

LOWER NAZARETH TOWNSHIP
Board of Supervisors

Resolution #LNT-22-16

RE: CarMax Preliminary/Final Land Development

WHEREAS, the Lower Nazareth Township Board of Supervisors are in receipt of a Land Development Plan entitled "Preliminary/Final Land Development Plans for Proposed CarMax, The Auto Superstore", prepared by Bohler Engineering of Philadelphia, Pennsylvania, consisting of (44) sheets, dated June 24, 2016 and last revised August 9, 2016; and

WHEREAS, the intent of the Plan is to develop a 27.1-acre parcel, #K8-9-8 at Easton-Nazareth Highway and Eastgate Boulevard for an automobile dealership; and

WHEREAS, the development is proposed to occur in two phases, with the dealership and carwash constructed in Phase I, and the construction of a second building to occur in Phase II;

WHEREAS, the Lower Nazareth Board of Supervisors granted Conditional Use approval at their May 11, 2016 meeting (Exhibit A); and

WHEREAS, the Lower Nazareth Township Planning Commission recommended approval of the plan at its July 18, 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 August 22, 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. The comments in the Township Engineer's letter dated August 22, 2016 shall be adequately addressed. Comment #12 of the Township Engineer's letter is conditioned as follows:
 - a. The requirement to construct a sidewalk along Route 248 shall be subject to PADOT's discretion.
 - b. The option to construct the sidewalk along the northern side of Route 248 will also be explored.
 - c. The Applicant shall post an escrow to construct the sidewalk. If PADOT does not allow the sidewalk along Route 248, the escrow shall be returned to the Applicant.
2. Additional directional signage shall be installed to guide customers to the development as recommended by the Planning Commission.
3. Any reports or documentation requested by the Township Engineer must be provided to both the Township and Township Engineer prior to plan recording.

4. The Applicant must satisfy the requirements of the #CU2016-01 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.
5. 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.
6. For recording, the applicant shall supply to Lower Nazareth Township:

Sheets 1 and 2

(2) Sets of Paper prints;

Sheets 1, 2, 29, 33, 34 and 35

(2) Sets of Mylar reproducible prints;

Full Sets (44 Sheets)

(4) Sets of paper prints.

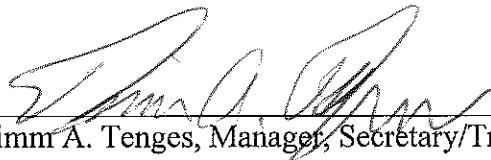
All prints shall have original signatures. These copies will be used for distribution to Northampton County, Lehigh Valley Planning Commission, Lower Nazareth Township, and one copy returned to the Applicant. The applicant is welcome to provide additional copies to be signed for their records. Lower 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.

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 or 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 executed Board of Supervisors resolution, otherwise the application is denied for failure to comply with the express conditions that are contained in this Resolution.

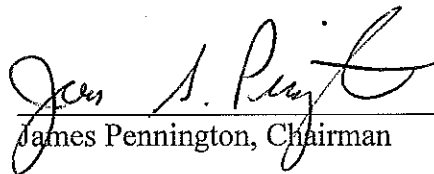
ADOPTED AND APPROVED this 24th day of August 2016 at a regular public meeting.
Motion made by Robert Kucson and seconded by Eric Nagle. The
motion carried unanimously.

ATTEST:

BOARD OF SUPERVISORS



Timm A. Tenges, Manager, Secretary/Treasurer



James Pennington, Chairman