

HANOVER TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 22-5

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP
OF HANOVER, NORTHAMPTON COUNTY, PENNSYLVANIA TO
AMEND CHAPTER 152 STORMWATER MANAGEMENT, OF THE
CODE OF CODIFIED ORDINANCES, AND REPEAL ALL
ORDINANCES INCONSISTENT HERewith.**

WHEREAS, Act 167 of 1978, more formally known as The Pennsylvania Stormwater Management Act (“Act 167”) requires municipalities to “adopt or amend, and shall implement such ordinances and regulations, including zoning, subdivision and development, building code, and erosion and sedimentation ordinances, as are necessary to regulate development within a municipality in a manner consistent with the applicable watershed stormwater plan and the provisions of this act”;

WHEREAS, Pennsylvania Department of Environmental Protection (“DEP”) is directed under Act 167 to develop, from time to time, model stormwater ordinances and amendments;

WHEREAS, DEP has developed its 2022 model stormwater ordinance.

NOW THEREFORE, be it enacted and ordained by the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania, and the same is hereby ordained and enacted as follows, to wit:

SECTION 1. The Board of Supervisors of Hanover Township, Northampton County, Pennsylvania, under the powers vested in them by the “Second Class Township Code” and Act 167 as amended, as well as other laws of the Commonwealth of Pennsylvania (the “Commonwealth”), do hereby ordain and enact the following amendment to the Hanover Township Stormwater Management Ordinance, as amended.

SECTION 2. Chapter 152 Stormwater Management, Article V Drainage Plan Requirements, § 152-17 Drainage Plan Review, Subsection D is deleted in its entirety and replaced as follows:

“D. The Township shall require an as-built survey of all stormwater BMPs and an explanation of any discrepancies with the drainage plan prior to issuance of a certificate of occupancy or prior to release of developer improvement security, if applicable.”

SECTION 3. Chapter 152 Stormwater Management, Article V Drainage Plan Requirements, § 152-19 Hardship Waiver Procedure is amended to add Subsection F as follows:

“F. No waivers may be granted by the Township for any provisions of this ordinance which may be covered under any required NPDES permit without prior approval from DEP.”

SECTION 4. Chapter 152 Stormwater Management, Article VI Inspections, § 152-20 Schedule of Inspections is amended to add Subsections C and D as follows:

“C. For all regulated earth disturbance activities, the licensed qualified professional shall certify that all permanent stormwater management BMPs have been constructed according to the approved plans and specifications.

D. As-built plans of all stormwater management BMPs shall be submitted to the township along with an explanation of any discrepancies with the construction plans.”

SECTION 5. Chapter 152 Stormwater Management, Article VIII Stormwater BMP Operation and Maintenance Plan Requirements, § 152-24.3 Covenant and agreement for maintenance of privately owned BMP(s) is amended to add Subsection C as follows:

“C. The property owner is required to provide an annual written inspection report for all BMPs to the Township.”

SECTION 6. Chapter 152 Stormwater Management, Article XI Prohibitions, § 152-29 Prohibited discharges and connections, Subsection C is deleted in its entirety and replaced as follows:

“C. Discharges that may be allowed based on the Township finding that the discharge(s) do not significantly contribute pollution to service waters of the Commonwealth are listed below:

- (1) Discharges or flows from firefighting activities.
- (2) Discharges from potable water sources including water line flushing and fire hydrant flushing, if such discharges do not contain detectable concentrations of Total Residual Chlorine (TRC).
- (3) Non-contaminated irrigation water, sewer from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.
- (4) Diverted stream flows and springs.
- (5) Non-contaminated pumped ground water and water from foundation and footing drains and crawl space pumps.
- (6) Non-contaminated HVAC condensation and water from geothermal systems.
- (7) Residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized.
- (8) Non-contaminated hydrostatic test water discharges, if such discharges do not contain detectable concentrations of TRC.”

SECTION 7. Chapter 152 Stormwater Management, Article XI Prohibitions, § 152-31 Roof drains is deleted in its entirety and replaced as follows:

“§ 152-31 Roof Drains and Sump Pumps.

A. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches, except as provided in Subsection B of this section.

B. When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the Township.

C. Roof drains and sump pumps shall discharge to infiltration areas or vegetated BMPs to the maximum extent practicable.”

SECTION 8. SEVERABILITY

If any section, clause, provision or portion of this Ordinance or regulation incorporated herein shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance or regulation.

