

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

**Resolution #LNT-09-21**

RE: Lehigh Valley East 17

**WHEREAS**, the Lower Nazareth Township Board of Supervisors are in receipt of a Land Development Plan entitled “Lehigh Valley East 17, Preliminary/Final Land Development Plans”, prepared by Civitas Regio of Allentown, Pennsylvania, consisting of (45) sheets, dated August 27, 2020 and last revised January 15, 2021; and

**WHEREAS**, the intent of the Plan is to construct a 387,000 s.f. warehouse building on a 51-acre property, Tax Parcel #K7-20-9 at 557 Nazareth Pike, along with the construction of the extension of Lonat Drive between SR 191 and SR946; and

**WHEREAS**, the Lower Nazareth Board of Supervisors entered into a settlement agreement on September 11, 2019 with Liberty Property Trust related to Conditional Use litigation before Northampton County Court of Common Pleas; and

**WHEREAS**, the Lower Nazareth Township Planning Commission recommended approval of the Preliminary/Final Plan at its September 21, 2020 meeting; and

**WHEREAS**, the Township Zoning Administrator has reviewed the Preliminary/Final Plan against the provisions of the 2001 Lower Nazareth Township Zoning Ordinance, last amended November 14, 2018; and

**WHEREAS**, the Township Engineer has reviewed the Preliminary/Final Plan against the provisions of the 2005 Lower Nazareth Township Subdivision and Land Development Ordinance and has offered comments in his letter dated February 5, 2021; 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 Preliminary/Final Plan as referenced above, subject to the following conditions:

1. Provided the comments in the Township Engineer’s letter dated February 5, 2021 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 must abide by the settlement agreement approved by the Board of Supervisors at their September 11, 2019 meeting, which shall satisfy the Conditional Use requirements.
3. The following waivers from the Subdivision and Land Development Ordinance are granted:
  - a. Article 4 Section 401 and Article 5 Section 501 requiring the submission of separate Preliminary and Final plan submissions;

- b. Article 7, Section 774.43b related to detention pond slope;
  - c. Article 7, Section 774.32g related to the depth of the water in the detention basin;
  - d. Article 7, Section 794-44 allowing the use of HPDE pipe for any storm sewer that is not also under the proposed extension of Lonat Drive.
4. 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 Preliminary/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 such time as all conditions of approval are met and the Final Plan has been recorded.
5. For recording, the applicant shall supply to Lower Nazareth Township:
- Sheets 8 and 9
- (2) Sets of Mylar reproducible prints;
  - (2) Sets of Paper prints;
- Full Sets
- (4) Full 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 may 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 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 nor construction occur that is not depicted on the approved plan nor approved by Lower Nazareth Township and outside agencies.
7. The applicant is prohibited from commencing any construction activities on this project until a pre-construction meeting is scheduled and conducted in compliance with Section 536 of the Subdivision and Land Development Ordinance, and a formal Notice to Proceed is issued by the Township. Said pre-construction meeting shall not occur until Items 1, 2, 4 and 5 above have been completed to the Township's satisfaction.
8. All correspondence regarding the plan shall be directed to the Township or if directed to the Engineer, the Township shall be copied.

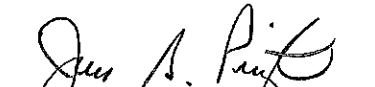
9. The applicant shall accept these conditions in writing, within five days of receipt of the finalized Board of Supervisors resolution, otherwise the application is denied for failure to comply with the express conditions that are contained in this Resolution.

**ADOPTED AND APPROVED** this 10<sup>th</sup> day of February 2021 at a regular public meeting. Motion made by Robert Hoyt and seconded by Amy Templeton. The motion carried unanimously.

**ATTEST:**

**BOARD OF SUPERVISORS**

  
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Tammi Dravec, Secretary/Treasurer

  
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James Pennington, Chairman