

LOWER NAZARETH TOWNSHIP

Board of Supervisors

RE: Joseph I Preliminary/Final Land Development Plan

WHEREAS, the Lower Nazareth Township Board of Supervisors is in receipt of a Preliminary/Final Land Development plan entitled "Joseph I Tract – Proposed Retail" prepared by Mark Hintenlang, P.E. of New Britain, Pennsylvania, consisting of (13) sheets, dated August 18, 2003 and last revised March 18, 2009; and

WHEREAS, the property is located within both Lower Nazareth and Palmer Townships, on 15.28 acres, located on Tax Parcel #K8-10A-5A; and

WHEREAS, the Joseph I Land Development Plan was previously approved by the Lower Nazareth Township Board of Supervisors in May 2004 under Resolution LNT-12-04 for development of two (2) proposed retail buildings with a pre-existing Applebee's restaurant; and

WHEREAS, the intent of this Plan is the development and relocation of the 2,542 s.f. bank within the Lower Nazareth Township portion of the property, and revision to the 30,000 s.f. retail building within Palmer Township; and

WHEREAS, the Lower Nazareth Township Planning Commission recommended approval of the plan at its March 16, 2009 meeting; and

WHEREAS, the Township Engineer has reviewed the Preliminary/Final Plan against the provisions of the 2005 Lower Nazareth Township Subdivision and Land Development Ordinance and has offered comments in his letter dated April 2, 2009; and

WHEREAS, the Township Zoning Administrator has reviewed the Preliminary/Final 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 April 2, 2009 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 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.

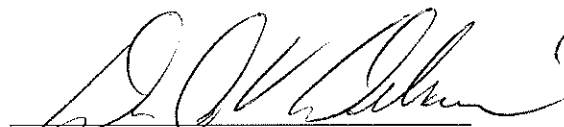
3. A Land Development Agreement and acceptable form of security for the public improvements may be required by Lower Nazareth Township if all improvements are not secured by Palmer Township. The Applicant shall provide copies of any and all correspondence regarding a Land Development Agreement with Palmer Township. The applicant acknowledges that the Final Plan will not be signed, no site work or construction can commence, nor will any permit applications be accepted until such time as a Land Development Agreement and security have been secured by either Lower Nazareth Township or Palmer Township, all conditions of approval are met and the Final Plan has been recorded.
4. Lower Nazareth Township shall be responsible for recording of this plan. The applicant shall supply two (2) Mylar reproducible prints and (2) paper prints of Sheet 2 of 13 of the Final Plan, and four (4) full sets of paper prints for Lower Nazareth Township. The Applicant shall confirm and provide the copies required by Palmer Township with their submission. Per the Northampton County Uniform Parcel Identifier Ordinance, the applicant is responsible for placement of property addresses on the above plans. The property address for the bank is 3751 Corriere Road. The Applicant shall obtain the retail building address from Palmer Township. 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 Land Development 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.
6. 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 8th day of April 2009, at a regular public meeting.
Motion made by Ricky Johnson and seconded by Eric Nagle. The motion carried unanimously.

ATTEST:

BOARD OF SUPERVISORS


Timm A. Tenges, Manager, Secretary/Treasurer


Dr. Alan V. Dilsaver, Chairman