

# LOWER NAZARETH TOWNSHIP

## Board of Supervisors

RE: Trio Farms Final Major Subdivision

**WHEREAS**, the Lower Nazareth Township Board of Supervisors granted Final Subdivision approval for this project on October 12, 2005 under Resolution LNT-18-05; and

**WHEREAS**, the project has been revised and Lower Nazareth Township Board of Supervisors is now in receipt of a Final Subdivision plan entitled "Final Major Subdivision Plan for Trio Farms" prepared by Van Cleef Engineering Associates of Bethlehem, Pennsylvania, consisting of Sheets 1 thru 27, wherein the only sheets to be revised are Sheets 2A, 2B, 2C, 2D, and 2E, all dated June 7, 2005 and last revised January 13, 2011; and

**WHEREAS**, the intent of the Final Plan is the subdivision of Tax Parcels K7-19-13 and K7-19-19, a 105-acre tract for the subsequent phased development of 140 single family residential dwellings and 180 townhouses; and

**WHEREAS**, the Lower Nazareth Township Zoning Hearing Board granted a variance related to this site as outlined in Zoning Appeal ZA2010-01 Order and Opinion (Exhibit A);

**WHEREAS**, the Applicant appealed the ZA2010-01 Order and Opinion to the Northampton County Common Pleas and a settlement agreement with the Board of Supervisors has been executed (Exhibit B);

**WHEREAS**, the Lower Nazareth Township Planning Commission recommended conditional approval of the plan at its July 19, 2010 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 January 24, 2011; 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 January 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 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.

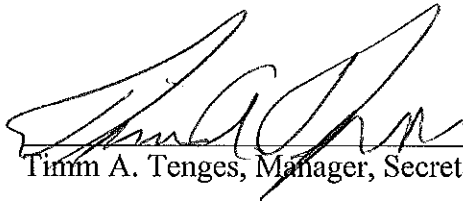
3. The applicant is responsible for executing a Subdivision Improvements Agreement and submitting an acceptable form of security for the public improvements. The applicant acknowledges that the Subdivision Plan will not be signed, nor will the Subdivision Improvements Agreement be approved and executed 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 Building Permit applications be accepted, until such time as all conditions of approval are met and the Subdivision Plan has been recorded.
4. All relevant and necessary agreements shall be executed between the Developer, Nazareth Borough Municipal Authority, and Lower Nazareth Township prior to recording of the plan.
5. For recording purposes, the applicant shall supply two sets of Mylar reproducible prints and two sets of paper prints of Sheets 2A, 2B, 2C, 2D and 2E of the Final Plan, and four full sets of paper prints, all with original signatures, to Lower Nazareth Township. 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 Developer agrees to provide the following:
  - a. Full depth reclamation of Christian Springs Road with cement stabilization pursuant to Township specifications for entire length at a 24' width;
  - b. Capped sewer laterals to all existing properties along Christian Springs Road;
  - c. Traffic Impact Fee pursuant to the Trio Farms, Inc. Covenants;
  - d. Sewer infrastructure provided to the Township property. Size and location shall be to the satisfaction of Lower Nazareth Township;
  - e. Evidence of all applicable sanitary sewer easements and evidence of property owner notification of those easements.
7. Execution and approval of Homeowners Association documents by Lower Nazareth Township.
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.

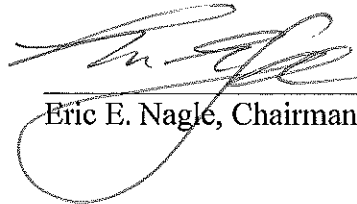
9. All correspondence regarding the plan shall be directed to the Township or if directed to the Engineer, the Township shall be copied.
10. The applicant is prohibited from commencing any construction activities on this project until a pre-construction conference is scheduled and conducted in compliance 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 1-9 above have been satisfied to the Township's satisfaction.
11. 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 26<sup>th</sup> day of January 2011, at a regular public meeting. Motion made by Robert Fucsan and seconded by Martin Boucher. The motion carried unanimously.

**ATTEST:**

**BOARD OF SUPERVISORS**

  
Timm A. Tenges, Manager, Secretary/Treasurer

  
Eric E. Nagle, Chairman