SECTION 9. REPEALER

All Ordinances and parts of Ordinances inconsistent herewith be and the same are hereby repealed.

SECTION 10. EFFECTIVE DATE

This Ordinance shall be effective five (5) days from the date of enactment.

ENACTED AND ORDAINED this _____ day of _____, 2022, by the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania.

ATTEST:

HANOVER TOWNSHIP
NORTHAMPTON COUNTY,
PENNSYLVANIA

By: _____
Beth A. Bucko, Assistant Secretary

By: _____
JOHN D. NAGLE,
Chairman, Board of Supervisors

**HOLD HARMLESS
INDEMNIFICATION AGREEMENT**

THIS AGREEMENT, made this _____ day of _____ 2022, by and between HANOVER TOWNSHIP, a second class township of Northampton County, Pennsylvania, with an address at 3630 Jacksonville Road, Bethlehem, Pennsylvania, 18017 (“Township”) and **GREGORY AND KATRINA BALUTA**, adult individuals residing at 4280 Vassar Ave, Bethlehem Hanover Township, Northampton County, Pennsylvania, 18017 (“Owner”).

RECITALS

A. Owners propose to install a fence (the “Structure”) on the property located at 4280 Vassar Ave, Bethlehem, Pennsylvania also know as tax parcel number M5-05-0008-0021 (the “Premises”).

B. A plot plan of the Premises and the proposed location of the Structure is attached as Exhibit “A”.

C. The proposed Structure will encroach into the twenty (20) foot Drainage and Utility Easement in the side yard and the ten (10) foot Drainage and Utility Easement in the rear yard located on the Premises (the “Easement”).

D. In order to place the Structure within the Easement, the Owners need the permission of the Township. The Township is willing to consent to the placement of the Structure in the Easement, upon satisfaction by Owners of the conditions set forth herein.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, AND INTENDING TO BE LEGALLY BOUND, the parties hereto agree as follows:

5. The parties hereto acknowledge and agree that the Township's consent is conditioned upon the consent to the placement of the Structure by any and all utilities utilizing the Easement.

6. The parties hereto acknowledge that this Agreement is conditioned upon Owners obtaining the permission of adjacent landowners as to the placement of the structure, as may be required under the current Township Ordinance.

7. The parties hereto acknowledge that the Township retains discretion to require the removal of the Structure, in whole or in part, from the easement of the Premises if, in the sole opinion of the Township, the structure interferes with drainage on the Premises or on the Property of surrounding landowners.

8. This Agreement shall run with the land and shall be binding upon the Owners, their heirs, successors, executors, administrators and assigns, and shall inure to the benefit of the Township.

9. This Agreement, or any part thereof, shall not be construed against any party hereto, due solely to the fact that the Agreement, or any part thereof, was drafted by such party.

10. Owners shall immediately upon request pay all Township costs in connection with the Owners' request, including, but not limited to, attorney's fees, engineering fees and administrative expenses.

