

NOTICE OF HEARING OF THE
ZONING HEARING BOARD OF HANOVER TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

NOTICE IS HEREBY GIVEN, that the Hanover Township Zoning Hearing Board of Northampton County, Pennsylvania, will hold hearings commencing at 7:00 PM at the Municipal Building at 3630 Jacksonville Road, Hanover Township, Pennsylvania on Thursday, December 21, 2023:

Location Changed to: Hanover Township Community Center, 3660 Jacksonville Road

Eastupland Associates and Eastupland Associates III. The alleged affected parcels are tax parcel I.D. M6-15-11B-2, M6-15-11B, M6-15-11 and M6-15-11C. Petitioners are making a substantive validity challenge to the Ordinance pursuant to the Pennsylvania Municipalities Planning Code, Section 916.1(B) and request that the Zoning Hearing Board hold a hearing on its challenge. The Zoning Board shall determine whether the challenged Ordinance or a map is defective. A copy of the request including any plans, explanatory material or proposed amendments may be examined by the public in the Township Municipal Building between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

On the petition of Ioakeim and Stacy Torounidis on property owned by them at 573 Kevin Drive in a R-1S Residential Suburban Zoning District. The petitioners desire to construct an in-ground swimming pool with equipment pad and concrete apron around the pool and require a variance from the Maximum Lot Coverage provisions of the Ordinance.

All those wishing to be heard concerning said petitions should be present at the time and place of the hearings.

Theodore R. Lewis, Solicitor
Zoning Hearing Board of
Hanover Township



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.

October 27, 2023

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

RE: Zoning Petition: 23ZHB16
Applicant: Red Bird Associates LLC
Property location: Validity Challenge - Ordinance Change
Zoning District: C2 to PIBD

Enclosed is a copy of the application received October 27, 2023, for a Validity Challenge referencing the Ordinance No. 22-7 changing C2 to PIBD.

The next meeting is tentatively scheduled 7:00 PM Thursday, December 21, 2023. Notice of Hearing to follow.

Yvonne D. Kutz



FITZPATRICK
LENTZ & BUBBA
ATTORNEYS AT LAW

October 27, 2023

Via Hand Delivery

Hanover Township - Northampton County Municipal Building
Zoning Hearing Board
c/o Yvonne Kutz
3630 Jacksonville Road
Bethlehem, PA 18017-9302

**Re: Application of Red Bird Associates LLC
Validity Challenge to Ordinance No. 22-7**

Dear Board:

Enclosed for submission to the Hanover Township – Northampton County Zoning Hearing Board are the following:

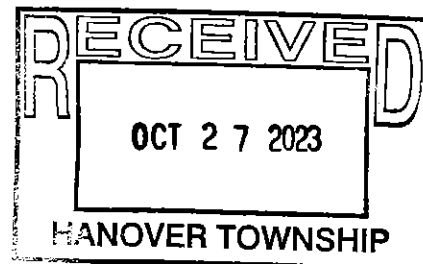
1. An original and twenty-two copies of the Zoning Hearing Board Petition;
2. An original and twenty-two copies of the Supplemental Statement;
3. Twenty-two (22) copies of Ordinance No. 22-7, minutes from the November 7, 2022 Planning Commission meeting, and minutes from the November 8, 2022 Board of Supervisors Meeting;
4. Map of and address list for the neighboring property owners within 500' on Gateway Drive and within 100' not on Gateway Drive; and
5. Check in the amount of \$1,000.00 representing the filing fee.

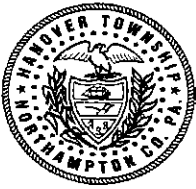
Kindly place this matter on the Zoning Hearing Board's next agenda. Thank you for your assistance in this regard. If you have any questions, please do not hesitate to contact my office.

Very truly yours,

Thomas J. Schlegel

Enclosures





HANOVER TOWNSHIP, Northampton County
3630 Jacksonville Rd, Bethlehem PA 18017
Phone 610-866-1140 Fax 610-758-9116

PAID
\$1,000.00
OCT 27 2023

BY: JMC

PETITION

NOTICE: This Petition, in order to be acted upon by the Zoning Hearing Board must be fully completed in accordance with the "instructions to applicant." Failure to do so will result in a denial of the Petition without refund of your filing fee.

Application is made this 23 day of October, 20 23

I. PROPERTY INFORMATION (location and existing conditions for which a special permit is being applied):

1. Address of property for which a special permit is requested: 300 Gateway Drive & Center Street EO
2. Tax Parcel No.: M6 15 11 0214 & M6 15 11C 2014
3. Current Zoning Classification: Planned Industrial Business District (PIBD)
4. The Dimension of the land area are: _____
5. The real estate contains 20.02 acres square feet.
6. The real estate in question is presently classified under the Hanover Township Zoning Ordinance as:
(a) The real estate is presently used for the purpose of: Hotel & Conference Center
(b) and contains buildings and other improvements consisting of (if real estate is vacant land, so note):
123,467 SF Hotel & Conference Center on M6 15 11 0214
Vacant Land on M6 15 11C 2014

II. OWNER INFORMATION

1. Owner of property: Eastupland Associates (see attached) Telephone (610) 691-0483
(all parties to the title must be listed, attach additional page if needed)
Address 3332 Bingen Road, Bethlehem, PA 18015

III. APPLICANT INFORMATION (herein after known as the "Petitioner")

1. Applicant ("Petitioner(s)") Red Bird Associates LLC Telephone (610) 882-8800
(all parties must be listed, attach additional page if needed)
Address 100 Gateway Drive, Bethlehem, PA 18017
2. Petitioner is the (check one or more)
☐ Owner ☐ Occupant ☐ Agent for: _____ ☒ Other: Challenging Party
3. Attorney representing Petitioner(S): Thomas J. Schlegel Telephone (610) 797-9000
Address Fitzpatrick Lentz & Bubba, P.C.
645 W. Hamilton Street, Suite 800, Allentown, PA 18101
4. Petitioner: (check appropriate action)
☐ Hereby appeals from the decision of the Zoning Administrator, or other township Official; or
☐ Hereby applies for a special exception or permit, or variance, from the terms of the Zoning Ordinance; or
☒ Hereby applies for: Substantive Validity Challenge to Ordinance No. 22-7
Pursuant to Pennsylvania Municipalities Planning Code Section 916.1(b)
5. Petitioner appeals or makes application from the order, requirement, decision or determination of the Zoning Administrator or other Township Official made on November 8, 2022, which was as follows: (quote, or if insufficient space, attach additional page). Ordinance No. 22-7 changing Official Zoning Map so that Property at Section I hereof changed from C-2 to PIBD

