

LOWER NAZARETH TOWNSHIP
Board of Supervisors

Resolution #LNT-13-22

RE: Lehigh Valley Trade Center III

WHEREAS, the Lower Nazareth Township Board of Supervisors are in receipt of a Preliminary/Final Land Development Plan entitled “Preliminary/Final Land Development Plans for LVTC III Owner, LLC”, prepared by Bohler Engineering of Bethlehem, Pennsylvania, consisting of (63) sheets, dated May 28, 2021, and last revised January 25, 2022; and

WHEREAS, the jurisdictional boundary line with Bethlehem Township crosses through the subject properties, and approvals are required from both Lower Nazareth Township and Bethlehem Township; and

WHEREAS, the subject tracts are Tax Parcel #L6-20-11, 4733 Hanoverville Road, and Tax Parcel #L6-20-7, 4779-4863 Hanoverville Road; and

WHEREAS, Tax Parcel #L6-20-11 contains a recreational body of water presently used for scuba diving; and

WHEREAS, the intent of the Plan is the subdivision/lot consolidation of the 99.97-acre tract to develop a 287,478 s.f. warehouse in Lower Nazareth Township on a 16.69-acre parcel; development of a 300,837 s.f. warehouse on a 26.21-acre parcel; and creation of a 57.06-acre parcel containing the water body to continue the scuba diving use; and

WHEREAS, the Lower Nazareth Township Zoning Hearing Board granted variances related to this site as outlined in the Zoning Appeal #ZA2021-10 Order and Opinion, dated January 25, 2022 (Exhibit A);

WHEREAS, the Applicant has requested ten waivers from the Subdivision and Land Development Ordinance (SALDO); and

WHEREAS, the Lower Nazareth Township Planning Commission recommended approval of the Preliminary/Final Plan at its January 17, 2022, 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 January 27, 2021; 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 4, 2022; 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. The comments in the Township Engineer's letter dated February 4, 2022, shall be 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. All comments from the Hecktown Volunteer Fire Company Fire Chief and Bethlehem Township Fire Marshall shall be addressed.
3. Any deed conveying ownership of Lot #3 (water body) shall contain reversionary language satisfactory to the Township Solicitor that in the event that the Grantee fails to properly maintain or abandons the property, ownership of Lot #3 shall revert to the Owner of Lot #1.
4. LVTC III Owner, LLC shall compensate Lower Nazareth Township in the amount of \$140,000 for 5,000 gallons of sewer capacity through the City of Bethlehem, owned by Lower Nazareth Township. LVTC III Owner, LLC shall convey public sewage from Lot #1 and #3 through Bethlehem Township Sewer Authority. The Hanoverville Road Sanitary Sewer District sewage planning document shall be amended to reflect the (8) EDU's assigned to this property will revert to Lower Nazareth Township sewer inventory.
5. The applicant is responsible for executing an Improvement Agreement and submitting an acceptable form of security for the public improvements. The 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. 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 without the approval of the Board of Supervisors.
6. No construction shall commence until all outside agency approvals have been obtained, specifically related to stormwater management and sanitary sewer without the approval of the Board of Supervisors.
7. Per the Northampton County Uniform Parcel Identifier Ordinance, the applicant is responsible for placement of property addresses on the record plans as follows:

Lot #1:	4711 Hanoverville Road
Lot #2:	4755 Hanoverville Road
Lot #3:	4733 Hanoverville Road

8. The applicant shall supply the following to Lower Nazareth Township for recording purposes:

(17) Page set of Record Pages: (2) sets of Mylar reproducible prints and (2) sets of Paper prints;

Full Sets of Land Development: (4) sets paper prints of entire (63) page set.

All documents submitted for recording 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. 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.

9. The applicant is prohibited from commencing any construction activities on this project until a Pre-Construction Meeting is 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 thru 8 above have been completed to the Township's satisfaction.
10. LVTC III Owner, LLC shall coordinate reconstruction of Hanoverville Road with the adjoining developer, Triple Net LXII, LLC as agreed at the January 17, 2022 Planning Commission meeting.
11. LVTC III Owner, LLC shall make payment in the amount of \$250,000 for off-site capital improvements prior to the issuance of a building permit.
12. LVTC III Owner, LLC shall make payment in the amount of \$80,096 for Open Space Recreation Fee payable at the time of building permit application.
13. LVTC III Owner, LLC shall make payment in the amount of \$84,132 for Traffic Impact Fee payable at the time of building permit application.
14. All correspondence regarding the plan shall be directed to the Township or if directed to the Engineer, the Township shall be copied.
15. 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.
16. 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.

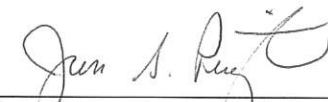
ADOPTED AND APPROVED this 9th day of March 2022 at a regular public meeting. Motion made by Robert Hoyer and seconded by Amy Templeton. The motion carried unanimously.

ATTEST:

BOARD OF SUPERVISORS



Tammi Dravec, Secretary/Treasurer



James Pennington, Chairman