

LOWER NAZARETH TOWNSHIP
Board of Supervisors

Resolution #LNT-19-16

RE: Vinart Realty Associates Land Development

WHEREAS, the Lower Nazareth Township Board of Supervisors are in receipt of a Land Development Plan entitled "Preliminary/Final Land Development Plan for Hyundai Dealership", prepared by Lehigh Engineering Associates, Inc., of Walnutport, Pennsylvania, consisting of (9) sheets, dated April 4, 2016 and last revised May 24, 2016; and

WHEREAS, the intent of the Plan is the consolidation of Parcels L8-11A-3-1 and L8-11A-3-2 into one lot and develop the new lot along with Parcel #L8-11A-3-5 into a new and use auto dealership with repair facilities; and

WHEREAS, the cumulative acreage of the tract is 10.0855 acres, which satisfies the Zoning Ordinance requirement in Article 15, Section 1502.A.9.d that an auto dealership must have a minimum of 10 acres; and

WHEREAS, the Lower Nazareth Township Zoning Hearing Board granted variances related to this site as outlined in Zoning Appeal #ZA2015-10 and #ZA2016-01 Order and Opinions (Exhibits A and B);

WHEREAS, Zoning Appeal #ZA2015-10 was granted with the condition that all parcels in the tract shall stay in common ownership until such time as a new land development is submitted or additional zoning is provided by the Township; and

WHEREAS, the Lower Nazareth Board of Supervisors granted Conditional Use approval for appeal #CU2015-03 at their February 10, 2016 meeting (Exhibit C); and

WHEREAS, the Lower Nazareth Township Planning Commission recommended approval of the plan at its April 25, 2016 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 June 6, 2016; and

WHEREAS, the Township Zoning Administrator has reviewed the 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 June 6, 2016, are adequately addressed. Any reports or documentation requested by the Township Engineer shall be provided to both the Township and Township Engineer prior to plan recording.

2. The Applicant must satisfy the requirements of the #CU2015-03 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 all conditions of approval are met and the Final Plan has been recorded.
4. For recording, the applicant shall supply to Lower Nazareth Township:

Sheets 1 and 3

- (2) Mylar reproducible prints;
- (2) Paper prints;

Full Sets, Sheets 1 thru 9

- (4) Sets of paper prints.

All prints shall have original signatures. 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. Pursuant to the Conditions of Approval for the Hecktown Road Business Park Subdivision Plan, Phases II and III, no increased traffic from Commerce Park Drive will be permitted until the traffic signal at the Hecktown Road intersection is installed and operational; therefore, Use & Occupancy of this property shall not be permitted until the conditions of approval for that plan are satisfied.
6. 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.
7. 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.
8. The applicant is prohibited from commencing any construction activities on this project until a pre-construction conference is scheduled and conducted in compliance with

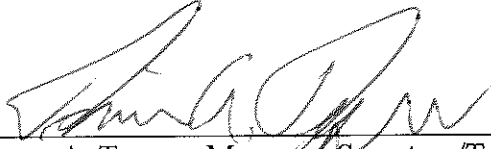
Section 536 of the Subdivision and Subdivision Ordinance and a formal Notice to Proceed is issued by the Township. Said pre-construction conference shall not occur until Items 1 thru 4 above have been completed to the Township's satisfaction.

9. All correspondence regarding the plan shall be directed to the Township, or if directed to the Engineer, the Township shall be copied.
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.

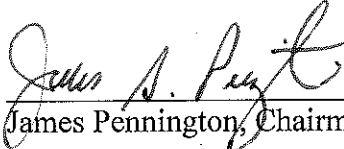
ADOPTED AND APPROVED this 8th day of June 2016 at a regular public meeting.
Motion made by Martin Boucher and seconded by Eric Nagle. The motion carried unanimously.

ATTEST:

BOARD OF SUPERVISORS



Timm A. Tenges, Manager, Secretary/Treasurer



James Pennington, Chairman