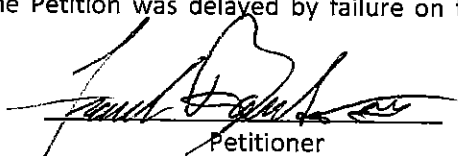
6. Petitioner claims that the variance, exception, or other relief should be granted as herein requested under the following sections of the Hanover Township Zoning Ordinance. (cite all sections supporting your position, or relevant to the consideration of your Petition) _____
Pennsylvania Municipalities Planning Code Section 916.1(b)

7. The variance or exception requested and the new improvements desired to be made as follows:

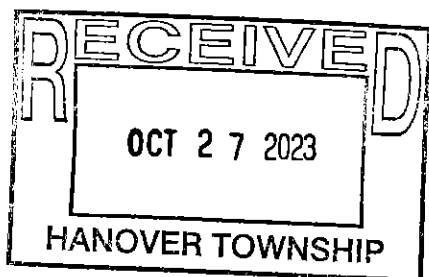
- (a) Building(s) to be erected: _____ N/A
- (b) Building(s) to be changed: _____ N/A
- (c) Building(s) to be used for: _____ N/A

8. The plot plan, drawings, sketches and other exhibits attached hereto are made a part hereof. Please include 22 copies of the petition and all these attachments.
9. Petitioner believes that the exceptions, variance, Conditional Use or other relief requested should be granted for the following reasons: (attach additional sheet if necessary)
10. Petitioner agrees to comply with all provisions of the Hanover Township Zoning Ordinance and is aware that the Ordinance provides for penalties for violations of its provisions.
11. The Petitioner further acknowledges that the Board does not have to consider any application until all information requested by the Board of Supervisors is submitted by said applicant, and that in the event this information is not submitted in full within twenty (20) days from the date of the initial Board of Supervisors Hearing, then the Board may deny such application, with or without prejudice to the applicant.
12. Wherever additional information is requested by the Zoning Hearing Board, and leave to submit additional information is specifically granted by the chairman of the Zoning Hearing Board, then in consideration of the Board's forbearance in not refusing the application at the conclusion of the hearing, the Petitioner agrees to extend the time for consideration of the application by the Zoning Board for the number of days after the date of decision specified in any Ordinance of the Township, by the same number of days which the Zoning Hearing Board's consideration of the Petition was delayed by failure on the part of Petitioner to submit additional information requested.

NOTE: All Petitioners must sign
at least one must sign in the
presence of a person capable
of administering an oath (see below)

 Petitioner PRES.

(SEAL)



(SEAL)

(SEAL)

(SEAL)

(SEAL)

NOTE: The following affidavit must be taken before a Notary Public or other appropriate official by one of the Petitioners.

FOR INDIVIDUAL PETITIONERS:

COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF _____)

ON THIS, the _____ day of _____, 20____, before me, _____
the undersigned officer,
personally appeared, _____,
known to me (or satisfactorily proven) to be the person whose name (is)(are) subscribed to the within instrument, and
acknowledged that he executed the same for the purposes therein.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)
Signature of the Petitioner taking affidavit

Sworn to and subscribed before me
This _____ day of _____ 20__.

NOTARY PUBLIC

FOR CORPORATE PETITIONERS:

COMMONWEALTH OF PENNSYLVANIA (Texas))
) ss:
COUNTY OF Kerr)

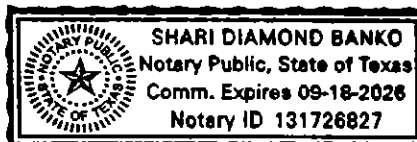
ON THIS, the 23 day of October, 2023, before me, Shari Diamond Banko
the undersigned officer,
personally appeared, Frank Banko III
who acknowledged ✓ self to be the President of
Red Bird, a corporation, and that he as such President being
authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the
corporation by ✓ self as President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Frank Banko III PRES
(SEAL)
Signature of the Petitioner taking affidavit

Sworn to and subscribed before me
This 23 day of October 2023.

Shari Diamond Banko
NOTARY PUBLIC



**BEFORE THE ZONING HEARING BOARD
HANOVER TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA**

SUPPLEMENTAL STATEMENT

IN RE: PETITION OF RED BIRD ASSOCIATES LLC

I. BACKGROUND

Petitioner owns certain real property in Hanover Township, Northampton County known as 100 Gateway Drive (the "Property"). Gateway Drive is a private road. There are four parcels of real estate in Hanover Township with access onto Gateway Drive:

<u>ADDRESS</u>	<u>PARCEL ID</u>	<u>OWNER</u>	<u>USE</u>
100 Gateway Drive	M6 15 11B-2	Red Bird Associates LLC	Financial Institution - Embassy Bank HQ
200 Gateway Drive	M6 15 11B	Eastupland Associates	Hotel – Hampton Inn
300 Gateway Drive	M6 15 11	Eastupland Associates	Hotel – SureStay Plus
Center Street EO*	M6 15 11C	Eastupland Associates III	Vacant Land

* Access to Gateway Drive when combined with adjacent parcel at 300 Gateway Drive

Prior to November 8, 2022, the zoning district for these four parcels was C-2 "Commercial Center". The Embassy Bank headquarters at 100 Gateway Drive and the Hampton Inn at 200 Gateway Drive uses were developed under that zoning designation. On November 8, 2022, the Board of Supervisors of Hanover Township, Northampton County enacted Ordinance No. 22-7. Ordinance No. 22-7 changed the underlying zoning district of Parcels M6 15 11 and M6 15 11C from C-2 "Commercial Center District" to PIBD "Planned Industrial Business District".

