

UPPER HANOVER TOWNSHIP BOARD OF SUPERVISORS

MEETING MINUTES

TUESDAY, MAY 10, 2022

Board of Supervisors Chairman Steven R. Rothenberger called the meeting to order a 7:00 PM at the Upper Hanover Township Building, 1704 Pillsbury Road, East Greenville, PA and led in the salute to the flag. Present for the meeting were Vice-Chairman Ben Fiorito, Assistant Secretary Dorothy Diehl, Supervisor Stefan Laessig and Supervisor Timothy Woodward. Also present were Township Solicitor Joseph Bresnan, Esquire, Township Engineer John Weber, and Township Manager Anne Klepfer.

**Announcements**

Personnel Meetings were conducted on April 12, 2022; April 25, 2022, and April 26, 2022. No action is taken during an Executive Session for Personnel Matters. The Personnel Meeting scheduled for the close of this meeting is canceled.

**Citizen Comments (non-agenda items)**

Michael Neith, a property owner of 1000 Steve Lane, and his Contractor Ben Baver of Baver, Inc. asked the Board of Supervisors for permission to create a 50' drainage swale system that will convey stormwater from his backyard, across open space property owned by Upper Hanover Township to meet up with an existing drainage ditch that is probably 4' deep and 8' wide. The water eventually connects to a roadside swale. His back yard does not absorb water well and is always wet.

The Supervisors asked how this work would impact the Township's property. The Board said they would consider it but want the Township Engineer to review the proposal and have any concerns addressed. They asked for a \$500 escrow to pay for the Engineer to review the matter and make a recommendation to them. The homeowner reluctantly agreed and will contact the Township Manager.

Mr. Neith also wanted to complain about "blue water" coming through the stormwater swale. It has no suds to it but does have an odor like sewage. Mr. Weber will investigate it but advised that the homeowner may wish to report it to the Health Department.

**Approval of the Minutes**

Stefan Laessig **moved** to adopt the April 12, 2022, Meeting Minutes. The motion was **seconded** by Tim Woodward and was **approved 5-0**.

**Monthly Invoices**

Dottie Diehl **moved**, and Tim Woodward **seconded** to approve the May 10, 2022, Bills List for Payment, and the previous monthly bills due for payment. The motion **carried 5-0**.

**Monthly Reports**

**Treasurer's Report** – Ben Fiorito **moved** to approve the Treasurer's Report and Tim Woodward **seconded**. The report was **approved 5-0**.

**State Police Report** – Steven Rothenberger read into the record a total of 151 calls, 24 of which were traffic stops and the remainder were classified as police incidents.

**Other Monthly Reports:** Mrs. Klepfer asked to enter the Building Inspection report, the Fire Marshal Report and the Road Report into the Record. Stefan Laessig asked when the Board should discuss the recommendations for code enforcement action listed in the Building Inspection Report. Mr. Weber will review the zoning matters for next month and communicate which cases should be itemized on the agenda for possible action by the Board.

### Special Items

**Wawa Inc.** has applied for an inter-municipal Transfer of Liquor License for its new location at Route 663 and Northgate Blvd. A public hearing was lawfully advertised. A Court Report was present when Solicitor Bresnan opened the Public Hearing at 8:22 PM and reading of the Exhibit Lists. Michael Spiegel, the project manager for Wawa was present and Wawa Inc. Attorney Ellen Freeman, Esquire. The Board of Supervisors had no questions after Wawa’s testimony. A resident from 1008 Kraussdale Road, East Greenville asked if a child could sit with an adult while consuming alcohol at a Wawa? The rules are the same for Wawa as they are for a restaurant, yes, a child can accompany an adult who is consuming alcohol on site. The Public Hearing closed at 8:35 PM.

Tim Woodward **moved** to adopt **Resolution No. 2022-23** Granting Municipal Approval of the requested liquor license transfer. The motion was **seconded** by Mrs. Diehl and was **approved 5-0**.

### Planning and Zoning

#### **A. Ordinance No. 2022-01 – ARR Age-Restricted Residential Zoning Overlay Ordinance**

Mr. Bresnan called to order at 7:36 PM a Public Hearing for the Consideration of Ordinance No. 2022-1, an Ordinance to add a new zoning overlay district known as the ARR Age-restricted Residential Overlay District; to add a new article XXIII entitled “ARR Age-Restricted Residential Overlay District” and provide for use area, bulk and development requirements of the ARR Age-restricted residential overlay District; and to identify Montgomery County Tax Parcel numbers listed on Attachment “A” as part of the new ARR-Age Restricted Residential Overlay District. A stenographer was present to record the testimony. Ms. Bernadette Kearney represented applicant John Neilson and Engineer Cynthia Smith of Horizon Engineers.

