

BOARD OF COMMISSIONERS
AUGUST 9, 2023 6:00 PM
****PUBLIC HEARING****

ROLL CALL

Commissioners Bagusky ____, Bowers ____, Howanitz ____, Howatt ____, Krushnowski ____,
Lewis ____, Andrejko ____.

PUBLIC COMMENT PERIOD

Everyone is reminded that this meeting is being electronically recorded as indicated by the postings in the room. Any citizen wishing to address the Board is requested to do so from the microphone in the room. Please give your name and address prior to your reason for speaking. Thank You.

PRESENTATION OF PROPOSED ZONING ORDINANCE AMENDMENTS – JACK VARALY, CONSULTANT

EXHIBITS: LEN SANGUEDOLCE, TOWNSHIP SOLICITOR

1. PROOF OF PUBLICATION OF THE PUBLIC HEARING
2. PROOF OF PUBLICATION OF THE ZONING ORDINANCE AMENDMENTS
3. COPIES OF THE FOLLOWING: Ordinances: 003-2023 for provision of a definition and regulations for a Recovery and/or Sober House; 004-2023 for provision of a definition and regulations for Substance Treatment Facilities; 005-2023 for provision of a definition and regulations for Medical Marijuana; 006-2023 for provision of a definition and regulations for a Radio Station in the C-2 District; 007-2023 an amendment to the language of Section 308, Corner Lot Property – Orientation of front yard.

QUESTIONS FROM THE BOARD OF COMMISSIONERS/OTHER INPUT

ADJOURN

MOTION BY: _____ ^{2ND}

Commissioners Bagusky ____, Bowers ____, Howanitz ____, Howatt ____, Krushnowski ____,
Lewis ____, Andrejko ____.

THE CITIZENS' VOICE
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SCRANTON PA 18505-0478
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Fax (570) 348-9149

ORDER CONFIRMATION (CONTINUED)

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PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that the Hanover Township Board of Commissioners shall convene a public hearing on Wednesday, August 9, 2022, at 6:00 p.m. at the Hanover Township Municipal Building, 1267 Sans Souci Parkway, Hanover Township PA 18706. The purpose of this hearing shall be to consider proposed amendments to the text of the Township Zoning Ordinance. The proposed ordinances shall address the following:

- The provision of a definition and regulations for a Recovery and/or Sober House.
- The provision of a definition and regulations for Substance Treatment Facilities.
- The provision of a definition and regulations for Medical Marijuana.
- The provision of a definition and regulations for a Radio Station in the C-2 District.
- An amendment to the language of Section 308, Corner Lot Property - Orientation Of Front Yard.

A copy of the full text of the proposed ordinances are on file and available for public inspection during normal business hours at the Hanover Township Municipal Building, 1267 Sans Souci Parkway, Hanover Township PA 18706, at the Citizens' Voice Newspaper, 75 North Washington Street, Wilkes-Barre PA 18711, and at the Luzerne County Law Library, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre PA 18711.

Notice is further given that the Hanover Township Board of Commissioners shall consider the enactment of the proposed ordinances at the Board of Commissioners monthly meeting scheduled to convene at the close of the public hearing.

Sam Guesto
Hanover Township Manager

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The provision of a definition and regulations for a Recovery and/or Sober House.
The provision of a definition and regulations for Substance Treatment Facilities.
The provision of a definition and regulations for Medical Marijuana.
The provision of a definition and regulations for a Radio Station in the C-2 District.
An amendment to the language of Section 308, Corner Lot Property - Orientation Of Front Yard.

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Sam Guesto
Hanover Township Manager

**PUBLICATION DATES AS A LEGAL AD IN THE CITIZENS VOICE ON:
JULY 25, 2023, AND AUGUST 1, 2023**

**HANOVER TOWNSHIP
ORDINANCE NO. 003 OF 2023**

AN ORDINANCE OF HANOVER TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA, AMENDING THE HANOVER TOWNSHIP ZONING ORDINANCE OF JUNE 13, 2016, AS AMENDED.