Warehouse uses are permitted in the PIBD zoning district, but not in the C-2 zoning district. At the time of this petition, a land development plan proposing a warehouse use on Parcels M6 15 11 and M6 15 11C, submitted by Eastupland Associates, is pending review in Hanover Township, Northampton County. Petitioner, Red Bird Associates LLC, is aggrieved by the use/development presently proposed on Parcels M6 15 11 and M6 15 11C, which use/development would not be allowed but for the zoning map change enacted by Ordinance No. 22-7.

II. ZONING RELIEF

The Pennsylvania Municipalities Planning Code at Section 916.1 states the following:

(b) Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall

first submit their challenge to the zoning hearing board for a decision thereon under section 909.1(a)(1).

(c) The submissions referred to in subsections (a) and (b) shall be governed by the following:

- (1) In challenges before the zoning hearing board, the challenging party shall make a written request to the board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge.*

The Petition submitted is the written request for the Zoning Hearing Board to hold a hearing on this challenge. This Supplemental Statement contains the reasons for the challenge.

Simply stated, Ordinance 22-7 is unconstitutional spot zoning. Spot zoning is an unconstitutional exercise of zoning powers where a discrete parcel of land is singled out for preferential treatment to such an extent that it creates an “island” of land which is entirely out of character with the surrounding neighborhood with no justification.

While the re-zoned land (Parcels M6 15 11 and M6 15 11C) is physically adjacent to land zoned PIBD to the north, the only access to it is along Gateway Drive. Gateway Drive is private road on which all present uses are compatible with C-2 zoning. Indeed, the subject matter “neighborhood” for appropriate zoning treatment are the four parcels along Gateway Drive. So long as the only access to the re-zoned property is via Gateway Drive, the four parcels parcel represent a distinct “neighborhood” separate and apart from the PIBD-zoned land that is physically adjacent to the north.

The Planning Commission, at its November 7, 2023 meeting, recognized this and voted 5-0 to not recommend the proposed change of Parcels M6 15 11 and M6 15 11C from C-2 to PIBD. The minutes from that Planning Commission meeting clearly reflect the rationale in not recommending the change, stating:

A motion was made by B. Check and seconded by G. Campbell to recommend that the Board of Supervisors deny a Zoning Ordinance Map Amendment for Hanover Township Chapter 185 Section 185-8 Rezoning Commercial Center District (C-2) to Planned Industrial Business District (PIBD) at 300 Gateway Drive for the following reasons:

- **Creates a non-conforming use**
- **Could potentially create access concerns along a private roadway due to higher intensity industrial related uses**
- **Potential incompatibility with the existing uses in the area**
- **No compelling reasons to change the zoning based on the current information**

Vote: Traupman, yes; Gilchrist, yes; Campbell, yes; Kanaskie, yes; Check, yes

This is sound justification to not enact the proposed zoning change from C-2 to PIBD.

The next day, on November 8, 2023, the Board of Supervisors voted 3-2 to enact Ordinance No. 22-7, changing the zoning from C-2 to PIBD. The sole reference to justification for the Supervisors' decision is reflected in the minutes from the November 8, 2022 meeting, where the three Supervisors voting in favor "indicated that the zoning was actually reverting back to its original designation". This is not a sound justification for the zoning change.

The fact that the land ultimately developed along Gateway Drive was at one time zoned PIBD is irrelevant to justifying the change made by Ordinance No. 22-7. The underlying zoning was previously changed to C-2 to support the development of compatible uses on 100 Gateway Drive (the Embassy Bank headquarters) and 200 Gateway Drive (the Hampton Inn) with the existing use at 300 Gateway Drive (hotel and conference center, presently operating as SureStay Plus). The zoning change and the subsequent development of Embassy Bank headquarters and the Hampton Inn created a neighborhood of compatible uses under C-2 zoning along Gateway Drive. As referenced previously, a land development plan for a +/- 250,000 SF warehouse facility is now pending on Parcels M6 15 11 and M6 15 11C. This industrial use is not compatible with the existing C-2 uses in the neighborhood, namely the Embassy Bank headquarters and Hampton Inn.

In changing the underlying zoning from C-2 to PIBD for Parcels M6 15 11 and M6 15 11C, the Hanover Township, Northampton County Board of Supervisors singled out for preferential treatment a discrete tract of land in a manner that it creates an "island" of land which is entirely out of character with its surrounding neighborhood. The Board of Supervisors did so with no justification other than indicating "that the zoning was actually reverting back to its original designation". That justification is insufficient in light of the historic development of 100 Gateway Drive and 200 Gateway Drive as C-2 uses that are incompatible with industrial uses, such as large warehouse facilities, permitted under PIBD zoning. This is the very definition of spot zoning. Consequently, the Zoning Hearing Board must find that the enactment of Ordinance 22-7 is unconstitutional spot zoning and need be invalidated.

III. CONCLUSION

For the aforementioned reasons, Petitioner should be granted the requested zoning relief, specifically a determination that Ordinance No. 22-7 is invalid because it is unconstitutional spot zoning.

FITZPATRICK LENTZ & BUBBA, P.C.

BY: 

Thomas J. Schlegel, Esquire
Attorneys for Applicant
645 W. Hamilton Street, Suite 800
Allentown, PA 18101
(610) 797-9000

Date: October 27, 2023

ORDINANCE NO. 22 - 7

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, TO AMEND THE OFFICIAL ZONING MAP OF THE HANOVER TOWNSHIP ZONING ORDINANCE CHAPTER 185 OF THE CODIFIED CODE OF THE TOWNSHIP OF HANOVER TO PROVIDE FOR THE AMENDMENT OF CHAPTER 185 SECTION 185-8 OF THE CODIFIED CODE OF THE TOWNSHIP OF HANOVER BY REZONING OF A CERTAIN TRACT OF LAND LOCATED AT 300 GATEWAY DRIVE AND CENTER STREET, HANOVER TOWNSHIP, PENNSYLVANIA FROM COMMERCIAL CENTER DISTRICT (C-2) TO PLANNED INDUSTRIAL BUSINESS DISTRICT (PIBD); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to the Pennsylvania Municipalities Planning Code 53 P.S. 1010 et seq., of the Board of Supervisors of the Township of Hanover, Northampton County, Pennsylvania desires to amend Chapter 185 Zoning, Section 185-8 of the Code of Ordinances to provide for the amendment to the Zoning Map to rezone certain property located at 300 Gateway Drive and Center Street, Hanover Township from Commercial Center District (C-2) to Planned Industrial Business District (PIBD); and

WHEREAS, the Board of Supervisors of the Township of Hanover, Northampton County, Pennsylvania finds that the proposed amendment will promote, protect, and facilitate the public health, safety and welfare; and

WHEREAS, The Board of Supervisors of the Township of Hanover has conducted a public hearing pursuant to public notice concerning the following amendment to the Hanover Township Zoning Ordinance as set forth hereinafter.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Hanover, County of Northampton, and Commonwealth of Pennsylvania as follows:

SECTION 1. The Board of Supervisors of Hanover Township, Northampton County, Pennsylvania, under powers vested by the "Second Class Township Code" of Pennsylvania and the authority and procedures of the "Pennsylvania Municipalities Planning Code," as amended as well as other laws of the Commonwealth of Pennsylvania, does hereby enact and ordain the following amendments to the Hanover Township Zoning Ordinance, as amended.