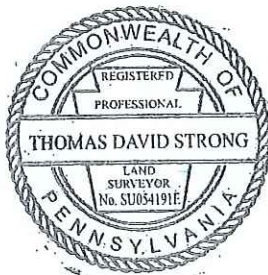
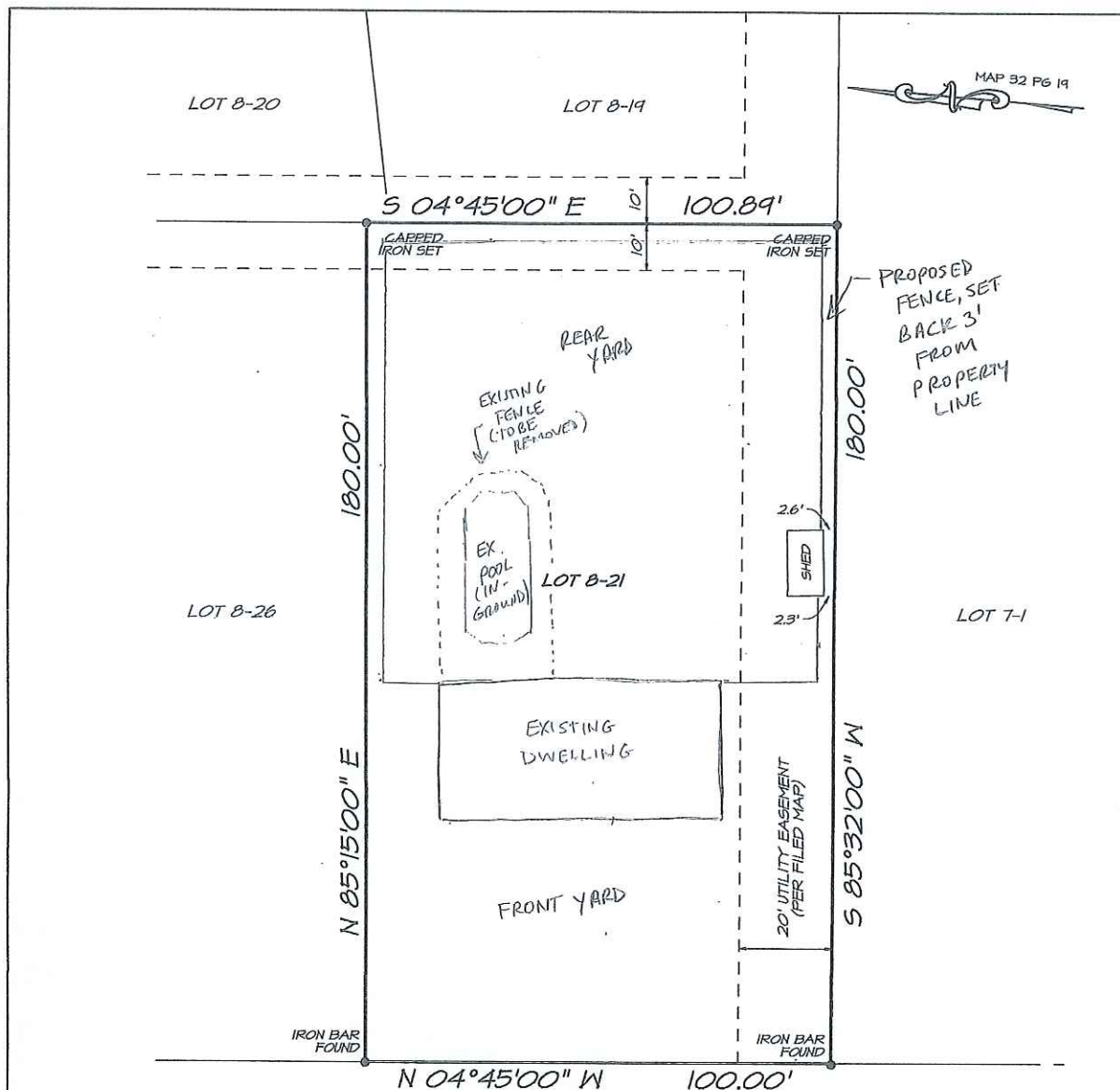
ON THIS, the _____ day of _____, 2022, before me, the subscriber, a Notary Public in and for the said County and State, the undersigned officer, personally appeared **JOHN D. NAGLE**, who acknowledged himself to be the Chairman of the Board of Supervisors of Hanover Township and that he as such Chairman, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Chairman.

NOTARY PUBLIC

ON THIS, the 9th day of September, 2022, before me a notary public, the undersigned officer, personally appeared **GREGORY AND KATRINA BALUTA**, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

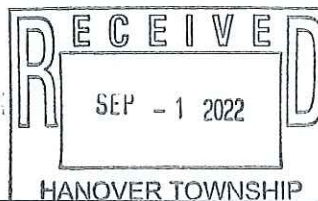
Michelle N. Michael-Jones
NOTARY PUBLIC





VASSAR AVENUE

(50' ROW PER FILED MAP)



BEING KNOWN AND DESIGNATED AS LOT 25 IN BLOCK C AS SHOWN ON A PLAN OF SUBURBAN ESTATES SECTION 3 RECORDED IN PLAN BOOK 32 PG. 19.

CURRENT RECORD OWNER: GREGORY & KATRINA BATULA
DEED OF RECORD: BOOK 2010-1 PG. 258424

THE PURPOSE OF THIS SKETCH IS TO SHOW CORNERS SET OR VERIFIED.
ALL THE IMPROVEMENTS ON THE LOT WERE NOT LOCATED
SUBJECT TO THE FINDINGS OF A FULL AND COMPLETE TITLE REPORT WHICH WAS NOT DONE FOR THE PURPOSE OF THIS SURVEY.

I HEREBY CERTIFY THAT THE PROPERTY CORNERS SHOWN ON THIS SKETCH HAVE BEEN EITHER SET OR LOCATED AND VERIFIED AS CORRECT.

