

# LOWER NAZARETH TOWNSHIP

## Board of Supervisors

RE: DHD Ventures Retail Center Preliminary/Final Land Development

**WHEREAS**, the Lower Nazareth Township Board of Supervisors is in receipt of a Preliminary/Final Land Development plan entitled "Preliminary/Final Land Development Plan prepared for DHD Ventures Retail Center" prepared by Van Cleef Engineering Associates of Bethlehem, Pennsylvania, consisting of (15) sheets, dated May 28, 2010 and last revised July 26, 2010; and

**WHEREAS**, the intent of the Preliminary/Final Plan is the development of a 3.8 acre tract into a 18,575 s.f. grocery store and four retail stores, totaling 6,725 s.f., located on Tax Parcel #K7-18-7, at the intersection of Jandy Boulevard and Route 248; and

**WHEREAS**, this property is bisected by the jurisdictional boundary line between Lower Nazareth Township and Nazareth Borough;

**WHEREAS**, the Lower Nazareth Board of Supervisors granted Conditional Use approval at their September 22, 2010 meeting (CU2010-01, Exhibit A);

**WHEREAS**, the Lower Nazareth Township Planning Commission recommended approval of the plan at its July 19, 2010 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 September 15, 2010; and

**WHEREAS**, the Township Zoning Administrator has reviewed the Revised 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 Preliminary/Final Plan as referenced above, subject to the following conditions:

1. Provided the comments in the Township Engineer's letter dated September 15, 2010 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. Any zoning approvals received by either Lower Nazareth Township or Nazareth Borough shall be noted on the land development plan of record.

4. The Applicant recognizes that an Inter-Municipal Agreement addressing the administration of cross-boundary issues such as building code inspections, application of zoning ordinances, fire protection, police control, emergency services, and taxation is required between Lower Nazareth Township and Nazareth Borough.
5. 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.
6. The applicant is responsible for executing a Land Development Agreement and submitting an acceptable form of security for the public improvements. The applicant acknowledges that the Preliminary/Final Plan will not be signed, nor will the Land Development Improvements 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 Preliminary/Final Plan has been recorded.
7. For recording, the applicant shall supply two (2) Mylar reproducible prints and (2) paper prints of Sheet 2 of 15 of the Final Plan, and four (4) full sets of paper prints, all with original signatures, to Lower Nazareth Township. Per the Northampton County Uniform Parcel Identifier Ordinance, the applicant is responsible for placement of property addresses on the above plans, specifically:
  - Grocery Store – 4034 Jandy Boulevard
  - 1,700 s.f. Retail – 4030 Jandy Boulevard
  - 1,700 s.f. Retail – 4026 Jandy Boulevard
  - 2,125 s.f. Retail – 4022 Jandy Boulevard
  - 1,200 s.f. Retail – 4018 Jandy Boulevard

Lower Nazareth Township will obtain all plan signatures. 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.


8. Pursuant to Section 111.I. of the Lower Nazareth Township Zoning Ordinance, the Applicant understands that necessary permit(s) must be issued within (9) months of the date of this resolution and construction started within (12) months of issuance of said permit(s). Should the Applicant fail to obtain the necessary permit(s) and/or begin construction within the prescribed time period, it shall be conclusively presumed the Applicant has waived, withdrawn or abandoned the appeals, and all provisions, variances and permits granted by Zoning Hearing Board and Township Staff shall be deemed automatically rescinded.

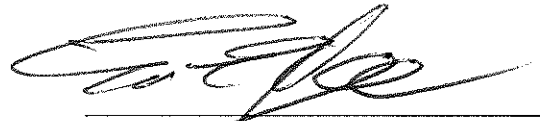
9. The applicant is prohibited from commencing any construction activities on this project until a pre-construction meeting is scheduled and conducted in compliance with Section 536 of the Subdivision and Subdivision Ordinance and a formal Notice to Proceed is issued by the Township. Said pre-construction meeting shall not occur until Items 1-6 above have been satisfied to the Township's satisfaction.
10. 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 22<sup>nd</sup> day of September 2010, at a regular public meeting. Motion made by Ricky Johnson and seconded by James Bennington. The motion carried unanimously.

**ATTEST:**

**BOARD OF SUPERVISORS**

  
\_\_\_\_\_  
Timm A. Tenges, Manager, Secretary/Treasurer

  
\_\_\_\_\_  
Eric E. Nagle, Chairman