SECTION 2. ZONING MAP. Chapter 185 Zoning, Section 185-8 Zoning Map of the Codified Code of the Township of Hanover is hereby amended by amending the existing Zoning Map, as revised, by changing the current zoning classification of the land at 300 Gateway Drive and Center Street, Hanover Township, Northampton County, Pennsylvania highlighted in yellow on the map attached hereto as *Exhibit "A"*, and described in the tax parcel numbers which are attached hereto as *Exhibit "B"*, from the current Commercial Center District (C-2) to Planned Industrial Business District (PIBD).

SECTION 3. If a court of competent jurisdiction declares any provision of this amendment to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions of this amendment to the Hanover Township Zoning Ordinance shall continue to be separately and fully effective.

SECTION 4. All provisions of Township ordinances and resolutions or parts thereof that were adopted prior to this amendment to the Hanover Township Zoning Ordinance and that are in conflict with this amendment to the Hanover Township Zoning Ordinance are hereby repealed.

SECTION 5. This Ordinance shall become effective in five (5) days.

ATTEST:

HANOVER TOWNSHIP,
NORTHAMPTON COUNTY,
PENNSYLVANIA

By: Christina M. Thomas
Christina M. Thomas,
Township Secretary

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

EXHIBIT "A"

ZONING MAP

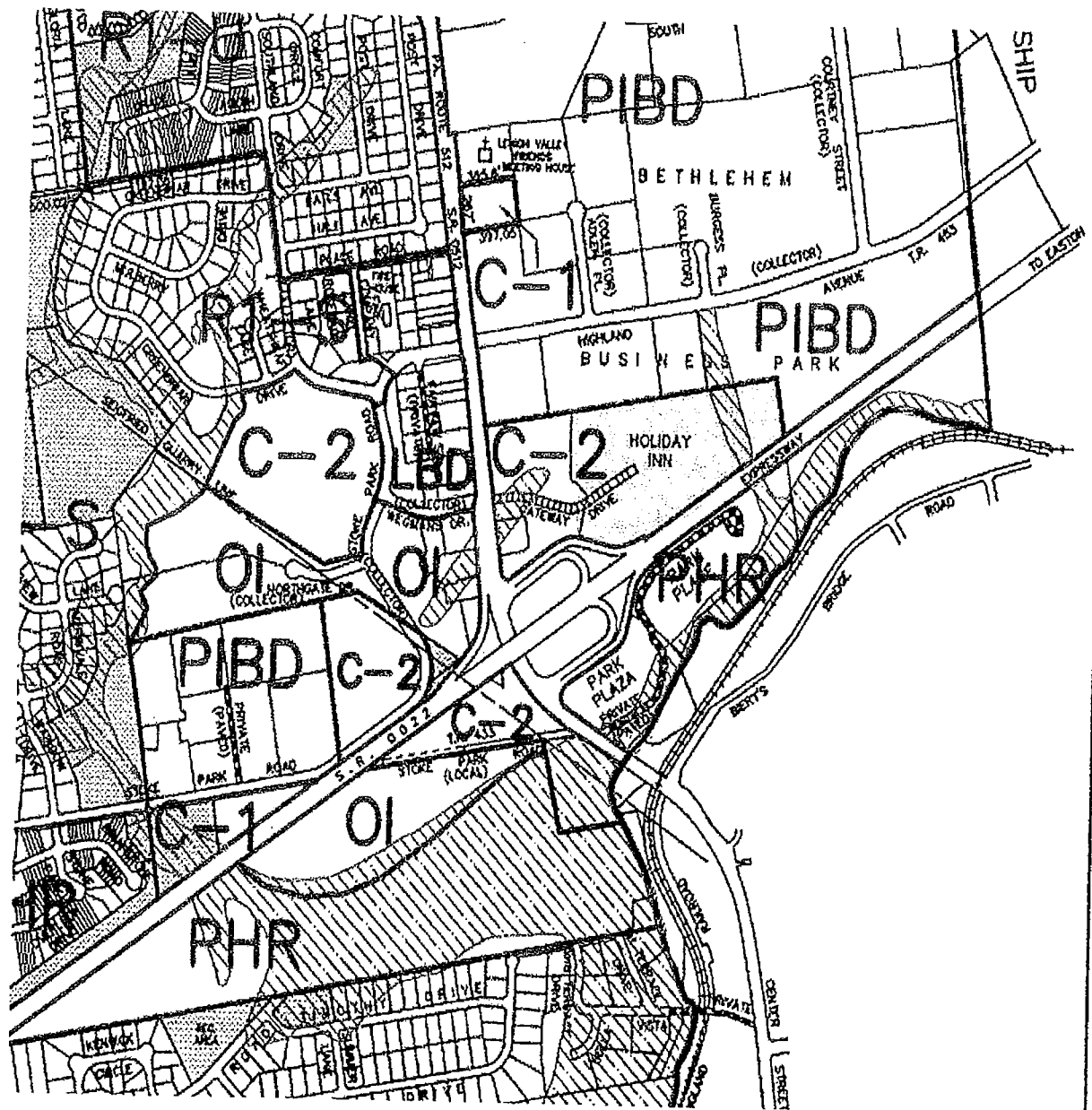


EXHIBIT "B"

NORTHAMPTON COUNTY TAX PARCEL NUMBERS

M6 15 11 0214

M6 15 11C 0214

PLANNING COMMISSION
Hanover Township Northampton County
3630 JACKSONVILLE ROAD
BETHLEHEM, PA 18017

Minutes of the November 7, 2022 Meeting

Meeting #974 of the Hanover Township Northampton County Planning Commission scheduled for Monday, November 7, 2022 was convened at 7:30 p.m. by Barry Check, Chairman.

