager and Township Engineer.
7. The Developer/Owner/Applicant, with the approval of PennDOT, shall provide a primary access to State Route 512 for any additional development of the subject property/parcels, subject to the review and approval by PennDOT, the Township Manager and Township Engineer.
8. The Developer/Owner/Applicant shall address all outstanding comments in the Hanover Engineering Associates, Inc. Conditional Use and Subdivision and Land Development Plan review letters, both dated October 1, 2021, to the satisfaction of the Township Manager and Township Engineer.

Mr. Warren further moved; the Township Secretary be authorized to notify the Developer/Owner/Applicant of the Board's action.

Ms. Lawless seconded the motion.

Mr. Warren no, Ms. Lawless no, Mr. Diacogiannis no, Mr. Nagle no.

Jaindl Land Company Proposed Commercial Development – 90 Highland Avenue

Mr. Warren moved the Board of Supervisors approves the Preliminary/Record Lot Consolidation and Land Development Plans of Jaindl Land Company Proposed Commercial Development, dated as last revised January 10, 2022, upon the following conditions:

CONDITIONS

1. The Developer/Owner shall address all outstanding comments in the Hanover Engineering Associates, Inc. review letter dated February 3, 2022 to the satisfaction of the Township Engineer prior to Plan recording.
2. The Developer/Owner shall address all outstanding conditions of the Conditional Use, as approved by the Board of Supervisors on September 28, 2021, prior to Plan recording.

3. The Applicant shall provide roadway, intersection and traffic signal improvements in general conformance with the PennDOT Highway Occupancy Permit/Concept Plans, subject to review and approval by PennDOT and the Township.
4. The Developer/Owner shall provide two (2) copies of all final reports (i.e. Stormwater Management Narrative Report, Stormwater Infiltration & Karst Assessment, Geotechnical Engineering Reports, Transportation Impact Study, Erosion and Sediment Control Modules, etc.) and supporting documentation prior to Plan recording.
5. A note shall be added to the Plan(s) identifying all Subdivision and Land Development Ordinance waivers and deferrals, Zoning Ordinance variances, Zoning Ordinance design aspect approvals, and the conditional use granted by the Township, along with any conditions, and the meeting date of the Board of Supervisors actions.
6. 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 19-01, 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 19-01, 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 19-01, Section 152-24.5)
7. The Developer/Owner shall enter into a Maintenance Agreement with the Township and provide appropriate security. (SALDO Section 159-30.D.(6))
8. The Developer/Owner shall pay a Township Recreation and Open Space Area fee in the amount of \$45,888.00 ($\$120,000/\text{acre} \times 9.56 \text{ acres} \times 4.0\%$). (SALDO Section 159-16.D)
9. The Developer/Owner shall pay Tapping Fees of \$11,250.90 ($\$8.10/\text{GPD} \times 1,389 \text{ GPD}$) for the Retail Shop/Food Service, \$11,793.60 for the Medical Office Building ($\$8.10/\text{GPD} \times 1,456 \text{ GPD}$) and \$2,025.00 for the 3869 Adler Place office building ($\$8.10/\text{GPD} \times 250 \text{ GPD}$), Connection Fees (\$472.50 each), and Customer Facilities Fees (\$330.00 each) at the time of building permit issuance for this Land Development. (Sewers Section 140-13)
10. The Developer/Owner shall pay a Traffic Impact Fee in the amount of \$90,209.00 ($\$343.00/\text{PM peak hour trip} \times 263 \text{ trips}$) prior to Building Permit issuance for this Land Development. (Impact Fee Ordinance 91-12, Resolution 2013-20)
11. The Developer/Owner shall pay a Storm Sewer Interceptor Value of \$25,905.60 ($\$1.80/\text{SY of impervious cover} \times 14,392 \text{ SY of additional impervious cover}$). (Stormwater Management Ordinance Section 152-12.B.(2))
12. The Developer/Owner shall pay all current fees, including any outstanding plans and appeals account charges. (SALDO Section 159-36.J)

13. 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)
14. 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. Warren further moved, the granting of conditional Preliminary/Record Plan approval of these plans recognizes the Township is agreeing to the following on the Lot Consolidation and Land Development Plans:

