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**REGULAR SEMI-MONTHLY MEETING**  
**September 9, 2014**

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

Present were Supervisors Nagle and Tanczos, Engineer Brien Kocher, Solicitor James Broughal, Director of Administration/Treasurer Ryan Kish and Township Manager John J. Finnigan, Jr.

The Pledge of Allegiance was performed.

Upon motion of Mr. Nagle, seconded by Mr. Tanczos, the Board approved the Agenda, with an addition under "Planning & Zoning".  
Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye.

Upon motion of Mr. Nagle, seconded by Mr. Tanczos, the Board approved the minutes, from the meeting of the Board of Supervisors dated August 26, 2014.  
Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye.

Upon motion of Mr. Nagle, seconded by Mr. Tanczos, the Board approved the List of Bills and Transfers dated September 9, 2014 as presented by the Township Secretary/Assistant Treasurer; and to enter the signed List of Bills by the Secretary/Assistant Treasurer and the Board of Supervisors as an attachment to the minutes.  
Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye.

**COURTESY OF THE FLOOR**

It was noted that no one wished to offer any comment.

**REPORT OF THE CHAIRMAN**

Mr. Diacogiannis was not in attendance.

**REPORT OF THE VICE-CHAIRMAN**

Mr. Walbert had nothing to report.

**SUPERVISOR'S COMMENTS**

Mr. Nagle – Road District #1, had nothing to report; however reported that Library meeting scheduled for last night was cancelled due to lack of agenda items.

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

Mr. Tanczos – Road District #4, had nothing to report.

## APPOINTMENTS AND RESIGNATIONS – BOARDS, COMMISSIONS AND COMMITTEES

It was noted there were no agenda items.

## PLANNING & ZONING

### **Conditional Use Hearing – Wawa, Inc.**

Mr. Broughal noted that the Township has received a letter for continuance due to the Developer needing a zoning variance prior to coming before the Board for a conditional use hearing.

Mr. Tanczos read the following letter from Tyler T. Prime, Esquire dated September 5, 2014; “Dear Board of Supervisors: This office represents Wawa in reference to the Wawa Hanover Conditional Use Application. Based on conversations today with your Solicitor Jim Broughal and Yvonne Kutz in your zoning office, it appears the zoning officials assumed zoning relief had previously been obtained for this project, which is not the case. Therefore, Wawa will seek the required zoning relief. Ms. Kutz has offered to continue the matter from our scheduled hearing date of September 9, 2014 until such time as Wawa can obtain the necessary zoning relief. It is my understanding that we will be scheduled at the first available hearing after zoning relief is obtained. Please confirm the continuance via email. Very Truly Yours, Tyler T. Prime.”

The Board noted that the hearing has been continued to a later date.

### **Authorize Solicitor to Advertise for a Public Hearing for a Text Amendment to the Hanover Township Zoning Ordinance of 1978**

Mr. Tanczos move that the Board approve to authorize the Township Solicitor to advertise a Public Hearing for the adoption of a text amendment to the Hanover Township Zoning Ordinance of 1978 by adding a definition for general office use; and permitting general office use in the C-2 Commercial Center District.

Mr. Nagle seconded the motion.

Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye.

## ADMINISTRATION

### **Note for the Record – 2015 Minimum Municipal Pension Obligation**

Mr. Nagle noted for the record that the Township’s 2015 Minimum Municipal Pension Obligation will be \$336,287.90 for the Defined Benefit Plan and \$25,623.02 for the Defined Contribution Plan.

## PUBLIC WORKS

### **Village View Park – Change Order Number 3**

Mr. Nagle moved that the Board, as recommended by Hanover Engineering Associates, Inc., approve to authorize Livengood Excavators, Inc. to proceed with the work outlined in Change Order Number 3 for the quoted price of six thousand, seven hundred ninety-five dollars and zero cents (\$6,795.00), for the additional bollards necessary to close off the main access drive and provide additional security along the pathway access to Lynwood Drive.

Mr. Tanczos seconded the motion.

Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye.

## DEVELOPMENTS

### **Bethlehem Orthodontics – 3076 Schoenersville Road – Extension**

Mr. Tanczos moved that the Board approve to grant Bethlehem Orthodontics, 3076 Schoenersville Road a thirty (30) day extension to October 22, 2014 to complete the improvements and request an inspection; and to notify the Developer of the Board's action.

Mr. Nagle seconded the motion.

Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye.

### **Patient First – Improvement Status**

Mr. Tanczos moved that the Board, as recommended by the Township Engineer, rejects the improvements as incomplete and does not authorize the start of the eighteen (18) month maintenance period until the punch list items are complete and the Developer requests a re-inspection; and to notify the Developer of the Board's action.

Mr. Nagle seconded the motion.

Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye.

### **Ungerer & Company – Conditional Approval**

Mr. Tanczos moved that the Board, as recommended by the Township Engineer, approve to adopt the terms and conditions relative to the Ungerer & Company Building Expansion – LVIP IV Lot 62 Conditional Preliminary/Record Plan, prepared and provided to the Developer/Owner for signature and the Township Secretary is to notify the Developer of the Board's action relative to this matter.

