

HANOVER TOWNSHIP, LEHIGH COUNTY  
REGULAR COUNCIL MEETING

April 5, 2023  
7:00 P.M.

Present: Councilmen Heimbecker, Lawlor, Rossi, Paulus; Al Kortze, P.E.; J. Jackson Eaton, III, Esquire; Melissa A. Wehr; Vicky Roth; Audrey Anderson

Absent: 1

Attendance: 7

Courtesy of the Floor: None.

Approval of Minutes: March 15, 2023 Regular Council Meeting

Motion: I move we waive the reading of the Regular Council Meeting Minutes dated March 15, 2023 and accept same as presented.

Paulus, Lawlor: Moved and Seconded

Heimbecker, Lawlor, Rossi, Paulus:

Aye

Unan.

Reports:

1. Melissa A. Wehr  
Township Manager

Council has a copy of Manager's Report in their packets. The following are in addition to that report.

1. The Manager reported FRCA which is the First Regional Compost Authority, will be having a mulch madness event. The last one was very successful. If anyone is interested in mulch, you can go as many times as you want for \$10 for the entire day and take as much as you want. They will help you load it. Information on this has been placed on the Township's website and flyers are in the reception area of the Municipal Building.
2. There is gun buyback program which will be held at the Northampton Fire Department as well as the Leithsville Fire Station on Saturday, April 15.
3. The Manager received a report from the Airport that 65,679 passengers traveled through ABE, which is a 22% increase from February, 2022.
4. The Manager completed the report for the American Rescue Plan Fund. The monies were earmarked for the Allendale Sanitary Sewer Replacement Project.

5. The Manager thanked the Board for their support. The Township applied for the Multi-Modal Transportation Fund Grant to be used for the D&L Trail. It was supposed to be voted on last year around September/October and kept getting pushed back. It was voted on in March and the Township was awarded \$150,000 toward the project. The Township should be covered for all the expenditures for this project.

2. Al Kortze, P.E.  
Township Engineer

1. The Engineer gave an update on the Catasauqua Road Project regarding the signal at the Valley Plaza Shopping Center. He received the Agreements and will be sending out a notice to proceed. The project should be starting soon. The Engineer will be updating the Board periodically on its progress.

The Engineer's other item falls under New Business.

3. J. Jackson Eaton, III, Esquire  
Township Attorney

The Attorney's items are on the Agenda.

Unfinished Business: None.

New Business:

1. River Central Comprehensive Plan, LVPC Representative (Review and Discussion)

Jill Seitz, Senior Community Planner for the Lehigh Valley Planning Commission and Project Manager for LVPC and the consultant for River Central Multi-Municipal Plan appeared before the Board along with her colleague Matt Assad to address questions from the Board regarding the Plan. One of the Council Members asked Ms. Seitz to define River Central, Ms. Seitz stated the River Central area is defined by the municipalities who entered into the Multi-Municipal Plan. They are Catasauqua Borough, North Catasauqua Borough, Northampton Borough, East Allen Township and Hanover Township, Lehigh County. The Council Member asked who funds the Plan. Ms. Seitz said each participating municipality funds their proportional share. The Township Manager stated that the guidelines used for developing the plan is outlined in the Pennsylvania Municipalities Planning Code, which is the same book that follows all the rules for zoning hearing boards, for developing comprehensive plans, and for anything regarding planning. Each municipality of the five was presented with the bill for this project. It was divided by all five and agreed upon in the beginning. The Council Member wanted to know who will own the Municipal Plan when done. Ms. Seitz stated that collectively all the municipalities own it, but once the plan is adopted, i.e. say by Hanover Township, Lehigh County, it effectively becomes Hanover Township's Comprehensive Plan. Even though the five communities joined together and developed the Plan together, it is also considered Hanover Township's Comprehensive Plan. Hypothetically, if one of

the communities decides not to adopt the Plan, it does not change anything for Hanover Township unless Hanover Township were to also decide not to adopt the Plan. In reality, all the municipalities should adopt the Plan since so much time and energy went into developing it. Through the process, one would assume the Plan is sound and will support the communities vision. The Council Member asked how they got their input and information. Ms. Steitz stated the goals were primarily based on community input and supported by data analysis that were conducted as well as just knowledge of emerging planning practices.

2. Bill No. 2023-02, An Ordinance Amending Chapter 27, Sections 27-201, 27-402 and 27-1104 and adding Sections 27-1105 of the Statutory Code of Hanover Township, the Zoning Ordinance, to Establish Food Processing and Related Distribution as a Use Permitted by Conditional Use and Establishing the Dimensional Standard for such use and Special Conditions for Such use Adjoining a Residential Zoning District (Introduce)

The Attorney said this was presented to the Township Planning Commission. There were a few blanks which is the old version that Council has relating to setbacks. It was presented as a special exception. The proponent of this is Primo Produce development. They requested that this be handled as a Conditional Use rather than a special exception. The updated version Council has in front of them shows a Conditional Use that required some other changes as far as how this was put in the Township's Ordinance, but nothing substantive. Also, the previous version had a blank in it. At the introductory meeting, the developer stated they were willing to restrict truck use behind the building is the side closest to the residents. In the blank, the 190 feet was filled in, which is the distance between the back of the building and the property line. There was also discussion about a fence or visual barrier between the properties which would include a 10 foot berm plus evergreen screening of 8 feet. The last item is a fence for visual barrier also separating the lot from the residential properties. The Attorney stated that this all happened in discussions since it left Council previously up until now. A discussion ensued. Regarding replacing the existing fence in kind with a vinyl fence at the bottom of the berm, the Attorney said he is going to add that as a condition at the development stage. A Council Member said that the existing fence did nothing for the residents. He asked that the fence be placed on the top of the berm. Joe Fitzpatrick, Attorney for Primo noted that the placement, size, etc. of the fence will be considered during the plan development process. For now, they are before the Board for Conditional Use approval. A Council Member mentioned that as one of the residents in that area, he would like to see trees and shrubbery there rather than a fence.

