
REGULAR SEMI-MONTHLY MEETING

September 12, 2023

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 Prendeville, Lawless, Check, Nagle, Engineer Brien Kocher, Solicitor Anthony Giovannini, and Manager Finnigan.

The Pledge of Allegiance was performed.

Upon motion of Mr. Nagle, seconded by Mr. Prendeville, the Board approved the agenda. Mr. Finnigan stated additions to the agenda being Text Amendment Discussion – Majestic, Library Report, Township Secretary/Assistant Treasurer – Resignation, Township Secretary/Assistant Treasurer – Appointment, Resolution 23-30 -Establishing Compensation for Township Secretary/Assistant Treasurer. Mr. Finnigan was interrupted and asked to repeat the additions by someone in the audience who could not hear his additions.

Ms. Lawless and Mr. Diacogiannis discussed the agenda, the motion, and the procedure.

Mr. Prendeville, aye, Ms. Lawless, nay, Mr. Check aye, Mr. Nagle aye, Mr. Diacogiannis aye.

Upon motion of Mr. Nagle seconded by Mr. Prendeville, the Board approved the minutes from the meeting of the Board of Supervisors dated August 22, 2023.

Mr. Prendeville, aye, Ms. Lawless, abstain, Mr. Check aye, Mr. Nagle aye, Mr. Diacogiannis aye.

Upon motion of Mr. Nagle seconded by Mr. Prendeville, the Board approved the list of bills and transfers dated Sept 12, 2023.

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

COURTESY OF THE FLOOR

No one offered comments.

REPORT OF THE CHAIR

Mr. Diacogiannis reported the 22nd Annual Patriots Day Ceremony was well attended, and many flags were retired by the Boys Scouts.

REPORT OF THE VICE CHAIR

Mr. Nagle thanked everyone in the audience for coming to the meeting and being involved.

SUPERVISOR'S COMMENTS

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

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

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

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

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

APPOINTMENTS AND RESIGNATIONS – Mr. Nagle

Shade Tree Advisory Commission - Appointment

Mr. Nagle moved the Board appoint Michele Kane of 1067 Resolution Drive to the Shade Tree Advisory Commission effective September 12, 2023, with a term end date of January 1, 2027.

Mr. Prendeville seconded the motion.

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

PLANNING & ZONING – Ms. Lawless

Zoning Variance – 5639 Grace Avenue

Applicant at 5639 Grace Avenue requests relief from the ordinance prohibiting a shed in a townhouse development. Does the Board want to send representation?

The Board will not be sending representation.

Advertisement – Conditional Use – 4000-4300 Airport Rd

Ms. Lawless moved the Board to authorize the Zoning Officer to advertise a Conditional Use hearing for the use of the property located at 4000-4300 Airport Rd for a proposed manufacturing tenant requiring 50% warehousing space. The hearing will be held at the Hanover Township Community Center on October 10, 2023 at 7:00pm.

Mr. Nagle seconded the motion.

Discussion: Ms. Lawless asked if this is the same as Majestic or different. Mr. Finnigan stated it is a completely different property, this is a lot in Northgate I, there are new owners of the property. The conditional use application, map, and location within the Township were provided to the Board the previous Friday. Ms. Lawless asked if it would set a precedent if the conditional use were permitted under the current zoning. Ms. Lawless questioned if the conditional use is under the current text amendment, which is under review for Majestic. Is it the same airport flight path? Mr. Giovannini stated the Conditional Use Application would be subject to current ordinances enacted by the Township. Ms. Lawless asked if the Airport Authority will own the property and if the buildings will be leased. Mr. Diacogiannis stated that it is not Airport property. Mr. Diacogiannis clarified that this is to advertise to have the public hearing on October 10th, 2023. Ms. Glynis Daniels, 1280 Gaspar Ave, asked if this property is adjacent to the Majestic Property. Mr. Kocher stated yes, it is adjacent. Ms. Daniels asked if the property would share access with the Majestic Project? Mr. Kocher said there is none proposed. Ms. Daniels asked if the property would only have access to Airport Road or would there be truck access to other Township roads. Mr. Kocher stated that they would only have access to Airport Road. Mr. Giovannini stated this vote is just to advertise the conditional use hearing and that many of Ms. Daniels questions would be better answered at the Public Hearing on October 10th. Mr. Diacogiannis reiterated to the audience that most of the questions being asked would be more appropriate for the Public Use Hearing on October 10th. Ms. Marguerite Georges, 4501 Susan Dr, asked if a vote will be taken immediately following the conditional use hearing? Mr. Diacogiannis stated that it usually doesn't, usually a Public Hearing allows the Board to take all the testimony and information and if there are conditions that need to be imposed, they would do that at the following or a subsequent meeting. Mr. Gennaro Landi, 4316 Greenfield Dr, asked if the developer has been asked to provide studies regarding traffic. Mr. Giovannini stated that with Zoning there are certain uses, permitted, special exceptions, and conditional uses. In this application for conditional use, it is a permitted use, which is subject to certain conditions relative to the Zoning Ordinance. The applicant has to show they are meeting these specific criteria. Mr. Landi asked where the list of criteria is. Mr. Giovannini stated Township Zoning Ordinances