SECTION 1

ARTICLE 2, DEFINITIONS, SECTION 203 DEFINITIONS OF TERMS, IS HEREBY AMENDED TO INCLUDE THE FOLLOWING TERM:

RECOVERY HOUSE AND/OR SOBER HOUSE represents transitional housing licensed by the Pennsylvania Department of Drug and Alcohol Programs for individuals recovering from drug or alcohol addiction, which provides those individuals with a safe and supportive drug and alcohol-free environment that may include peer support and other recovery support services. Housing which claims to be a Recovery House and/or Sober House that may provide similar services but lacks licensing from the Pennsylvania Department of Drug and Alcohol Programs shall be considered to be a “Rooming House” or “Boarding House” as so defined by Article 2.

SECTION 2

Amending Article 5, Zoning District Regulations as follows:

Symbol Key

- P- Permitted Use
- SE- Special Exception
- C – Conditional Use
- N- Non-Permitted Use

ZONING DISTRICTS

TYPES OF LAND USES										
	R-1	R-2	R-3	R-2	C-1	C-2	MU	I-1	I-2	C-OP
Recovery House and/or Sober House	N	N	N	N	N	N	N	N	C	C

SECTION 3

Article 10, Off-Section Street Parking and Loading, Section 1018, Off-Street Parking requirements is hereby amended to include the following:

Recovery/Sober House: One and one half (1 ½) spaces for each resident residing at the facility, and one space for each employee and/or manager which resides therein, including those which stay overnight.

SECTION 4

SEVERABILITY

The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Hanover Township Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION 5

REPEALING PROVISION

All other Ordinances, or any parts thereof, which are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6

EFFECTIVE DATE

This Ordinance shall be in force and effect from and after its enactment as provided for by law.

APPROVED AND ENACTED BY THE HANOVER TOWNSHIP BOARD OF COMMISSIONERS

ON THIS _____ DAY OF _____, 2023

CHAIRMAN

ATTEST:

TOWNSHIP SECRETARY

**HANOVER TOWNSHIP
ORDINANCE NO. 004 OF 2023**

AN ORDINANCE OF HANOVER TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA, AMENDING THE HANOVER TOWNSHIP ZONING ORDINANCE OF JUNE 13, 2016, AS AMENDED.

SECTION 1

ARTICLE 2, DEFINITIONS, SECTION 203 DEFINITIONS OF TERMS, IS HEREBY AMENDED TO INCLUDE THE FOLLOWING TERMS:

SUBSTANCE ABUSE TREATMENT:

Term "Substance Abuse Treatment" shall refer to a process approved and regulated by the Pennsylvania Department of Drug and Alcohol Programs provided at a Substance Abuse Treatment Facility with the intended purpose of the cessation of a person's use of addictive substances, such as drugs or alcohol.

SUBSTANCE ABUSE TREATMENT FACILITY:

A facility licensed by the Pennsylvania Department of Drug and Alcohol Programs which specializes in the evaluation and treatment of drug addiction and alcoholism. The services available at such a facility can be residential treatment, partial hospitalization treatment or outpatient treatment. For the purpose of this Ordinance a Substance Abuse Treatment Facility shall include the following terms as so defined within this Ordinance:

A Substance Abuse Detoxification Treatment Facility:

A Non-Hospital Drug Free Residential Substance Abuse Treatment Facility

A Partial Hospitalization Treatment Facility

Substance Abuse Detoxification Treatment Facility:

A facility licensed by the Pennsylvania Department of Drug and Alcohol Programs, which includes the overnight stay of patients, for the provision of **medically-supervised detoxification** and treatment of persons who have been medically diagnosed as having a dependency on a controlled substance including but not limited to drugs and alcohol.

Non-Hospital Drug Free Residential Substance Abuse Treatment Facility:

A facility licensed by the Pennsylvania Department of Drug and Alcohol Programs, representing transitional housing, which includes the overnight stay of patients, which may include psychological, social, and behavioral, counseling and supportive services designed to assist a person being treated for a substance abuse disorder to allow their gradual reentry into the community. No Substance Abuse Detoxification Treatment shall be provided at this facility.

Partial Hospitalization Substance Abuse Treatment Facility

A facility licensed by the Pennsylvania Department of Drug and Alcohol Programs, to provide persons with a substance abuse disorder who do not require 24-hour inpatient care, with a short-term intensive outpatient program for stabilization who do not require 24-hour inpatient care. No overnight stay of patients shall be permitted at such a facility.

