

## LOWER NAZARETH TOWNSHIP

### Board of Supervisors

RE: Preliminary/Final Land Development – Jandy Boulevard Lot 11

**WHEREAS**, the Lower Nazareth Township Board of Supervisors granted Final Subdivision and Land Development for this project on December 20, 2006 under Resolution LNT-35-06; and

**WHEREAS**, the Lower Nazareth Township Board of Supervisors is in receipt of a revised preliminary/final land development plan entitled “Preliminary/Final Plan, Jandy Boulevard Lot 11 Land Redevelopment” prepared by Gilmore & Associates, Inc., consisting of Sheets 1-10, dated July 28, 2006 and last revised June 8, 2009 and the Condominium Plat/Plan, Sheet 1 of 1, dated March 20, 2007, revised June 8, 2009; and

**WHEREAS**, the intent of the Plan is the construction of a 5,733 s.f. WaWa convenience store with gasoline facilities and a 12,000 s.f. retail building, on a lot consisting of 3.56 acres; and

**WHEREAS**, the Lower Nazareth Township Planning Commission recommended approval of the preliminary/final land development plan at its October 16, 2006 meeting; and

**WHEREAS**, the Township Engineer has reviewed the Preliminary/Final Land Redevelopment Plan and Condominium Plan against the provisions of the 2005 Lower Nazareth Township Subdivision and Land Development Ordinance and has offered comments in his letter dated June 18, 2009; and

**WHEREAS**, the Township Zoning Administrator has reviewed the plan against the provisions of the 2001 Lower Nazareth Township Zoning Ordinance, amended April 12, 2006; and

**WHEREAS**, A Land Development Agreement and Letter of Credit for the public improvements was accepted by the Township under the prior approval (Resolution LNT-35-06) and no additional security will be required for the current revised Final Plan; and

**WHEREAS**, the Lower Nazareth Township Board of Supervisors desire to take action on this plan.

**NOW THEREFORE, BE IT RESOLVED** that the Lower Nazareth Township Board of Supervisors approve the Preliminary/Final Plan and Condominium Plan as referenced above, subject to the following conditions:

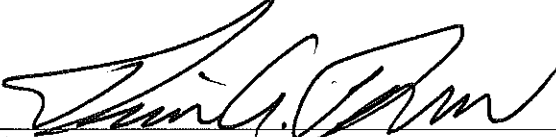
1. Provided the comments in the Township Engineer’s letter dated June 18, 2009 are adequately addressed. Any reports or documentation requested by the Township Engineer must be provided to both the Township and Township Engineer prior to plan recording.

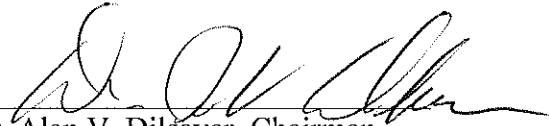
2. The applicant executed a Land Development Agreement and submitted an acceptable form of security for the public improvements under the previous approval. The applicant understands that no construction can commence, nor will any permit applications be accepted until such time as all conditions of approval are met and the amended Land Development Plan has been recorded.
3. The Applicant understands that any changes to the proposed uses, individual pad sites, 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.
4. The applicant shall supply two (2) Mylar reproducible prints of Sheet 1 of 10 of Preliminary/Final Plan and Sheet 1 of 1, Condominium Plat/Plan; Six (6) prints of Sheet 1 of 10 of Preliminary/Final Plan and Sheet 1 of 1, Condominium Plat/Plan; and four (4) full sets of paper prints including the Condominium Plan. Per the Northampton County Uniform Parcel Identifier Ordinance, the applicant is responsible for placement of the property address 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. 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 1-5 above have been satisfied to the Township's satisfaction.
6. The Board of Supervisors accepts and approves the "*Declaration of Condominium for WaWa Jandy Condominium*", "*First Amendment to Declaration of WaWa Jandy Condominium*", and "*Condominium Plat/Plan, Jandy Boulevard Lot 11 Land Redevelopment*", as modified to include language as approved by the Township Engineer, Township Solicitor, and Township Manager. The Developer/Owner agrees to provide an executed copy of these documents when they exist. The Applicant understands that any changes to these documents are subject to Township review and may require additional review and approval by the Board of Supervisors. If there are any future modifications to the condominium plat, a recorded copy of that plan shall be submitted to the Township.
7. 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 24th day of June 2009, at a regular public meeting.  
Motion made by Eric Nagle and seconded by Ricky Johnson. The  
motion carried unanimously.

**ATTEST:**

**BOARD OF SUPERVISORS**

  
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Timm A. Tenges, Manager, Secretary/Treasurer

  
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Dr. Alan V. Dilsaver, Chairman