are public record and are available online. Mr. Landi commented that he would like the Township website to reflect accurate meeting dates as the current board meeting information on the main webpage showed previous meeting information. Ms. Stephanie Anthony, 40 Lynnwood Dr, questioned the property not being airport property because it has signs posted that it is airport property. Mr. Finnigan stated it is not airport property. Mr. Diacogiannis stated that he is not sure about the signs, but it is not airport property. Ms. Jennifer Levans, 1370 Gaspar Drive, stated the conditional use is not just about the amount of space allotted to warehouse and manufacturing it is about the traffic, neighborhoods, and she wants to see something more harmonious happen with the community.

Mr. Michael Barbella, 4014 Maria Ln, stated his concern for heavy truck traffic on Orchard Lane. Mr. Giovannini reiterated the process and the Municipalities Planning Code and a deemed approval. Mr. Finnigan reviewed the timeline of procedures from when conditional use application is received relative to when certain things need to happen by law to protect the township. Mr. Finnigan explained that should the Conditional Use Hearing not be held, the application currently before the Township would be approved without the Township reviewing it and imposing any conditions they would desire. He reviewed the required dates per the Municipalities Planning Code. The date for Township action is October 20, 2023. Mr. Finnigan also stated that since 2018 if roads aren't posted no truck traffic, then the Commonwealth has made it difficult for municipalities to post them no truck traffic. However, if roads are posted no truck traffic now, they will continue to be enforced. Mr. Barbella said Orchard Lane has already been posted no truck traffic.

Mr. Diacogiannis again explained the purpose of this vote.

Ms. Lawless suggested additional comments under the second Courtesy of the Floor.

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

Text Amendment Discussion-Majestic

Discussion: Mr. Giovannini stated the deadline was not met to advertise for the public hearing to occur on September 26, 2023, due to The Express Times. The Board and Mr. Finnigan discussed the timeline on this text amendment. Ms. Lawless asked the Board to direct the solicitor to do a review of the text amendment based on the comments of the LVPC and Hanover Engineering for presentation on September 26 or October 10th. Mr. Giovannini said the advertising for this is to get the Public Hearing scheduled and any action could be taken that evening or any meeting after.

Ms. Lawless questioned how we are not out of compliance based on Mr. Finnigan's previous comments relative to the conditional use hearing timelines. Mr. Finnigan explained the difference between the conditional use process and a text amendment. Ms. Lawless again stated her concerns relative to how the property will be taxed and is also concerned about the conditional use text changes contained in the document. Ms. Lawless also questioned our noise ordinance.

Mr. Giovannini explained the process again.

Mr. Finnigan, explained the Memo that the Board was supplied with dated July 14, 2023, which was provided to the board of July 15, 2023 and July 25, 2023. The memo identified the concerns of staff, engineer, solicitor, and manager, among others.

Ms. Lawless moved the Solicitor to authorize to advertise the public hearing for the text amendment for AFHBD zoning district for a public hearing to be held on October 10th, 2023, at 7 pm at the Hanover Township Community Center.

Mr. Nagle seconded the motion.

Mr. Finnigan asked that it be revoted and accurately reflect that the accurate date and location.

Ms. Marguerite Georges asked the Board to confirm the 2 public hearings are both on Oct 10th, 2023, and asked if the developer could provide a list of changes in the text amendment. Mr. Uliana said he would send the Township the list of changes tomorrow. Residents concerned over the time of meeting being 7pm, time was changed to 6pm. Mr. Finnigan again explained the voting process of the board on the text amendment. Mr. Landis questioned the operating hours of the community center. Ms. Daniels questioned the scheduling of the meeting.

Ms. Lawless moved to switch the time of the meeting for the Public Hearing to 6:00 p.m., Mr. Nagle agreed, and the original motion was modified and voted on.

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

Mr. Finnigan explained the reconsideration process for the conditional use hearing.

Ms. Lawless moved the Board to reconsider the previous authorization to advertise the public hearing for the text amendment for AFHBD zoning district for a public hearing to be held on October 10th, 2023, at 7pm at the Hanover Township Community Center.

Mr. Nagle seconded the motion.

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

Ms. Lawless moved the Board to advertise the Conditional Use Hearing for 4000-4300 Airport Road at 6pm at the Hanover Township Community Center on October 10th, 2023.