08/23/22

THOMAS D. STRONG PA LIC. # SU-54191-E DATE

4280 VASSAR AVENUE

SKETCH OF PROPERTY

PARCEL ID. M5 5 B 21 0214

SITUATED IN

HANOVER TOWNSHIP, NORTHAMPTON COUNTY, PA

SCALE 1"=30'

AUGUST 25, 2022

Thomas D. Strong Associates, LLC

PROFESSIONAL LAND SURVEYORS

3152 Rambeau Road, Bethlehem, PA 18020

PHONE: 610-248-1755

EMAIL: TD36761@GMAIL.COM

BLK. 430 P.51

DWN. BY: TDS

CHK. BY: TDS

FILE 22-6301

RESOLUTION 22 – 16
HANOVER TOWNSHIP – NORTHAMPTON COUNTY

WHEREAS, The Board of Supervisors of Hanover Township (“Township”), Northampton County, Pennsylvania (“Applicant”) desires to apply for grants with the Northampton County Department of Community and Economic Development (“Authority”) from the 2022 Public Safety Grant Program.

Be it **RESOLVED** that the Board of Supervisors of Hanover Township, Northampton County hereby requests a 2022 Public Safety grant of \$12,100.00 from the Northampton County Department of Community & Economic Development to be used for Colonial Regional Police Department to purchase seventeen (17) Ballistic Shields and twenty (20) Ballistic Helmets.

NOW THEREFORE, IT IS FURTHER RESOLVED THAT:

1. Any application for a grant from the Authority may be signed on behalf of the applicant by the officials of the Township of Hanover who, at the time of signing, has **TITLE** of **Chairman**, Board of Supervisors; or **Vice Chairman**, Board of Supervisors; or **Township Secretary**, **Township Treasurer** or **Township Manager**.
2. The signature page for the grant agreement can be executed on behalf of the Township by the Official who, at the time of the signing of the agreement, has the **TITLE** specified in paragraph 1 and the Township is bound by the grant agreement.
3. If this official signed the “**Signature Page for Grant Application**” prior to the passage of this Resolution, this grant of authority applies retroactively to the date of signing.
4. Any amendment to the grant agreement can be executed on behalf of the Township by the Official who, at the time of the signing of the agreement, has the **TITLE** specified in paragraph 1 and the Township is bound by the grant amendment.
5. This Resolution shall remain in effect and binding until rescinded or modified by the Board of Supervisors, Township of Hanover.

RESOLVED this 13th day of September 2022.

ATTEST

BOARD OF SUPERVISORS
Hanover Township,
Northampton County

By: _____
Beth A. Bucko, Assistant Secretary
Board of Supervisors

By: _____
John D. Nagle, Chairman
Board of Supervisors

I hereby certify that this Resolution was adopted by the Board of Supervisors, Hanover Township, Northampton County, this 13th day of September 2022 and said Resolution has been recorded in the Minutes of the Board of Supervisors of Hanover Township and remains in effect as of this date.

Beth A. Bucko, Assistant Secretary
Board of Supervisors, Hanover Township -
Northampton County

ORDINANCE NO. 22- 4

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, PENNSYLVANIA ADDING A NEW CHAPTER 15 NAZARETH AREA MULTI-MUNICIPAL PLAN, APPROVING THE ARTICLES OF AGREEMENT BETWEEN AND AMONG THE GOVERNMENTS OF THE TOWNSHIP OF BUSHKILL, LOWER NAZARETH, UPPER NAZARETH, MOORE, AND HANOVER; AND THE BOROUGHES OF NAZARETH, BATH, STOCKERTOWN, AND TATAMY; AND THE NAZARETH AREA SCHOOL DISTRICT FOR INCLUSION OF THE TOWNSHIP OF HANOVER TO THE NAZARETH AREA COUNCIL OF GOVERNMENTS AND REPEALING ALL ORDINANCES INCONSISTENT HERewith

WHEREAS, The Nazareth Area Council of Governments adopted the Nazareth Area Multi-Municipal Plan in 2007 for the purpose of shaping the collective municipalities' collective vision for the future, which was updated for the year 2022;

WHEREAS, the Township of Hanover, Northampton County, Pennsylvania (the "Township") has determined it to be in the best interests of the residents of the Township to enact certain provisions approving the Articles of Agreement to the Nazareth Area Council of Governments and its Multi-Municipal Plan and to repeal any existing ordinances that are inconsistent herewith.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania, and the same is hereby ordained and enacted as follows, to wit:

SECTION 1. The Board of Supervisors of Hanover Township, Northampton County, Pennsylvania, under the powers vested in them by the "Second Class Township Code" of Pennsylvania as well as other laws of the Commonwealth of Pennsylvania, do hereby enact and ordain the following amendment to the text of the Hanover Township Code of Codified Ordinances, as amended, by creating a new Chapter 15 to be known as "Nazareth Area Multi-Municipal Plan".

