

LOWER NAZARETH TOWNSHIP
Board of Supervisors

Resolution #LNT-24-11

RE: Northampton Crossings Lot 3.02 Preliminary & Final Site Plan

WHEREAS, the Lower Nazareth Township Board of Supervisors is in receipt of a Land Development plan entitled "Northampton Crossings Lot 3.02 Preliminary and Final Land Development Plans" prepared by Langan Engineering & Environmental Services of Warrington, Pennsylvania, consisting of (8) sheets, dated September 23, 2011 and last revised September 28, 2011; and

WHEREAS, the intent of the Plan is the re-development of a 3,588 s.f. portion of an existing building for a Panera Bread restaurant with drive-thru services, on 1.33 acres, located on Tax Parcel #K8-10A-3B-0418, at 3714 Easton-Nazareth Highway; and

WHEREAS, the Lower Nazareth Township Zoning Hearing Board granted variances related to this site as outlined in Zoning Appeal ZA2011-03 on September 27, 2011;

WHEREAS, the Lower Nazareth Township Planning Commission recommended approval of the plan at its October 17, 2011 meeting; and

WHEREAS, the Township Engineer has reviewed the Plan against the provisions of the 2005 Lower Nazareth Township Subdivision and Land Development Ordinance and has offered comments in his letter dated October 24, 2011; and

WHEREAS, the Township Zoning Administrator has reviewed the 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 October 24, 2011 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. 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 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 Final Plan has been recorded.

4. For recording, the applicant shall supply to Lower Nazareth Township, all with original signatures:

- (2) Mylar reproducible prints of Sheet 3 of 8;
- (2) paper prints of Sheet 3 of 8; and
- (4) full sets of paper prints (Sheets 1 thru 8)

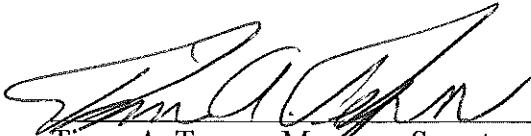
Lower Nazareth Township will obtain all plan signatures. Per the Northampton County Uniform Parcel Identifier Ordinance, the applicant is responsible for placement of property addresses on the above plans. Upon satisfaction of all conditions of approval and placement of signatures on the Plans, the Township 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.

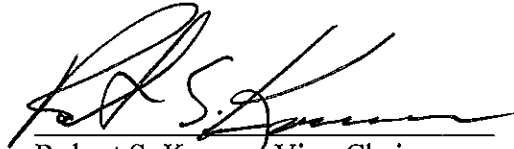
- 5. Pursuant to Section 111.I. of the Lower Nazareth Township Zoning Ordinance, the Applicant understands that necessary permit(s) must be issued within (9) months of the date of this resolution and construction started within (12) months of issuance of said permit(s). Should the Applicant fail to obtain 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.
- 6. 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 1-6 above have been satisfied to the Township's satisfaction.
- 7. All correspondence regarding the plan shall be directed to the Township or if directed to the Engineer, the Township shall be copied.
- 8. 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 26th day of October 20 11, at a regular public meeting. Motion made by Martin Boucher and seconded by James Kennington. The motion carried unanimously.

ATTEST:

BOARD OF SUPERVISORS


Timm A. Tenges, Manager, Secretary/Treasurer


Robert S. Kucsan, Vice-Chairman