Mr. Nagle seconded the motion.

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

DEVELOPMENTS – Mr. Check

Jaindl – Hanover Corporate Center 2- Extension Request

Mr. Check moved the Board to approve an extension to complete certain traffic and roadway improvements more fully set forth in *Exhibit "A"*, attached hereto, required to be completed by the Jaindl Land Company for the Hanover Corporate Center 2 Project until March 30, 2024, and to notify the Jaindl Land Company of such extension.

Mr. Prendeville seconded the motion.

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

Northgate 1 2-Lot Subdivision Improvements Extension

Mr. Check moved the Board to grant the developer of Northgate 1 2-Lot Subdivision an extension to January 1, 2024, regarding the improvements deadline, per the developer letter dated September 7, 2023.

Mr. Nagle seconded the motion.

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

Northgate 1 Land Development Plan MPC Extension

Mr. Check moved the Board grant the developer of Northgate 1 Land Development Plan an extension to January 1, 2024, regarding the MPC deadline, per the developer letter dated September 7, 2023.

Mr. Nagle seconded the motion.

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

Northgate 1 Lot Consolidation Plan Record Plans Conditions Extension

Mr. Check moved the Board to grant the developer of Northgate 1 Lot Consolidation Plan an extension to January 1, 2024, regarding the record plans conditions deadline, per the developer letter dated September 7, 2023.

Mr. Nagle seconded the motion.

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

4000-4030 Airport Road Lot Consolidation and Land Development MPC Extension

Mr. Check moved the Board to grant the developer of 4000-4030 Airport Road an extension to January 1, 2024, regarding the MPC deadline, per the developer letter dated September 7, 2023.

Mr. Nagle seconded the motion.

Discussion: Mr. Barbella, 4019 Maria Ln, questioned the Board on why they would agree to a lot consolidation and continue to extend the deadlines for the developers. Mr. Finnigan clarified that the lot consolidation was already granted previously, this is for a MPC deadline extension. Mr. Kocher said by the developer requesting the extension it is giving the Board more time to act and is a formality that needs to be done.

Mr. Prendeville aye, Mr. Check aye, Mr. Nagle aye, Mr. Diacogiannis aye.

ADMINISTRATION – Mr. Prendeville

Library Report

Telly Diacogiannis stated that the library will have involvement at Fall Fest 2023. Telly discussed the preliminary Library Budget numbers should be out the second week of October. Telly said there were 3,746 items rented from the library and bookmobile by Township residents in July. Telly said he is working with the library on getting donated books to have available at the Community Center once a space is designated for an book exchange for residents.

Note for the record – Pool Change Order # 8

Mr. Prendeville noted for the record on August 31, 2023, a change order was signed by the Township Manager for the municipal pool to provide and install inserts in the concrete deck for backstroke flags, not included on the original documents; for the cost of \$2,975.24. As well as to provide and install two faucets and five drain strainers in the Snack Bar sinks for the cost of \$1,808.04.

Jean Versteeg, 4948 Cheryl Dr, stated she would like to see the pool timeline reflect the updated or actual completion dates.

2024 Minimum Municipal Obligation – Pension Plan

Mr. Prendeville moved the Board to authorize the Treasurer to sign the 2024 Minimum Municipal Obligation forms for the Non-Uniformed Employees' Money Purchase Pension Plan and the Retirement Plan for Employees of the Township of Hanover.

Mr. Nagle seconded the motion.

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

Resolution – Asset Disposal

Mr. Prendeville moved the Board to adopt Resolution 22-28 permitting the disposal of an Ingersoll Rand Asphalt Roller.

Mr. Nagle seconded the motion.

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

Resolution – 2024 Towing Fees

Mr. Prendeville moved the Board adopt Resolution 22-29 establishing the 2024 Towing Fees.

Mr. Nagle seconded the motion.

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

Policy 39 – Sidewalk Shade Tree

Mr. Prendeville moved to adopt Policy 39 Sidewalk Shade Tree Policy.

Mr. Finnigan read the proposed:

Policy 39 Sidewalk Damage / Replacement Tree

It shall be a policy of the Board of Supervisors (“Board”) that the Township shall reimburse a property owner should they need to replace a section or sections of their sidewalk because of damage caused by a street/shade tree required by an approved development plan.

To support this policy a fund of not to exceed \$35,000 is to be established out of the current Shade Tree Account which currently totals \$92,791.21 (the “Damage Fund”). Once the Damage Fund is exhausted the policy ceases to exist unless readopted by the Board.

When the property owner is notified that the sidewalk needs to be repaired or replaced, the property owner should be allowed to remove the shade tree and replace it with a tree from the approved Shade Tree list meeting all requirements established therein.