Planning Commission members in attendance:

Barry Check, Richard Kanaskie, Dale Traupman, Martin Gilchrist, Gordon Campbell

Others in attendance:

James Milot, Hanover Engineering Associates, Inc.

Judy Holladay, Planning Commission Clerk

Bob Turner

Sue Turner

Lauren Turner

REVIEW OF MEETING MINUTES

A motion by M. Gilchrist seconded by D. Traupman to approve the minutes of the August 1, 2022 Planning Commission meeting as presented was unanimously approved.

Vote: Traupman, yes; Gilchrist, yes; Campbell, yes; Kanaskie, yes; Check, yes

DEVELOPMENTS, PLANNING & ZONING

- L Wellness Center Conditional Use, 81 Highland Avenue, Suite 240

Susan Turner, Co-owner of L. Wellness LLC, briefed the Commission on the personal services of L Wellness, (esthetics/massage), and reviewed the letter from Hanover Engineering regarding the Conditional Use Approval Application.

A motion by R. Kanaskie seconded by D. Traupman recommending that the Board of Supervisors grant conditional use approval with any waivers that may be needed to the extent deemed necessary by the Zoning Officer and Township Engineer per the letter dated November 4, 2022 from Hanover Engineering was unanimously approved.

Vote: Traupman, yes; Gilchrist, yes; Campbell, yes; Kanaskie, yes; Check, yes

- East Upland Rezoning Request
-

The applicant has requested a recommendation from the Planning Commission to amend the zoning map to include Lots 2 and 3 within the PIBD zoning district. Following discussion of the matter, the following motion was made.

A motion was made by B. Check and seconded by G. Campbell to recommend that the Board of Supervisors deny a Zoning Ordinance Map Amendment for Hanover Township Chapter 185 Section 185-8 Rezoning Commercial Center District (C-2) to Planned Industrial Business District (PIBD) at 300 Gateway Drive for the following reasons:

- **Creates a non-conforming use**
- **Could potentially create access concerns along a private roadway due to higher intensity industrial related uses**
- **Potential incompatibility with the existing uses in the area**
- **No compelling reasons to change the zoning based on the current information**

Vote: Traupman, yes; Gilchrist, yes; Campbell, yes; Kanaskie, yes; Check, yes

COURTESY OF THE FLOOR

No public was present.

ENGINEERING REPORT

Mr. Milot stated that the Township is checking into applying to the Covid 19 ARPA PA and Non-PA Small Water and Sewer grant programs. A letter of recommendation is needed from the Planning Commission.

A motion was made by M. Gilchrist and seconded by R. Kanaski recommending that the Board of Supervisors make application for any applicable sewer and water grants based on the objectives of our Comprehensive Plan and the needs as outlined by the Board of Supervisors.

Vote: Traupman, yes; Gilchrist, yes; Campbell, yes; Kanaskie, yes; Check, yes

Mr. Milot requested that everyone review the Traffic Impact Fee Advisory Committee background documents and be prepared to discuss them at the December meeting. Paul Pugieli will be joining the group.

ADJOURNMENT

B. Check adjourned the meeting at 8:47pm.

Respectfully submitted,

Judy Holladay, Planning Commission Clerk

REGULAR SEMI-MONTHLY MEETING

November 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 Municipal Building, 3630 Jacksonville Road, Bethlehem, PA, 18017 at 7:00 P.M.

Present were Supervisors Lawless, Diacogiannis, Prendeville, Engineer Brien Kocher, Solicitor James Broughal, and Manager Finnigan.

The Pledge of Allegiance was performed.

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

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

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

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

Upon motion of Ms. Lawless seconded by Mr. Prendeville, the Board approved the minutes from the special meeting of the Board of Supervisors dated October 31, 2022.

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

Upon motion of Ms. Lawless seconded by Mr. Prendeville, the Board approved the minutes from the special meeting of the Board of Supervisors dated November 1, 2022.

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

Upon motion of Mr. Prendeville seconded by Ms. Lawless, the Board approved the list of bills and transfers dated October 25, 2022.

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

COURTESY OF THE FLOOR

No one offered comments.

REPORT OF THE CHAIR

Mr. Nagle reported that the Board had an Executive Session and two special meetings to conduct interviews for the opening on the Board of Supervisors. There were eight outstanding candidates interviewed.

REPORT OF THE VICE CHAIR

Nothing to report.

SUPERVISOR'S COMMENTS

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

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

Mr. Finnigan – 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. Mr. Prendeville reported that there will be a yard waste pickup in November and none in December.

APPOINTMENTS AND RESIGNATIONS – BOARDS, COMMISSIONS AND COMMITTEES

Board of Supervisor – Resignation

Mr. Prendeville moved the Board to accept with regret the resignation of Board of Supervisor member, Jeffery M. Warren, effective October 14, 2022.

Mr. Diacogiannis seconded the motion.

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

Board of Supervisor - Appoint new Supervisor

Mr. Nagle asked for nominations and stated there needs to be a consensus of three people. Mr. Broughal stated the Board has 30 days to make a decision. Ms. Lawless asked why Board waited to accept the resignation. Mr. Diacogiannis nominated Barry Check. Ms. Lawless nominated Dale Traupman. Mr. Prendeville nominated Mona Finnigan. Mr. Prendeville moved the nominations are closed

Ms. Lawless seconded the motion.

Ms. Lawless - Dale Traupman, Mr. Diacogiannis - Barry Check, Mr. Prendeville - Barry Check, Mr. Nagle - Barry Check.

Mr. Nagle recognized that Barry Check received three votes and would be seated as Mr. Warren's replacement.

Resolution 22 - 19

Mr. Diacogiannis moved the Board to adopt Resolution 22-19 authorizing the appointment of Barry Check to fill the vacancy of a member of the Board of Supervisors of the Township of Hanover created by the resignation of Jeffrey M. Warren.

Mr. Prendeville seconded the motion.