After all the testimony was given, Mr. Bresnan asked the Board of Supervisors if they had any questions. Hearing none, Mr. Bresnan asked members of the public present if anyone had any comments or questions. Kevin Fox of 613 Washington Street, East Greenville, PA asked if the Township requires a street connection or right-of-way for a future street connection to Washington Street. The plan calls for an emergency egress connection only.

Mrs. Diehl **moved** to adopt Ordinance No. 2022-01. Stefan Laessig **seconded** the motion, and the ordinance was **adopted by a 4-0-1 vote** with Steven Rothenberger abstaining from the vote due to the possible appearance of a conflict of interest.

**B. Ordinance No. 2022-02- Zoning Ordinance Text Amendment proposed by 802 Gravel Pike Associates**

Mr. Bresnan announced that this Ordinance has been tabled and will be revised and resubmitted by the applicant.

**C. Wassmer Ventures/Artisan Display SALDO**

The Board of Supervisors reviewed the May 3, 2022 Horizon Engineers SALDO Waivers Request letter & Request for determinations (1) pursuant to Section 500-1805.F. favorable interpretation that an Environmental Assessment is Unnecessary and (2) an interpretation pursuant to Section 500-902 to permit 14 spaces to be held as reserve spaces shown on the plan but not proposed for construction at this time. The stormwater management design for the property has been designed assuming the ultimate construction of the spaces. The Board also reviewed the LTL Waiver Recommendation Letter dated April 26, 2022. Mr. Weber clarified for the Board that he does not recommend a total approval of Waiver Request #6 from the Horizon Engineers Letter – Section 500.E. Property Line Buffers.

Stefan Laessig **moved** to approve the Items Listed in the May 3, 2022, Horizon Engineers Waiver & Determination Letter with the exception to Item #6, Section 500.E. Property Line Buffers, which the applicant will have to comply with recommendations of the Township Engineer to satisfy. The motion was **seconded** by Tim Woodward and was **approved 5-0**.

**D. James L. and Sherry Scheick ASA Application: 6.99 Acres located at 1013 Hosensack Road, Palm PA and 12 acres located at 1008 Stoudt Road, Palm PA.**

A hearing is scheduled for June 14<sup>th</sup>. The application was recommended for inclusion by the Upper Hanover Township Agricultural Security Advisory Board, the Upper Hanover Township Planning Commission, and the Montgomery County Planning Commission.

**E. James and Melissa Dontonville ZHB Application for Use Variance for In-law Suite and dimensional variance for a single car detached, prefabricated garage.**

Mr. Dontonville was present to answer questions. He has applied for permits to convert his existing attached two car garage into an in-law suite which will also require a small addition to the home. He plans on adding a single car garage. Originally, it was going to be a two-car prefabricated garage and now that it is a single car garage, he does not believe he needs the dimensional relief.

The Board of Supervisors took no position on the application and did not authorize the Solicitor to intervene.

**F. Zoning Amendment – Rooftop Solar Panel Regulations Amendment to repeal township regulations in deference to regulations adopted by the Uniform Construction Code of Pennsylvania.**

Stefan Laessig **moved** to authorize the advertisement and scheduling of a public hearing to consider adoption of an ordinance to repeal the Township's Rooftop Solar Panel Regulations as drafted by Solicitor Bresnan. The motion was **seconded** by Ben Fiorito and **adopted 5-0**.

- G. **Zoning Hearing Board Application** – Aqua PA Inc. Application for Dimensional Variances for “Green Lane Reservoir” sign with Aqua Log. It’s a public information sign with a proposed square footage of 70 SF versus the permitted 20 SF and a height of 10 ft. which exceeds the permitted 6’ in the A-1 Low Density Agriculture Zoning District.

The Board felt that a smaller sign could achieve the same desired effect and asked the applicant to consider reducing the proposed dimensions of the sign. However, the Board decided to take no official position on the application and did not authorize the Township Solicitor to intervene.

- H. **Zoning Hearing Board Application – Quakertown 4 LLC [Audubon Land Development] Quakertown Road and Route 663.** Application for four variances. The applicant was represented by Engineer Kestra Kelley and attorney Bernadette Kearney. The applicant reviewed the plans with the Board of Supervisors and indicated that all traffic would be entering and existing from a signalized entrance from Route 663. No traffic would be accessing the site from Quakertown Road. The variances are for more than one principal use (warehouse and commercial) and dimensional variances. The applicant indicated that the dimensional variances were necessary because the property would effectively have road frontage on three sides due to the irregular shape of the property. The applicant indicated that even a smaller proposed warehouse would still require zoning relief. Warehouse is permitted use in the LIC-1 Zoning District.