SECTION 2. Chapter 15, Nazareth Area Multi-Municipal Plan, Section 15-1 Short Title
to read as follows:

“Section 15-1 Short Title.

This Ordinance shall be known as the “Nazareth Area Multi-Municipal Plan Ordinance of Hanover Township, Northampton County, Pennsylvania.”

SECTION 3. Chapter 15, Nazareth Area Multi-Municipal Plan, Section 15-2 Purpose to
read as follows:

“Section 15-2 Purpose.

The purpose of the Nazareth Area Multi-Municipal Comprehensive Plan is to enable the Boroughs of Bath, Chapman, Nazareth, Stockertown and Tatamy and the Townships of Bushkill, Hanover, Lower Nazareth, Moore and Upper Nazareth to shape their collective vision for the future.

Each municipality will keep their autonomy and control but planning as a region will enable them to take advantage of geographic similarities and address their common priorities, while better managing an evolving development landscape.

The Multi-Municipal Plan will allow the municipalities to determine common goals and objectives for areas of land use, housing, air quality, transportation, development, recreational facilities, the conservation of natural and scenic resources, the preservation of farmland and fostering economic development, in addition to identifying ways to share resources.”

SECTION 4. Chapter 15, Nazareth Area Multi-Municipal Plan, Section 15-3 Agreement
to read as follows:

“Section 15-2 Agreement.

Pursuant to Article IV Membership, of the Articles of Agreement, attached hereto as **Exhibit “A”**, by and among the governments of the Boroughs of Bath, Chapman, Nazareth, Stockertown and Tatamy and the Townships of Bushkill, Hanover, Lower Nazareth, Moore and Upper Nazareth, the Township of Hanover, Northampton County Pennsylvania approves the Articles of Agreement, authorizes the Chairman of the Board of Supervisors and the Township Secretary to execute the Articles of Agreement and further agrees to be bound to the extend provided in such Articles and other Agreements adopted by the Nazareth Area Council of Governments.”

SECTION 5. SEVERABILITY

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION 6. REPEALER

All Ordinances and parts of Ordinances inconsistent herewith be and the same are hereby repealed.

SECTION 7. EFFECTIVE

This Ordinance shall become effective five (5) days from the date of its adoption.

ENACTED AND ORDAINED this 13th day of September, 2022.

ATTEST:

BOARD OF SUPERVISORS
OF HANOVER TOWNSHIP,
NORTHAMPTON COUNTY

By: _____
Beth A. Bucko, Secretary

By: _____
John D. Nagle, Chairman

RESOLUTION NO. 22-17

A RESOLUTION ENACTED BY THE BOARD OF SUPERVISORS OF HANOVER TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA ADOPTING THE NAZARETH AREA MULTIMUNICIPAL COMPREHENSIVE PLAN.

WHEREAS, pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended, Article III (35 P.S. 10101, et seq.), the Board of Supervisors of Hanover Township, participating with nine (9) other municipalities, and under the auspices of the Nazareth Area Council of Governments, with consultant services provided by the Lehigh Valley Planning Commission, participated in the preparation of the Nazareth Area Multimunicipal Comprehensive Plan; and

WHEREAS, the aforesaid Nazareth Area Multimunicipal Comprehensive Plan, including the municipalities of Bath Borough, Bushkill Township, Chapman Borough, East Allen Township, Hanover Township, Lower Nazareth Township, Moore Township, Nazareth Borough, Tatamy Borough, Stockertown Borough, and Upper Nazareth Township, consists of maps, charts and textual material covering the requirements as set forth in Section 301, 301.1, and 301.2 of the Pennsylvania Municipalities Planning Code; and

WHEREAS, with the assistance of the Lehigh Valley Planning Commission, Lower Nazareth Township has complied with all of the procedural notice, public hearing, and public comment requirements of Section 301.3 and 302 of the Pennsylvania Municipalities Planning Code; and

WHEREAS, the Board of Supervisors of Hanover Township finds that the Nazareth Area Multimunicipal Comprehensive Plan adequately addresses land use concerns and issues within its jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Hanover Township that the attached Nazareth Area Multimunicipal Comprehensive Plan along with all appended maps, charts, and textual matter, be hereby approved and adopted as the Nazareth Area Multimunicipal Comprehensive Plan for use by the Township of Hanover, Northampton County, Pennsylvania.

