

**LOWER NAZARETH TOWNSHIP**  
**Board of Supervisors**

**Resolution LNT-19-14**

RE: Fields at Trio Farms, Phase III

**WHEREAS**, a Final Major Subdivision Plan was previously approved under Resolution #LNT-27-11 for the phased subdivision of a 105-acre tract for the development of 374 units; and

**WHEREAS**, Phase I of that subdivision was approved under Resolution #LNT-07-11 on January 26, 2011, for (24) single family dwellings and (19) townhouses, Phase II was approved under Resolution #LNT-04-13 on January 23, 2013 for (12) single family dwellings and (28) townhouses; and Phase IV was approved for (30) single family dwellings and (13) townhouses; and

**WHEREAS**, the Lower Nazareth Township Board of Supervisors are in receipt of the Phase III Final Subdivision plan entitled "Fields at Trio Farms, Phase III" prepared by Cowan Associates, Inc., of Quakertown, Pennsylvania, consisting of Sheets SP-1 thru SP-10, dated September 22, 2014, last revised November 20, 2014, proposing (38) townhouses; and

**WHEREAS**, this subdivision is subject to decisions granted by the Lower Nazareth Township Zoning Hearing Board as outlined in Zoning Appeals ZA2010-01 Order and Opinion (Exhibit A), and a settlement agreement with the Board of Supervisors (Exhibit B) pursuant to an appeal of the ZA2010-01 Order and Opinion;

**WHEREAS**, the Lower Nazareth Township Planning Commission recommended approval of the Phase III plan at its November 17, 2014 meeting; and

**WHEREAS**, the Township Engineer has reviewed the Phase III Final Subdivision Plan against the provisions of the 2005 Lower Nazareth Township Subdivision and Land Development Ordinance and has offered comments in his letter dated December 9, 2014; and

**WHEREAS**, the Township Zoning Administrator has reviewed the Phase III Final Subdivision 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 Phase III Final Subdivision Plan as referenced above, subject to the following conditions:

1. Provided the comments in the Township Engineer's letter dated December 9, 2014 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 waiver from SALDO Section 784, which requires that all surface and subsurface easements be kept clear of any and all structures including buildings, trees, shrubs, driveways and berms has been granted this date.
3. The Applicant understands that any changes to the proposed uses and/or the subdivision 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.
4. The applicant is responsible for executing a Subdivision Improvement Agreement and submitting an acceptable form of security for the public improvements. The applicant acknowledges that the Subdivision Plan will not be signed, nor will the Subdivision 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 Subdivision Plan has been recorded.

5. For recording, the applicant shall supply:

Sheets SP-1 and SP-2

- (2) Sets of Mylar reproducible prints;
- (2) Sets of paper prints;

Full Sets

- (4) Sets of paper prints.

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.

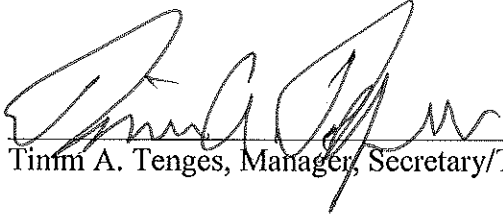
6. The applicant is prohibited from commencing any construction activities on this project until a pre-construction conference is scheduled and conducted with Lower Nazareth Township, in compliance with Section 536 of the Subdivision and Subdivision Ordinance, and a formal Notice to Proceed is issued by the Township. Said pre-construction conference shall not occur until Items #1, 3 and 4 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.

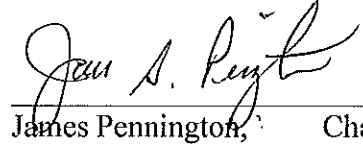
8. The applicant shall accept these conditions in writing, within five days of receipt of the finalized Board of Supervisors resolution, otherwise the application is denied for failure to comply with the express conditions that are contained in this Resolution.

**ADOPTED AND APPROVED** this 10<sup>th</sup> day of December 2014, at a regular public meeting. Motion made by Robert Kusan and seconded by Gerald Green. The motion carried unanimously.

**ATTEST:**

**BOARD OF SUPERVISORS**

  
Timmi A. Tenges, Manager, Secretary/Treasurer

  
James Pennington, Chairman