To receive reimbursement from the Damage Fund in conjunction with this policy, once the sidewalk is repaired or replaced, the property owner can submit a copy of the sidewalk invoice and the replacement street/shade tree invoice. Once verified that the sidewalk and tree are satisfactory to the Township, the property owner will be reimbursed from the Damage Fund up to three hundred and fifty [\$350.00] towards the cost of the replacement tree. Reimbursements are to include any sidewalks repaired or replaced in 2023 and thereafter, as directed by the Township, or reviewed by the Township prior to repair or replacement which meet the requirements for repair or replacement, until the Damage Fund is exhausted or readopted by the Board.

Discussion: Mr. Gamini Vedage, Chairman -Shade Tree Advisory Board, stated concern that as development slows so will the funding in the Tree Replacement account. Jane Cook, Shade Tree Advisory Board, stated there are other alternatives instead of cutting down a healthy tree that is affecting and damaging sidewalks. She showed the Board an example of replacing the sidewalk to go around the tree instead of removing it. Yvonne Kutz, Zoning Officer, said she would like Shade Tree Advisory Board to get a list of smaller trees that could be planted in the smaller areas and won’t grow to cause as much damage to

the sidewalk area. Marianne Rivera, Shade Tree Advisory Board, stated she has the list prepared that Yvonne is requesting, including trees that have roots that grow down instead of out.

Mr. Prendeville tabled the motion for further review by the Board.

Township Secretary/Assistant Treasurer- Resignation

Mr. Prendeville moved the Board to accept with regret the resignation of Christina M. Thomas effective immediately.

Mr. Nagle seconded the motion.

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

Township Secretary/Assistant Treasurer- Appointment

Mr. Prendeville moved the Board to appoint Kimberly R. Lymanstall to the position of Township Secretary/Assistant Treasurer effective September 11, 2023.

Mr. Nagle seconded the motion.

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

Resolution 23-30 – Establishing Compensation for Township Secretary/Assistant Treasurer

Mr. Prendeville moved to adopt Resolution 23-30 establishing the compensation for Township Secretary/Assistant Treasurer effective September 11, 2023.

Mr. Nagle seconded the motion.

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

Township Manager – Retirement

Mr. Prendeville moved the Board to accept John J. Finnigan, Jr.'s notice of intent to retire effective January 2, 2024.

Mr. Nagle seconded the motion.

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

PUBLIC WORKS – Mr. Nagle

COURTESY OF THE FLOOR

Monica Beaky, 3625 Quincy Ln, distributed a document she prepared regarding the Majestic Text amendment changes that are proposed and what her concerns are with them.

Glynis Daniels, 1280 Gaspar Ave, requested the Board to communicate better with residents. She commended them for the Constant Contact emails about Township events but would like to see Constant Contacts or newsletters to include these recently proposed developments making it easier for residents to have access to the information.

Karen Gugliotta, 1146 Granite Dr, asked where she can find the municipal codes posted? Mr. Finnigan said she can find it on our website under the Administration page or Commonwealth of PA website, or if you google it, it will come up. Ms. Gugliotta stated she would be willing to help make a booklet to help people understand how things work in the Township such as the process from Zoning Hearing Board to Planning Commission, to Board Approval.

STAFF REPORTS

Engineer – Mr. Kocher stated that Mr. Jaindl provided traffic study for Hanover Corporate Center Lot 1 and provided a supplement, but it is not ready for presentation at this time.

Solicitor – Mr. Giovannini had nothing to report.

Recreation Director – Mr. Terenzio stated Patriot Day Ceremony had a great turnout. Fall Fest is scheduled for October 7th, 2023. Pickleball Tournament scheduled for October 28th, and a youth martial arts tournament scheduled for Nov 4th, 2023. The Lyons Club have a craft fair Saturday, September 16th 2023 10am -2pm.

Public Works Director – Mr. Limpar congratulated Kimberly Lymanstall on her appointment. Mr. Limpar stated yard waste collection is underway. Mr. Limpar said Public Works installed swing sets at Crawford Park. Mr. Limpar stated the Township is still waiting on the 2023 Trucks that were ordered.

Township Manager – Mr. Finnigan gave an update on the pool construction, project is on target. Mr. Finnigan said the pickleball courts contracts have been signed and the Township is waiting on Certificate of Insurance so Engineer can give notice to proceed. Timeline of project is granted after notice to proceed. Mr. Finnigan said CRPD has run two special operations on 512 out of concern for brake retarders being used. CRPD reported most people cited were Township residents running lights, only one truck cited for brake retarder use. Mr. Finnigan also stated there was a sidewalk crosswalk enforcement and there were 22 citations issued for vehicles failing to stop at someone in crosswalk.

Upon motion of Mr. Diacogiannis the Board adjourned at 9:06 p.m.

Beth A. Bucko
Assistant Secretary