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

Oath of Office - Newly appointed Supervisor sworn in.

Mr. Finnigan, Notary sworn in Mr. Barry Check.

Mr. Check stated it was a great 13 years on the Hanover Township Planning Commission.

PLANNING & ZONING – Ms. Lawless

Advertisement – Conditional Use - 81 Highland Ave.

Ms. Lawless moved the Board to authorize the Zoning Officer to advertise a Conditional Use Hearing for the use of the property located at 81 Highland Ave. to operate a Personal Service Shop.

Mr. Diacogiannis seconded the motion.

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

Zoning Variance - 1439 Roselawn Dr.

The applicant at 1439 Roselawn Dr. is requesting relief from the provisions of the Ordinance for setback and maximum lot cover for additional patio constructed on a non-conforming lot. The Board does not want to send representation to the Zoning Hearing Board meeting.

Zoning Variance - 5340 Stenton Dr.

The applicant at 5340 Stenton Dr. requests relief from the provisions of the Ordinance for setback and maximum lot cover for additional patio with gazebo being constructed on the premises. The Board does not want to send representation to the Zoning Hearing Board meeting.

Zoning Map Ordinance – Chapter 185, Section 185-8

Ms. Lawless moved the Board to adopt Ordinance 22-7 to amend Chapter 185 Section 185-8 of the code of codified ordinances and repeal all ordinances inconsistent herewith. Mr. Check mentioned that the Planning Commission did not recommend approval and provided their thought process. Mr. Diacogiannis, Mr. Finnigan and Mr. Kocher indicated that the zoning was actually reverting back to its original designation.

Mr. Prendeville seconded the motion.

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

ADMINISTRATION**Resolution 22 - 20**

Mr. Diacogiannis moved the Board to adopt Resolution 22-20 setting the 2023 Schedule of Fees for Towing and/or Storage of v\ehicles.

Mr. Finnigan explained this is an annual adoption and there is a 4% increase from prior year.

Mr. Prendeville seconded the motion.

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

DEVELOPMENTS**4098 Bath Pike – Improvements Deadline Extension**

Mr. Prendeville moved the Board to grant the developer of 4098 Bath Pike an extension to February 18, 2023, regarding the improvement's deadline, per the developer letter dated November 7, 2022.

Ms. Lawless seconded the motion.

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

Schoenersville Site, LLC – Land Development Improvements Agreement and Land Development Maintenance Agreement

Mr. Prendeville moved the Board to authorize the Chairman and Secretary execute the Schoenersville Site, LLC Land Development Improvements Agreement and Land Development Maintenance Agreement.

Mr. Finnigan stated that we do have the letter of credit and we are waiting for the plans to make their way through signatures to be recorded and the building permits will then be released.

Ms. Lawless seconded the motion.

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

4000 Airport Road - Discussion

Mr. Rocco Caracciolo, Colliers Engineering & Design began the discussion explaining proposed changes to 4000 Airport Road project. Mr. Caracciolo and Isaac Newman, Developer are proposing a longer building (690 ft long) but would remain 75% industrial and 25% warehousing to meet the manufacturing. They are also proposing a buffer yard less than 150 ft. Mr. Kocher explained that the regulations have changed from the time of the original Northgate. Mr. Newman mentioned that there is a tenant in place for the proposed new concept. Mr. Check stated the Planning Commission has already reviewed the plan with the only concern being the parking.

PUBLIC WORKS

Pool Discussion.

Mr. Prendeville stated that the pool will not be voted on this evening. Ms. Lawless asked about the extension from the pool bidder since November 22nd is the deadline. The deadline is extended to the end of the meeting on November 22, 2022.

Steven Kalamar, Penn Community Bank was present to explain the investment options based on the rate the funds were borrowed. Mr. Kalamar suggested money market accounts or certificate of deposits during the construction phase for the funds not being used. Mr. Broughal stated the goal would be for the investment to earn an interest as close to the interest charged on the funds borrowed. Mr. Broughal stated Municipal Code requires all be guaranteed by the institution holding them.

COURTESY OF THE FLOOR

No one offered comments.

STAFF REPORTS

Engineer – Mr. Kocher had nothing to report.

Solicitor – Mr. Broughal had nothing to report.

