

LOWER NAZARETH TOWNSHIP
Board of Supervisors

Resolution #LNT-27-13

RE: Milham Auto Group Final Land Development Plan

WHEREAS, the Lower Nazareth Township Board of Supervisors are in receipt of a Final Land Development Plan entitled "Final Land Development Plan for Keystone Real Estate Management, New Auto Dealership and Body Shop", prepared by Evans Engineering, Inc. of Harrisburg, Pennsylvania consisting of (28) sheets, dated August 26, 2013, and last revised November 22, 2013; and

WHEREAS, the intent of the Plan is the expansion and development of a new 54,250 s.f. auto dealership, including the construction of a 40,030 s.f. body shop, and a 1,900 s.f. car wash; and

WHEREAS, the Lower Nazareth Township Zoning Hearing Board granted variances related to this site as outlined in Zoning Appeal #ZA2013-03 Order and Opinion (Exhibit A);

WHEREAS, the Lower Nazareth Board of Supervisors granted Conditional Use approval (#CU2013-01) at their March 27, 2013 meeting (Exhibit B); and

WHEREAS, the Lower Nazareth Township Planning Commission recommended approval of the plan at its September 16, 2013 meeting, provided all concerns of the Township Engineer and the Township Zoning Administrator are addressed; 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 December 6, 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 Board of Supervisors has granted a waiver to SALDO Sections 774.32.b, 744.32.c, 774.32.e, and 792.21, in conjunction with this current application;

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 December 6, 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 must satisfy the requirements of the Conditional Use Opinion and Order as executed by the Board of Supervisors Chairman and Secretary, and any subsequent actions of the Board relative to said Order and Opinion.

3. The applicant is responsible for executing an Improvement Agreement and submitting an acceptable form of security for the public improvements. The applicant acknowledges that the Final Plan will not be signed, nor will the 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 Final Plan has been recorded.
4. For recording, the applicant shall supply two (2) sets of Mylar reproducible prints and (2) sets of paper prints of Sheets C1, C2 , C4.1 and C4.2 of the Final Plan, and (4) full sets of paper prints, 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 agrees to enter into a shared traffic signal maintenance agreement with adjacent property owners and Lower Nazareth Township, at such time as traffic signal(s) and roadway improvements are installed in the nearby vicinity of Hecktown Road. The Applicant also agrees to meet all requirements of PADOT as it relates to the Commerce Park Drive/Hecktown Road/Route 33 Northbound Ramp.
6. The Applicant understands that any changes to the proposed uses and/or the land development 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.
7. 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 1-4 above have been satisfied to the Township's satisfaction.
8. All correspondence regarding the plan shall be directed to the Township or if directed to the Engineer, the Township shall be copied.
9. 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.

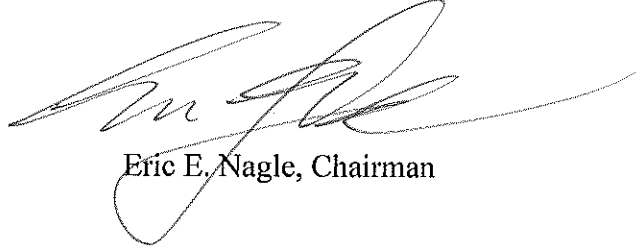
ADOPTED AND APPROVED this 11th day of December 2013, at a regular public meeting. Motion made by James Pennington and seconded by Robert Kucron. The motion carried unanimously.

ATTEST:

BOARD OF SUPERVISORS



Timm A. Tenges, Manager, Secretary/Treasurer



Eric E. Nagle, Chairman