

Resolution No. LNT-17-11

LOWER NAZARETH TOWNSHIP

Board of Supervisors

RE: Lower Nazareth Commons Revised Final Land Development

WHEREAS, the Lower Nazareth Township Board of Supervisors is in receipt of a revised Final Land Development plan entitled "Final Land Development Plans for Regency Centers" prepared by Bohler Engineering of Center Valley, Pennsylvania, consisting of (12) sheets, dated May 20, 2011 and last revised June 28, 2011; and

WHEREAS, the intent of the revised Final Plan is adjustment of footprints of the remaining tenant spaces within the Lower Nazareth Commons shopping center, particularly Retail "C", Restaurant "B" and surrounding parking, along with the former Bank "B" (now the AT&T Wireless Store) with a proposed 3,300 s.f. building expansion to the north; and

WHEREAS, the Lower Nazareth Board of Supervisors granted Conditional Use approval related to this project at their September 26, 2007 meeting (Exhibit A);

WHEREAS, the Lower Nazareth Township Zoning Hearing Board granted variances related to this site as outlined in Zoning Appeals #2007-06, #2007-10, and #2008-01 Order and Opinions (Exhibits B, C and D respectively);

WHEREAS, the Lower Nazareth Township Board of Supervisors granted Final Land Development for this project on November 14, 2007 under Resolution LNT-31-07; and

WHEREAS, the Lower Nazareth Township Board of Supervisors granted Final Land Development for amended Final Plans on May 7, 2008, under Resolution LNT-12-08, and on August 6, 2008, under Resolution LNT-25-08; and

WHEREAS, the Lower Nazareth Township Board of Supervisors granted approval of a "Condominium Plat and Plans for Lower Nazareth Commons Retail Condominium Association, Inc." prepared by Control Point Associates, Inc. of Chalfont, Pennsylvania, consisting of (1) sheet, dated July 22, 2008 along with the Declaration of Condominium and Condominium By-Laws on August 6, 2008, under Resolution LNT-25-08; and

WHEREAS, the Lower Nazareth Township Planning Commission recommended approval of this revised Final Land Development Plan at its June 20, 2011 meeting; and

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

WHEREAS, the Township Engineer has reviewed this Revised Final Land Development Plan against the provisions of the 2005 Lower Nazareth Township Subdivision and Land Development Ordinance and has offered comments in his letter dated July 12, 2011; and

WHEREAS, it is the recommendation and desire of the Township Planning Commission and Board of Supervisors that an easement is acquired at the southerly boundary line to allow potential cross-access transportation between Parcel #K8-9A-2 and K8-9A-2A;

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 Land Development Plans for Regency Centers", dated May 20, 2011 and last revised June 28, 2011, as referenced above, subject to the following conditions:

1. Provided the comments in the Township Engineer's letter dated July 12, 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 shall supply two (2) Mylar reproducible prints and (2) paper prints of Sheet C-1, and four (4) full sets of paper prints (Sheets 1 - 12). 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.
3. 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 and 2 above have been satisfied to the Township's satisfaction.
4. The Developer has expressed an interest in finding a compromise concerning the cross-access easement and uses which may use the easement. The Developer will make a good faith effort to develop easement language for compatible uses, which are agreeable to Lower Nazareth Township, Regency Centers and Target. When all parties come to an agreement on the easement language, it shall be added to the Final Plan and the Final Plan shall be re-recorded at the Northampton County Recorder of Deeds, pursuant to the requirements outlined in Item #2 above.
5. 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.
6. All correspondence regarding the plan shall be directed to the Township or if directed to the Engineer, the Township shall be copied.
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.

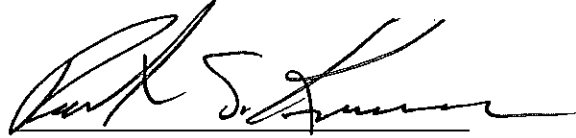
ADOPTED AND APPROVED this 13th day of July 2011, at a regular public meeting. Motion made by Martin Boucher and seconded by James Pennington. The motion carried unanimously.

ATTEST:

BOARD OF SUPERVISORS



Timm A. Tenges, Manager, Secretary/Treasurer



Robert S. Kucsan, Vice Chairman