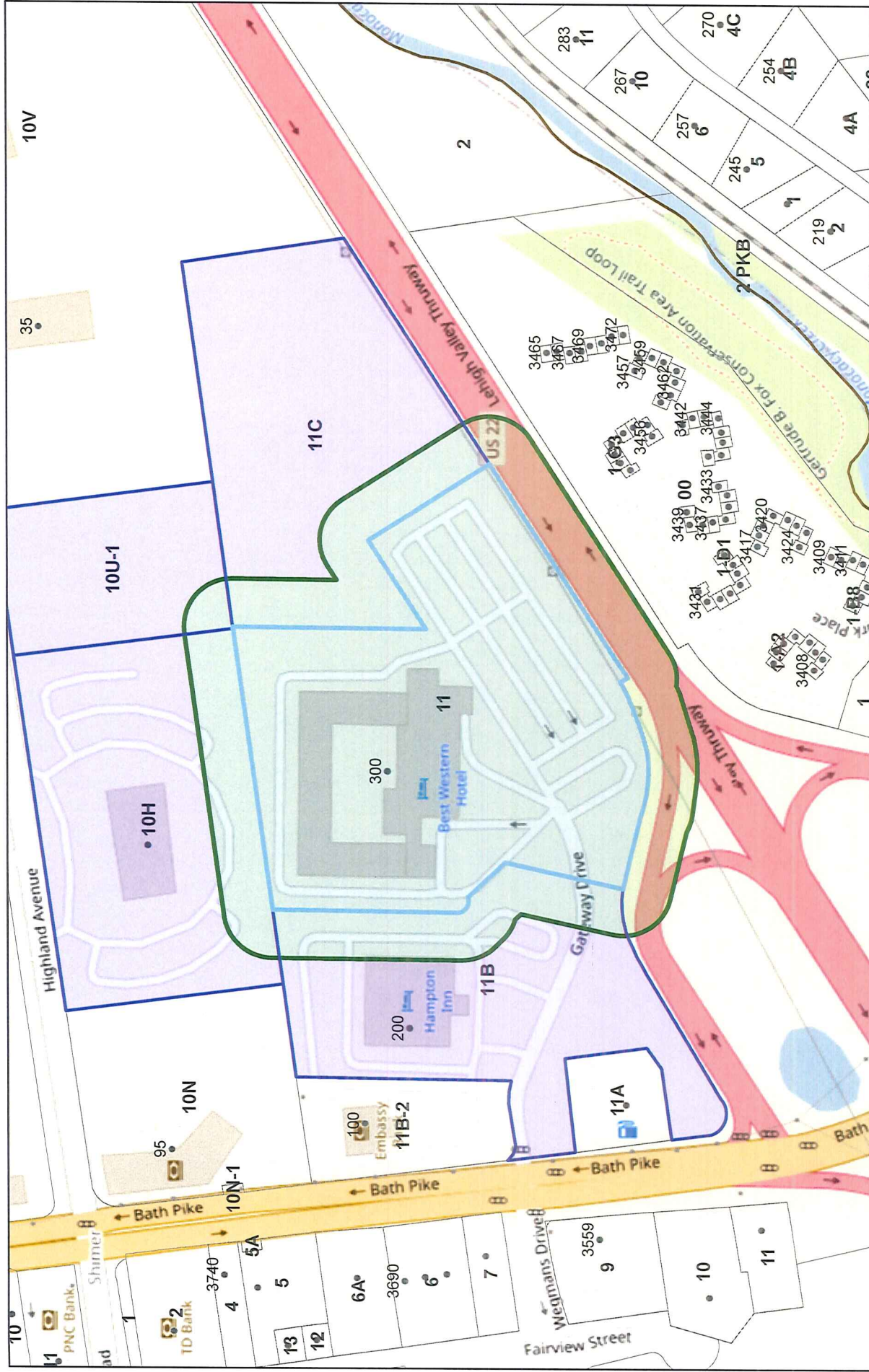
Public Works - Mr. Milite gave an update on the leaf collection, the Public Works staff is working 10-hour days Monday through Friday and Saturday 8 hours. Last week it took a total of seven days to get through the Township. Colonial Regional Police are doing Shop with Cops for the 16th year and donations need to be in by November 27, 2022. The event scheduled for December 3, 2022.

Township Manager – Mr. Finnigan asked for an Executive Session related to personnel matters.

Upon motion of Mr. Nagle the Board adjourned at 7:59 p.m.

Christina M. Thomas
Secretary

Northampton County Buffer Search

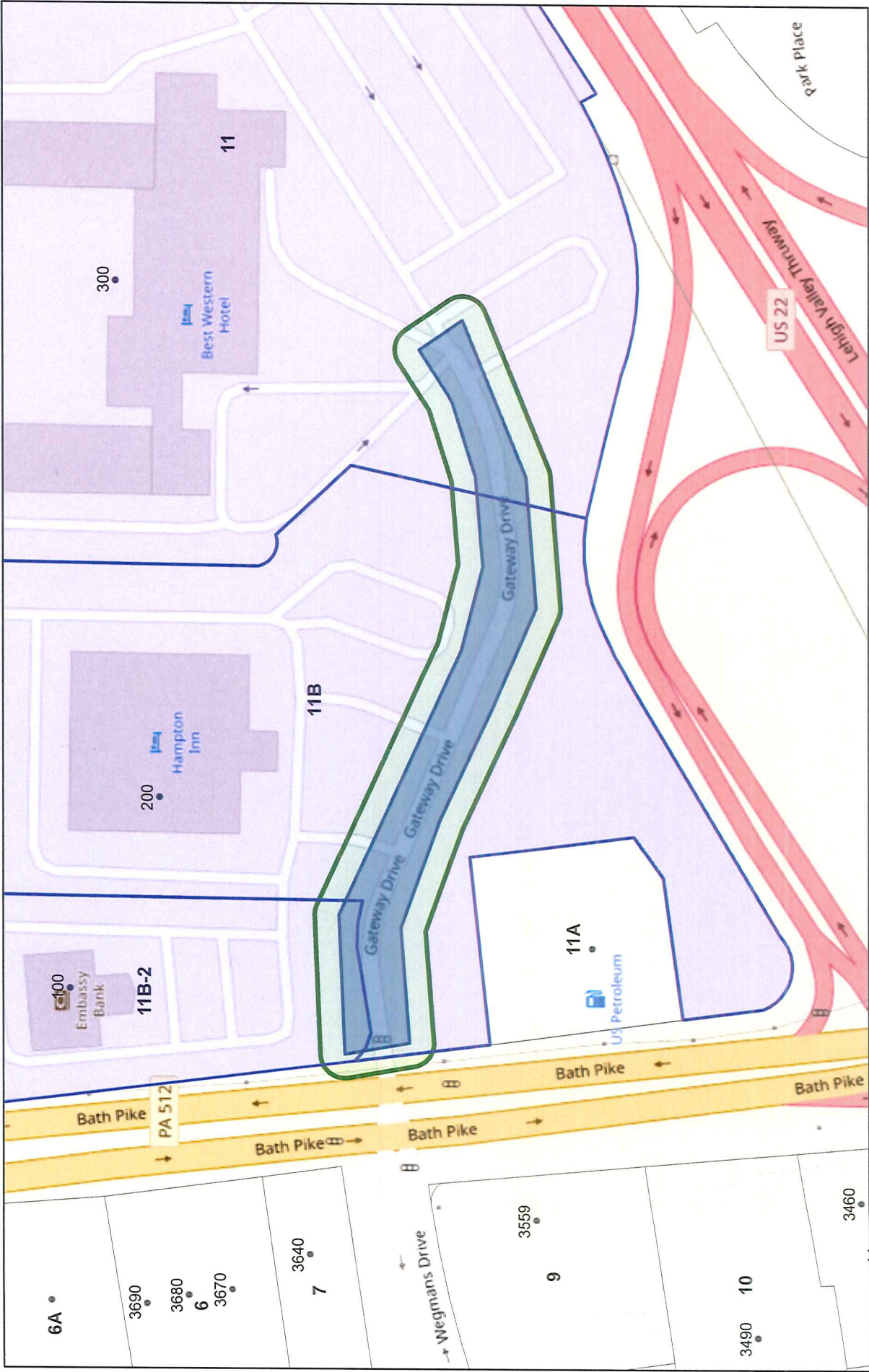


Parcel ID: M6 15 11B 0214
Occupant: EASTUPLAND ASSOCIATES
3332 BINGEN RD
BETHLEHEM PA 18015