SECTION 2

Amending Article 5, Zoning District Regulations as follows:

Symbol Key

- P- Permitted Use
- SE- Special Exception
- C – Conditional Use
- N- Non-Permitted Use

ZONING DISTRICTS

TYPES OF LAND USES	R-1	R-2	R-3	R-2	C-1	C-2	MU	I-1	1-2	C-OP
Substance Abuse Detoxification Treatment Facility	N	N	N	N	N	N	C	N	N	N
Non-Hospital Drug Free Residential Substance Abuse Treatment Facility	N	N	N	N	N	N	C	N	N	N
A Partial Hospitalization Treatment Facility	N	N	N	N	N	C	C	N	N	N

SECTION 3

Article 8 Supplemental Regulations is hereby amended to include Section 801.51 which shall read as follows:

SECTION 801.51 SUBSTANCE ABUSE TREATMENT FACILITY

1. Any type of Substance Abuse Treatment Facility as defined in Section 1 of this Ordinance shall require to be licensed by the Pennsylvania Department of Drug and Alcohol Programs.
2. Maximum Number of Beds: The maximum number of beds within any type of substance abuse treatment facility which allows overnight stay of patients shall be based upon the applicable regulations of the Pennsylvania Department Drug and Alcohol Program, but in no case shall such a facility be designed and/or used to accommodate more than 20 overnight patients.
3. Any type of substance abuse treatment facility shall provide a narrative that fully describes all services to be provided within the facility.
4. Any type of substance abuse treatment facility shall provide a floor plan of the facility showing the use of all areas within the facility with the dimensions and square feet of each room therein and its intended purpose and use.

5. Any type of substance abuse treatment facility shall provide its intended hours of operation.
6. Any type of substance abuse treatment facility shall provide a copy of on-site management plan, or its equivalent, as required by the Pennsylvania Department of Drug and Alcohol Programs, which includes emergency operations and persons responsible for implementation of stated measures and/or operations.
7. Any type of substance abuse treatment facility shall provide the maximum number of employees employed by the facility including those indirectly employed under contracted services.
8. Insurance Coverage - A Substance Abuse Treatment Facility which allows overnight stay of patients shall obtain and maintain the following liability insurance coverage:
 - a. Comprehensive general liability insurance coverage insuring the public against bodily injury or property damage arising out of or resulting from or incidental to the operation or use of the facility.
 - b. At a minimum, the policies shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence and two million five hundred thousand dollars \$2,500,000.00) per aggregate.
 - c. Coverage shall remain in full force during the entire time that the facility is permitted. Failure to provide such proof shall result in revocation of zoning approval.
9. Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.
10. Off-street parking shall be provided at a ratio of one (1) vehicle parking space per each employee, including those via contracted services, plus one vehicle parking space for every two (2) beds. Off-street parking shall be subject to all other applicable provisions within the Hanover Township Zoning Ordinance governing off-street parking.
11. All outdoor activity and/or seating areas of a substance abuse treatment facility shall be screened from public view and from the view of adjacent properties.

SECTION 3

SEVERABILITY

The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Hanover Township Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION 4

REPEALING PROVISION

All other Ordinances, or any parts thereof, which are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5

EFFECTIVE DATE

This Ordinance shall be in force and effect from and after its enactment as provided for by law.

APPROVED AND ENACTED BY THE HANOVER TOWNSHIP BOARD OF COMMISSIONERS

ON THIS _____ DAY OF _____, 2023

CHAIRMAN

ATTEST:

TOWNSHIP SECRETARY

**HANOVER TOWNSHIP
ORDINANCE NO. 005 OF 2023**

AN ORDINANCE OF HANOVER TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA, AMENDING THE HANOVER TOWNSHIP ZONING ORDINANCE OF JUNE 13, 2016, AS AMENDED.

SECTION 1

ARTICLE 2, DEFINITIONS, SECTION 203 DEFINITIONS OF TERMS, IS HEREBY AMENDED TO INCLUDE THE FOLLOWING TERMS:

MEDICAL MARIJUANA:

Marijuana for certified medical use under the Pennsylvania Medical Marijuana Act, Pa Act 16 of 2016.

MEDICAL MARIJUANA DISPENSARY:

A person, including a partnership, association, corporation, trust, or other entity or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana, in accordance with the Pennsylvania Medical Marijuana Act, Pa Act 16 of 2016.