No formal vote was taken; however, the consensus was that two supervisors wished to send the Solicitor to oppose the application and two wished to take no position on the application. Chairman Rothenberger needed to abstain from voting due to avoid the appearance of a conflict of interest. Therefore, no affirmative vote to send the Solicitor to intervene on the application was possible.

#### **Zoning and Planning Informational Items**

- A. **Zoning Hearing Application** – 802 Gravel Pike Partners, LP – Request for seven (7) Variances relating to the Adaptive Reuse of a former factory building. This application has been put on hold and an extension of the 60-day time limitation for considering the application was provided by the applicant.
- B. **Conditional Use Application** – Lisa Egolf-Stitt, 3711 Layfield Road, Pennsburg, PA 18073 for a residential accessory use storage structure measuring 24x40 feet in size. A June 14, 2022, hearing date is scheduled.

#### **Committee Reports**

- A. Budget and Finance Committee – No Report
- B. Personnel Committee Report. Mrs. Diehl **moved** to amend the agenda to add Confirmation of Jayme A. Benfield as the Road Department Supervisor as an action item. The Motion was **seconded** by Tim Woodward and **approved 5-0**.

Tim Woodward **moved** to confirm the Conditional Offer of Employment made to Jayme A. Benfield with a tentative start date of May 23, 2022. The motion was **seconded** by Mrs. Diehl and was **approved 5-0**.

- C. Open Space, Parks & Recreation Committee Report. Stefan Laessig moved to amend the agenda to add purchase of a community free library box to the agenda. The library box will be installed at Camelot Park and is for both adult and children's books. The box will be monitored and maintained by a volunteer. Stefan moved to amend the agenda, the motion was **seconded** by Tim Woodward and **approved 5-0**.

Tim Woodward **moved** to authorize the purchase of a free library box for the approximate cost of \$569.90 plus shipping. The motion was **seconded** by Stefan Laessig and **approved 5-0**.

Mr. Laessig also informed the Board that Cathy Fried will be stepping down from the Park Board and that she has found someone interested in replacing her. The Park Board will be meeting with the applicant and making a recommendation to the Board of Supervisors.

- D. Regional Planning Committee Report – Mr. Rothenberger did not attend the last meeting but referred the Board to Mr. Kalb's report.
- E. Sewer and Water Committee – No Report
- F. Bridge and Road Committee. Mr. Fiorito reported that the committee along with Anne Klepfer had an informative meeting with Montgomery County Roads & Bridges staff regarding the status of the Fruitville Road Bridge. The project is in the final stages of the Alternatives Analysis Report and Selection. The next step will be preliminary design. It is estimated that project completion will take 4-5 years from the preliminary design stage. He noted the process, and the stages are determined by the federal guidelines for projects involving federal dollars.
- G. Public Safety Committee – No Report.

#### **Township Engineer's Report – Mr. Weber**

Mr. Weber Reported that the Otts Road Bridge is out to bid on PennBid and that bids are due June 10<sup>th</sup>.

#### **Township Manager's Report – Mrs. Klepfer**

- A. Resolution No. 2022-33: A Resolution Amending Resolution No. 2009-03 and confirming action taken at the January 11, 2022, Meeting to appoint Anne W. Klepfer as the Open Records Officer. **Motion** by Stefan Laessig to adopt Resolution 2022-33. **Seconded** by Tim Woodward and **approved 5-0**.
- B. Resolution No. 2022-34: A Resolution of Upper Hanover Township establishing policies with respect to the authorized use and storage of a stamp bearing an imprint of the signature of Steve R. Rothenberger, Ben Fiorito and Anne Klepfer. **Motion** by Mr. Woodward, **seconded** by Mrs. Diehl and **approved 5-0**.
- C. **2022 Turf Care Contract: Motion** by Mr. Fiorito to award the 2022 Turf Care Contract to Moyer Indoor/Outdoor for \$5,703.00. Motion was **seconded** by Stefan Laessig and **approved 5-0**.

**Township Solicitor's report** – Nothing further to report.

**Old Business** – none

**New Business** – Still waiting for a few more engineering proposals for the St. James Church Road Bridge Replacement Project.

Edited Last: June 10, 2022

**Adjournment** – The next Regular Meeting of the Board of Supervisors will be held Tuesday, June 14, 2022, at 7:00 PM. Stefan Laessig moved to adjourn at 9:10 PM. Motion was seconded by Mrs. Diehl and unanimously approved.

Respectfully Submitted,



Anne W. Klepfer

Township Secretary