

LOWER NAZARETH TOWNSHIP
Board of Supervisors

Resolution LNT-04-13

RE: Field at Trio Farms, Phase II

WHEREAS, the Lower Nazareth Township Board of Supervisors granted Final Subdivision approval for Phase 1-1 of the Fields at Trio Farms subdivision on May 9, 2007 under Resolution LNT-15-07; and

WHEREAS, the Lower Nazareth Township Board of Supervisors granted Final Subdivision approval for a revised Phase 1 of the Trio Farms Major Subdivision, comprising 24 single family residential dwellings and 19 townhouses on January 26, 2011; and

WHEREAS, the project has been revised and the Lower Nazareth Township Board of Supervisors are in receipt of a Final Subdivision Plan entitled "Final Plan, Fields at Trio Farms, Phase II", prepared by Cowan Associates, Inc. of Quakertown, Pennsylvania, consisting of (10) sheets, dated October 25, 2012 and last revised January 4, 2013; and

WHEREAS, the intent of the Plan is the development of 28 townhouse units and 12 single family dwellings in Phase II of the Fields at Trio Farms subdivision; and

WHEREAS, the Lower Nazareth Township Zoning Hearing Board granted variances related to this site as outlined in Zoning Appeals ZA2010-01 Order and Opinion (Exhibit A);

WHEREAS, the Applicant appealed the ZA2010-01 Order and Opinion to the Northampton County Common Pleas and a settlement agreement with the Board of Supervisors has been executed (Exhibit B);

WHEREAS, the Lower Nazareth Township Planning Commission recommended approval of the plan at its December 17, 2012 meeting; and

WHEREAS, the Township Engineer has reviewed the Final Plan against the provisions of the 2005 Lower Nazareth Township Subdivision and Land Development Ordinance and has offered comments in his letter dated January 17, 2013; and

WHEREAS, the Township Zoning Administrator has reviewed the Final Subdivision Plan against the provisions of the 2001 Lower Nazareth Township Zoning Ordinance, amended March 23, 2005; and

WHEREAS, the Lower Nazareth Township Board of Supervisors desire to take final action on this plan.

NOW THEREFORE, BE IT RESOLVED that the Lower Nazareth Township Board of Supervisors approve the Final Plan as referenced above, subject to the following conditions:

1. Provided the comments in the Township Engineer's letter dated January 17, 2013 are adequately addressed. Any reports or documentation requested by the Township Engineer must be provided to both the Township and Township Engineer prior to plan recording.
2. The Applicant understands that any changes to the proposed uses and/or the subdivision in general are subject to Township review and may require additional review and

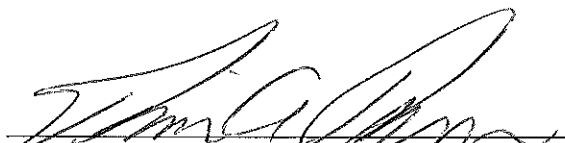
approval by the Board of Supervisors and/or outside agencies. Under no circumstances, shall any site work nor construction occur that is not depicted on the approved plan nor approved by Lower Nazareth Township and outside agencies.

3. The applicant is responsible for executing a Subdivision Improvement Agreement and submitting an acceptable form of security for the public improvements. The applicant acknowledges that the Subdivision Plan will not be signed, nor will the Subdivision Improvement Agreement be approved and executed by the Board of Supervisors until the security has been received and deemed acceptable. The applicant understands that no construction can commence, nor will any permit applications be accepted until such time as all conditions of approval are met and the Subdivision Plan has been recorded.
4. For recording, the applicant shall supply two (2) Mylar reproducible prints and six paper prints of Sheet SP-1 of the Final Plan, all with original signatures, to Lower Nazareth Township. These copies will be used for distribution to Northampton County, Lehigh Valley Planning Commission, Lower Nazareth Township, and one copy returned to the Applicant. The applicant is welcome to provide additional copies to be signed for their records. Lower Nazareth Township will obtain all plan signatures. Per the Northampton County Uniform Parcel Identifier Ordinance, the applicant is responsible for placement of property addresses on the above plans. Upon satisfaction of all conditions of approval and placement of signatures on the Plans, the Township shall record, within ninety (90) days of said satisfaction, the approved Plan at the Northampton County Recorder of Deeds Office as required by Section 513(a) of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10513(a), as amended and Section 520 of the Lower Nazareth Township Subdivision and Land Development Ordinance.
5. The applicant is prohibited from commencing any construction activities on this project until a pre-construction conference is scheduled and conducted in compliance with Section 536 of the Subdivision and Subdivision Ordinance and a formal Notice to Proceed is issued by the Township. Said pre-construction conference shall not occur until Items 1 and 2 above have been satisfied to the Township's satisfaction.
6. All correspondence regarding the plan shall be directed to the Township or if directed to the Engineer, the Township shall be copied.
7. The applicant shall accept these conditions in writing, within five days of receipt of the finalized Board of Supervisors resolution, otherwise the application is denied for failure to comply with the express conditions that are contained in this Resolution.

ADOPTED AND APPROVED this 23rd day of January 2013, at a regular public meeting. Motion made by Robert Kusan and seconded by James Pennington. The motion carried unanimously.

ATTEST:

BOARD OF SUPERVISORS


Timm A. Tenges, Manager, Secretary/Treasurer


Eric E. Nagle, Chairman