MEDICAL MARIJUANA GROWER/PROCESSOR FACILITY: An indoor facility operated by a legal entity which holds a permit from the State Department of Health to grow and process medical marijuana.

SECTION 2

Amending Article 5, Zoning District Regulations as follows:

Symbol Key

- P- Permitted Use
- SE- Special Exception
- C – Conditional Use
- N- Non-Permitted Use

ZONING DISTRICTS

TYPES OF LAND USES										
	R-1	R-2	R-3	R-2	C-1	C-2	MU	I-1	I-2	C-OP
Medical Marijuana Dispensary	N	N	N	N	N	P	P	N	N	N
Medical Marijuana Grower/Processor Facility	N	N	N	N	N	N	C	C	C	N

SECTION 3

Article 8 Supplemental Regulations is hereby amended to include Section 801.52 which shall read as follows:

§801.37 MEDICAL MARIJUANA

A Medical Marijuana Dispensary and a Medical Marijuana Grower/Processor Facility shall be licensed by the State and shall be developed and operated in compliance with PA Act 16 of April 17, 2016, entitled "The Medical Marijuana Act."

SECTION 4

SEVERABILITY

The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Hanover Township Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION 5

REPEALING PROVISION

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SECTION 6

EFFECTIVE DATE

This Ordinance shall be in force and effect from and after its enactment as provided for by law.

APPROVED AND ENACTED BY THE HANOVER TOWNSHIP BOARD OF COMMISSIONERS

ON THIS _____ DAY OF _____, 2023

CHAIRMAN

ATTEST:

TOWNSHIP SECRETARY

**HANOVER TOWNSHIP
ORDINANCE NO. 006 OF 2023**

AN ORDINANCE OF HANOVER TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA, AMENDING THE HANOVER TOWNSHIP ZONING ORDINANCE OF JUNE 13, 2016, AS AMENDED.

SECTION 1

ARTICLE 2, DEFINITIONS, SECTION 203 DEFINITIONS OF TERMS, IS HEREBY AMENDED TO INCLUDE THE FOLLOWING TERM:

RADIO AND/OR TELEVISION BROADCASTING STATION - A facility which is licensed by the FCC and equipped to broadcast radio or television programs consisting of one or more transmitters or receivers, used for radio or television communications. Any associated outdoor equipment shall not exceed the maximum height limitation for the District in which it is located.

SECTION 2

Amending Article 5, Zoning District Regulations as follows:

Symbol Key

- P- Permitted Use
- SE- Special Exception
- C – Conditional Use
- N- Non-Permitted Use

ZONING DISTRICTS

TYPES OF LAND USES										
	R-1	R-2	R-3	R-2	C-1	C-2	MU	I-1	1-2	C-OP
Radio and/or Television Broadcasting Station	N	N	N	N	N	P	SE	SE	SE	N

SECTION 3

SEVERABILITY

The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Hanover Township Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

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APPROVED AND ENACTED BY THE HANOVER TOWNSHIP BOARD OF COMMISSIONERS

ON THIS _____ DAY OF _____, 2023

CHAIRMAN

ATTEST:

TOWNSHIP SECRETARY

**HANOVER TOWNSHIP
ORDINANCE NO. 007 OF 2023**

AN ORDINANCE OF HANOVER TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA, AMENDING THE HANOVER TOWNSHIP ZONING ORDINANCE OF JUNE 13, 2016, AS AMENDED.

SECTION 1

ARTICLE 3, GENERAL REGULATIONS, SECTION 308, CORNER LOT RESTRICTIONS WHICH READS AS FOLLOWS:

SECTION 308 CORNER LOT RESTRICTION

On a corner lot there shall be provided on each side thereof, adjacent to a street, a yard setback equal in depth to the required front yard setback of the prevailing zoning district in which the corner lot is located. This provision shall apply to both accessory and principal structures.

IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 308 CORNER LOT PROPERTY - ORIENTATION OF FRONT YARD

On a corner lot, the front yard area for the principal structure shall be based upon the mailing address for the subject property as established by the U.S. Postal System and/or Luzerne County 911. Other yard areas having road frontage shall be deemed to be a side yard.

SECTION 2

SEVERABILITY

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SECTION 3

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TOWNSHIP SECRETARY