The Chairman said this has been introduced and reviewed by Council.

Mr. Paxos addressed the 190 feet distance between residents and parking lot. When they take ownership of the land, they are promising there will be no truck traffic whatsoever within that 190 feet. They are going with the concept plan. He realizes that there is a lot of concern regarding sound. Mr. Paxos stated that when they went before the Planning Commission, he promised that when time comes to take care of the berm, cut down dead trees, plant new trees, he is happy to meet

with the neighbors and get their input and collectively decide what would work best in that area. He promised this to the Planning Commission and is making the same promise to Council this evening. At this time, Mr. Paxos reviewed their concept plan once they take ownership of the land and raze the movie theater and build their building. He said their building becomes an additional sound barrier and will be aesthetically pleasing.

3. Resolution No. 2023-34, A Resolution Setting Aside May 2, 2023 as Pennsylvania State Police Day in Hanover Township (Vote)

Motion: I move we accept Resolution No. 2023-34, A Resolution Setting Aside May 2, 2023 as Pennsylvania State Police Day in Hanover Township as presented.

Paulus, Lawlor: Moved and Seconded

Heimbecker, Lawlor, Rossi, Paulus: Aye Unan.

4. Resolution No. 2023-35, A Resolution Designating An Area of Compliance in Accordance With Ordinance 450 of the Statutory Code of Hanover Township (Vote)

Motion: I move we accept Resolution No. 2023-35, A Resolution Designating An Area of Compliance in Accordance With Ordinance 450 of the Statutory Code of Hanover Township as presented.

Heimbecker, Rossi: Moved and Seconded

Heimbecker, Lawlor, Rossi, Paulus: Aye Unan.

5. Authorization for the Township Engineer to Advertise for the Valley Plaza Sewer Project (Vote)

Motion: I move we approve Authorization for the Township Engineer to Advertise for the Valley Plaza Sewer Project as presented by the Township Engineer.

Heimbecker, Lawlor: Moved and Seconded

Heimbecker, Lawlor, Rossi, Paulus: Aye Unan.

6. Open the Record for the Conditional Use Hearing at 800 Willowbrook Rd., Lot 5A, Allentown, PA 18109 (Vote)

The Township Attorney said as Council will recall, they went through a conditional use hearing regarding height issues for this project on certain buildings. One of the requirements is that anyone applying for the use needs to be either the owner of the building or the tenant of the owner. There were representations made both in the application and in the course of the hearing as to the owner of the building. It was different in two places. As I was doing an opinion which is required, I determined that in fact they were not the owner of the building. The owner of the building was not mentioned. I made them aware of

this. This formally opens the record up so this error can be corrected. This is a \$100,000,000 site. The Attorney stated all the Township records on this property should be opened and made available. A Council Member asked if this is a legal precedent and the Attorney replied that it is. This could end up in a court proceeding with objectors, thus I would like the record to look clean in case someone does come back with something.

Motion: I move that we Open the Record for the Conditional Use Hearing at 800 Willowbrook Rd., Lot 5A, Allentown, PA 18109 as presented by the Attorney.

Heimbecker, Rossi: Moved and Seconded  
Heimbecker, Lawlor, Rossi, Paulus: Aye Unan.

7. 2023 Community Night Insurance (Vote)

Motion: I move that we approve the 2023 Community Night Insurance as presented by the Manager.

Heimbecker, Rossi: Moved and Seconded  
Heimbecker, Lawlor, Rossi, Paulus: Aye Unan.

8. Resolution No. 2023-36, A Resolution Approving Animal Rides, Sale of Food, Beverages, and Crafts at Canal Park During Hanover Township's Community Night 2023 (Vote)

Motion: I recommend approval of Resolution No. 2023-36, A Resolution Approving Animal Rides, Sale of Food, Beverages, and Crafts at Canal Park, including Community Partners 4 Kids ID Program During Hanover Township's Community Night 2023 as amended and presented.

Heimbecker, Rossi: Moved and Seconded  
Heimbecker, Rossi, Lawlor, Paulus: Aye Unan.

Approval of Bills:

Motion: I move Council authorize payment of Payroll (03/17/23), Payroll (03/31/23), Voucher Nos. 27156-27183 from the General Fund Account in the amount of \$770,189.30; Voucher No. 4649 from the Capital Reserve Account in the amount of \$14,050.00; Voucher Nos. 4603-4607 from the Water Account in the amount of \$1,788.35; Voucher Nos. 6284-6294 from the Sewer Account in the amount of \$114,045.52; Voucher Nos. 5283 from the Escrow Account in the amount of \$480.00 for a Grand Total Expenditure of \$900,553.17.

Paulus, Lawlor: Moved and Seconded  
Heimbecker, Lawlor, Rossi, Paulus:

Aye Unan.

Courtesy of the Floor: None

Adjournment:

The meeting was adjourned at 8:01 P.M.

Respectfully submitted,

Melissa A. Wehr  
Township Manager