## CONDITIONS

1. The Developer/Owner shall address all outstanding comments in the Hanover Engineering Associates, Inc. review letter dated September 5, 2014 to the satisfaction of the Township Engineer, prior to recording.
2. Two (2) copies of the most recent reports and supporting documentation (i.e. Drainage Calculations and Post-Construction Stormwater Management Reports, Capacity Analysis of the Existing Storm Sewer System on Lot 61, Erosion Control Narrative, trip generation calculations, performance standards, etc.), signed and sealed by the preparer as necessary, shall be submitted to the Township prior to recording the Preliminary/Record Land Development Plan.
3. A note shall be added to the Plan(s) identifying all 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 shall not be required to provide an Open Space Contribution, as this requirement was previously satisfied by LVIP, Inc. (SALDO Section 159-16)
7. The Developer/Owner shall provide a Tapping Fee, for the additional sanitary sewer allocation above the original 25,000 gpd, at the time of building permit issuance. The amount of the Fee will be calculated upon approval of the allocation request. (Ordinance 05-06, Section 140-13)
8. The Developer/Owner shall not be required to provide a Traffic Impact Fee, as the Board of Supervisors, at their meeting of June 16, 1992, waived additional Traffic Impact Fees for the new development in LVIP IV. (Impact Fee Ordinance 91-12, Resolution 07-10)
9. The Developer/Owner shall provide a Storm Sewer Interceptor Improvements value for the additional impervious area above 60%, as the Storm Sewer Interceptor Improvements previously provided by LVIP, Inc. only addressed an on-lot impervious cover of 60%. The Storm Sewer Interceptor Improvements value will be \$5,338.80 (\$1.80 per square yard x 2,966 SY) for the impervious cover above 60%. The payment of the Storm Sewer Interceptor Improvements value will be applicable when the Applicant is required to construct the proposed Future Parking and associated improvements. (Stormwater Management Ordinance 98-2, Section 152-12.B)
10. The Developer/Owner shall pay all current fees, including any outstanding plans and appeals account charges. (SALDO Section 159-36.J)
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. Tanczos further moved that the granting of conditional approval of this plan recognizes that the Township is agreeing to the following on the Land Development Plan:

- A. That the Board of Supervisors defers the requirement to provide the required number of parking spaces and to allow the fifty-six (56) proposed parking spaces indicated on the plans. (Zoning Ordinance Sections 185-17.B and C)
- B. That the Board of Supervisors defers the requirement to provide the required number of off-street loading spaces and to allow the twelve (12) off-street loading spaces indicated on the plans. (Zoning Ordinance Sections 185-18.B and C)
- C. That the Board of Supervisors waives the requirement to locate all existing sanitary sewers, storm drains, waterlines and similar features on or within two hundred (200) feet of any part of the land to be developed and to allow the existing information indicated on the plans. (SALDO Sections 159-29.C.(1) and 159-30.C.(3))
- D. That the Board of Supervisors waives the requirement that the proposed infiltration shall be setback one hundred (100) feet from the property line unless documentation is provided to show that all setbacks from existing or potential future foundations on neighboring properties will be met and to allow the subsurface infiltration/detention basin indicated on the plans. (SMO Section 152-9.1.I(4)(e))
- E. That the Board of Supervisors waives the requirement to perform soil auger testing for infiltration in carbonate areas and to allow geophysical testing in lieu of soil auger testing. (SMO Section 152-9.1.K(1) and Appendix G.C.(2))
- F. That the Board of Supervisors waives the requirement that detention facility outlet arrangements provide complete outletting of all detained water, unless provisions for permanent ponding have been approved and to allow the subsurface infiltration/detention basin indicated on the plans to meet DEP and Township water quality requirements. (SMO Section 152-10.I.(3))
- G. That the Board of Supervisors waives the requirement that a detention facility be lined with a synthetic impervious liner and to allow the subsurface infiltration/detention basin indicated on the plans to meet DEP and Township water quality requirements. (SMO Sections 152-10.I.(4) and (9))
- H. 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 infiltration/detention basin at less than 2% as indicated on the plans to meet DEP and Township water quality requirements. (SMO Section 152-10.I.(10))

I. 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 for infiltration in the subsurface basin as indicated on the plans. (SMO Section 152-11.G.(3))

Mr. Paul Szewczak from Liberty Engineering was present to update the Board and present the signed conditions.

It was noted that the Developer has agreed with and signed the conditions.

Mr. Nagle seconded the motion.

Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye.

#### COURTESY OF THE FLOOR

MaryJo Johnson from Stoke Park Road was present to express some concerns regarding the Wawa Conditional Use Application.

#### STAFF REPORTS

Mr. Kocher had nothing to report.

Solicitor Broughal had nothing to report.

Mr. Kish had nothing to report.

Mr. Finnigan had nothing to report.

Upon motion of Mr. Nagle, seconded by Mr. Tanczos, the Board approved adjournment at 7:15 P.M.

Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye.

Lori A. Stranzl  
Township Secretary