Parcel ID: M6 15 11B-2 0214
Occupant: RED BIRD ASSOCIATES LLC
C O NAI SUMMIT
1620 POND RD STE 150
ALLENTOWN PA 18104

Parcel ID: M6 15 11 0214
Occupant: EASTUPLAND ASSOCIATES
3332 BINGEN RD
BETHLEHEM PA 18015

Northampton County Buffer Search



10/27/2023, 12:34:07 PM

- ☐ Municipal Boundary
- ☐ Parcel Cama ID
- ☐ Location
- ☐ Owner

1:2,257
0 0.01 0.03 0.05 mi
0 0.02 0.04 0.09 km

Map data © OpenStreetMap contributors, CC-BY-SA

Parcel ID: M6 15 11 0214
Occupant: EASTUPLAND ASSOCIATES
3332 BINGEN RD
BETHLEHEM PA 18015

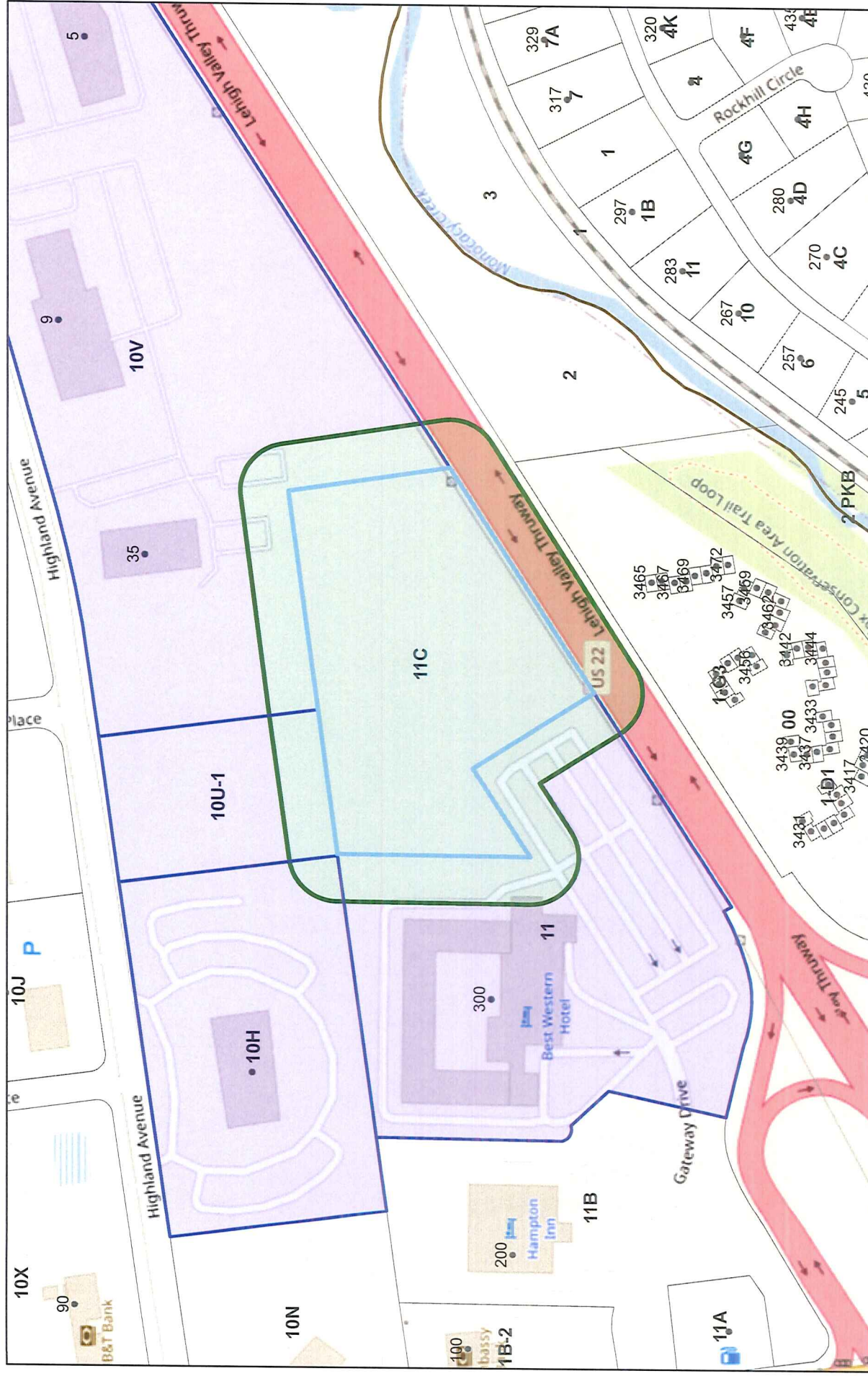
Parcel ID: M6 15 11C 0214
Occupant: EASTUPLAND ASSOCIATES III &
CETRO CORPORATION III
3332 BINGEN RD
BETHLEHEM PA 18015

Parcel ID: M6 15 10V 0214
Occupant: SPECIALTY MINERALS INC
640 N 13TH ST
EASTON PA 18042

Parcel ID: M6 15 10U-1 0214
Occupant: SPECIALTY MINERALS INC
640 N 13TH ST
EASTON PA 18042

Parcel ID: M6 15 10H 0214
Occupant: 81 HIGHLAND PARTNERS LP
790 PENLLYN BLUE BELL PIKE
STE 200
BLUE BELL PA 19422

Northampton County Buffer Search



10/27/2023, 12:30:50 PM

• **Municipal Boundary** **Location**

Parcel Cama ID Owner

0	0.03	1:4,514	0.11 mi
		0.06	

0 0.04 0.09 0.18 km

Map data © OpenStreetMap contributors, CC-BY-SA

*Northhampton County does not guarantee the accuracy or scale of the data found in this map. Data not intended for official survey or engineering purposes. *

Parcel ID: M6 15 11B 0214
Occupant: EASTUPLAND ASSOCIATES
3332 BINGEN RD
BETHLEHEM PA 18015

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