DULY RESOLVED the 13th day of September 2022 by the Board of Supervisors of Hanover Township.

ATTEST:

BOARD OF SUPERVISORS

By: _____
Beth A. Bucko, Assistant Secretary

By: _____
John D. Nagle, Chairman



PENN TECHNOLOGY CONSULTING, LLC

September 9, 2022
Planning Commission Board
Hanover Township Northampton County
3630 Jacksonville Road
Bethlehem, Pennsylvania 18017-9302

RE: Farmhouse Village Hanover, 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 land development plan. This extension shall be valid to and including November 30, 2022. Should you have questions, please do not hesitate to contact the undersigned. Thank you.

Sincerely,

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



PENN TECHNOLOGY CONSULTING, LLC

September 9, 2022
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 land development plan. This extension shall be valid to and including November 30, 2022. Should you have questions, please do not hesitate to contact the undersigned. Thank you.

Sincerely,

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



jzator@zatorlaw.com

September 12, 2022

AMERICAN HERITAGE BUILDING

4400 Walbert Avenue at Ridgeview Drive

Allentown, Pennsylvania 18104

Ph: 610.432.1900 F: 610.432.1707

www.zatorlaw.com

TRANSMITTED VIA EMAIL

bbucko@hanoverwp-nc.org

Board of Supervisors

c/o Beth A. Bucko

Hanover Township – Northampton Township

3630 Jacksonville Road

Bethlehem, PA 18017-9303

ATTORNEYS AND
COUNSELORS AT LAW

Joseph A. Zator II

Andrew D. Hoffman

Jennifer R. Alderfer

Marissa R. Harper

OF COUNSEL

Paul D. North, Jr., P.E.

Thomas L. Harper

**RE: Jaindl – Hanover Corporate Center 2
Time Extension Request Regarding Improvements
583 Trip Improvements Closeout**

Dear Supervisors:

The purpose of this letter is to request a time extension to the extent it might be needed, for “formal completion” of these particular remaining improvements through the end of September, 2023.

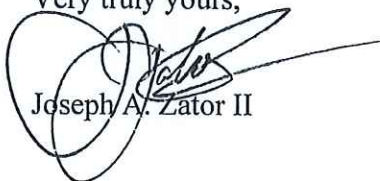
My understanding is that all work is complete, both work required by Hanover Township and work required by PennDOT. We are waiting for PennDOT to formally close this out, and Jaindl has been in communication with PennDOT about that for months.

Recognizing that the work required by and secured by the Township has been completed, a time extension may not be necessary. However, to the extent it is required, we ask that it be granted.

Certainly, if there are any questions feel free to contact me at any time.

Thank you.

Very truly yours,



Joseph A. Zator II

JAZ:jlw

cc: John J. Finnigan, Jr. (via email jfinnigan@hanoverwp-nc.org)
James L. Broughal, Esq. (via email jimbroughal@broughal-devito.com)
James A. Milot (via email jmilot@hanovereng.com)

Brien Kocher (via email bkocher@hanovereng.com)
David M. Jaindl (via email david.jaindl@jaindl.com)
Adam Jaindl (via email adam.jaindl@jaindl.com)
Wendy Nicolosi, Esq. (via email wendy.nicolosi@jaindl.com)
Christine Sutjak (via email christine.sutjak@jaindl.com)
John McRoberts, PE (via email jmcroberts@pidcockcompany.com)
Brian E. Harman P.E., P.T.O.E. (via email bharman@pidcockcompany.com)
Erin Witt (via email erin.witt@jaindl.com)



1727 Jonathan Street • Allentown, PA 18104
Phone: (610) 776-6700 • Fax: (610) 776-1190 • www.bencivil.com

August 30, 2022

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

**RE: Time Extension
Freshpet
Pre-Treatment Sewage Plant
LEI Project No. 17152
Benchmark Project No. 003163**

Dear Board Members:

On behalf of Professor Connor's, we are hereby requesting a 60-day extension from the Township for the purpose of completing the improvements. The current application expires on September 1, 2022 and the extension is granted to November 1, 2022.

Thank you for your consideration of this matter.

Very truly yours,

Paul A. Szewczak

Paul A. Szewczak

PAS/slc