1. The Board of Supervisors accepts a total of five (5) uses (bank, retail shop/food service with fuel pumps, medical office building and two (2) separate general office buildings) on the consolidated lot per Zoning Ordinance Section 185-14.A.(1).
2. The Board of Supervisors accepts the location of the proposed parking spaces, parking lot access aisles, retail shop/food service trash enclosure, retail shop/food service underground fuel tanks, stormwater management basins and the previously approved office building along Adler Place as shown on the Plan per Zoning Ordinance Sections 185-14.C.(3), E and G.
3. The Board of Supervisors accepts the proposed parking lot landscaping as shown on the Plan per Zoning Ordinance Section 185-17.F.
4. The Board of Supervisors accepts the proposed 10% parking reduction as shown on the Plan per Zoning Ordinance Section 185-17.G.
5. The Board of Supervisors waives the requirement to install sidewalks along the Bath Pike frontage. (SALDO Section 159-13.B)
6. The Board of Supervisors waives the requirement to locate sidewalks within the street right-of-way and no closer than one (1) foot from the right-of-way line. (SALDO Section 159-13.C.(1))
7. The Board of Supervisors waives the requirement of a 55-foot maximum driveway curb radius for the right-in driveway along Highland Avenue. (SALDO Section 159-15.I.(1) and 73-7.D)
8. The Board of Supervisors waives the requirement of street tree spacing varying from 50 feet to 75 feet on center, with an average spacing of 65 feet or less, and the requirement to plant street trees two (2) to four (4) feet outside the street right-of-way in the required planting easement on private property. (SALDO Section 159-17.C.(4))
9. The Board of Supervisors waives the requirement of providing one (1) shade tree for every existing tree or shade tree proposed to be removed on the site, because these trees were planted as part of a prior land development application. (SALDO Section 159-17.F)
10. The Board of Supervisors waives the requirement to prepare a noise study. (SALDO Section 159-25)
11. The Board of Supervisors waives the requirements to identify all existing features within 200 feet of any part of the property. (SALDO Section 159-29.C.(1)).
12. The Board of Supervisors waives the requirement to identify the species and trunk diameter (4 ½ feet above grade) of all existing trees and shade trees on the property. (SALDO Sections 159-29.C.(3) and 159-29.C.(6)(a))
13. The Board of Supervisors waives the requirement to obtain Preliminary Plan approval prior to submission of a Record Plan and allow a combined Preliminary/Record Plan submission. (SALDO Section 159-34)
14. The Board of Supervisors waives the requirement to line the existing surface detention basin with a synthetic impervious liner. (SMO Sections 152-10.I.(4) and (9))

15. The Board of Supervisors waives the requirements of detained runoff depth and interior side slope ratio of not steeper than a ratio of five horizontal to one vertical (5H:1V) in the existing surface detention basin. (SMO Section 152-10.I.(7))
16. The Board of Supervisors defers the Highland Avenue/Adler Place intersection improvements in conjunction with an "After Study," which shall be performed in accordance with PennDOT and Hanover Township requirements after full occupancy of all proposed buildings/uses are operational for a minimum of six (6) months.

Mr. Warren further moved; the Township Secretary be authorized to notify the Developer of the Board's action.

Ms. Lawless seconded the motion.

Mr. Warren aye, Ms. Lawless aye, Mr. Diacogiannis aye, Mr. Nagle aye.

PUBLIC WORKS – Mr. Prendeville

Pool

Ms. Lawless advised the meeting with BKP has been rescheduled.

COURTESY OF THE FLOOR

STAFF REPORTS

Engineer – Mr. Kocher had nothing to report.

Solicitor – Mr. Broughal had nothing to report.

Township Manager – Mr. Finnigan advised he needed to have the Return of Taxes signed.

Mr. Diacogiannis moved the Board authorize the Chairman to sign the return of taxes.

Ms. Lawless seconded the motion.

Mr. Warren aye, Ms. Lawless aye, Mr. Diacogiannis aye, Mr. Nagle aye.

Upon motion of Ms. Lawless the Board adjourned at 7:39 PM.

Elizabeth D. Ritter
Secretary