

**TOWNSHIP OF LOWER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA**

**IN RE: FANTASTIC 1948, LLC
APPLICATION FOR LAND DEVELOPMENT AND LOT CONSOLIDATION
TAX PARCEL NOS. L8-8-3C-0418 & L8-8-3D-0418**

RESOLUTION *Vol. 14-23*

WHEREAS, on February 7, 2023, Fantastic 1948, LLC, attempted to submit an Application for Preliminary Land Development and Lot Consolidation for certain premises located on Country Club Road, Lower Nazareth Township, Northampton County, Pennsylvania, Parcel Nos. L8-8-3C-0418 & L8-8-3D-0418, consisting of approximately 24.19 acres seeking lot consolidation and land development for a warehouse/distribution project (a copy of the Application cover page is attached hereto, made a part hereof, and marked Exhibit "A"); and

WHEREAS, upon receipt and review pursuant to Article 4, Section 400, et seq., Preliminary Plan Submission Procedures and Requirements of the Lower Nazareth Township Subdivision and Land Development Ordinance, the Lower Nazareth Township Planning & Zoning Administrator deemed the Application incomplete (see correspondence dated February 13, 2023, addressed to Fantastic 1948, LLC incorporated herein as Exhibit "B"); and

WHEREAS, Sections 402, 404, 420, 421, 422, 423, 424 and 425, along with Appendix C of the Lower Nazareth Township Subdivision and Land Development Ordinance, set forth the requirements for Preliminary Plans; and

WHEREAS, the attempted submission of the aforesaid Application was deficient in the following respects:

- A. The names, deed book references, and parcel numbers for all abutting property owners are not provided on the plan. (PPC Item C.3)
- B. Lot lines of all adjacent lots and approximate locations of buildings within 200 feet of the property line have not been provided. (PPC Item C.4)
- C. The Owner's Statement is not signed and notarized. (PPC Item C.6)
- D. The Professional Surveyor's Statement is not signed. (PPC Item C.7)
- E. The Professional Engineer's Statement is not signed. (PPC Item C.8)
- F. The Plan Statement is not for the submitted project. (PPC Item C.18)
- G. The letter from Easton Suburban Water Authority is not for the submitted project. (PPC Item Q.3 and Article 4, Section 404)
- H. No evidence has been provided showing a submission has been made to Northampton County Conservation District. (PPC Item L and Article 4, Section 404)

and;

WHEREAS, Section 411.1 of the Lower Nazareth Township Subdivision and Land Development Ordinance provides in relevant part:

All submissions must be made by made by 11:00 a.m. of the cutoff date, no exceptions, **complete with all supplemental information and required fees**. Submissions without the required information will be considered incomplete and not eligible for placement on the agenda until the information is submitted. Submission does not guarantee a spot on the agenda." (Emphasis added.)

and;

WHEREAS, Applicant failed to submit a complete Application with all supplemental information as required and therefore the Lower Nazareth Township Planning & Zoning Administrator was unable to place this matter on the agenda for Planning Commission review, review by professional staff, review by the Lehigh

Valley Planning Commission, and such other professional review as is required;
and

WHEREAS, the Lower Nazareth Township Planning & Zoning Administrator has provided supplemental notice of the defects and deficiencies of the attempted submission by correspondence dated March 27, 2023, Exhibit "C" attached hereto, made a part hereof, and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Lower Nazareth Township that the Application for Preliminary Land Development and Lot Consolidation of Fantastic 1948, LLC for premises located on Country Club Road, Tax Parcel Nos. L8-8-3C-0418 & L8-8-3D-0418, is hereby denied for failure to comply with Article 4, Preliminary Plan Submission Procedures and Requirements of the Lower Nazareth Township Subdivision and Land Development Ordinance, Sections 402, 404, 405 and 420 as detailed specifically in the written communications by the Lower Nazareth Township Planning & Zoning Administrator dated February 13, 2023 and March 27, 2023, attached hereto, and made a part hereof, referenced above.

DULY RESOLVED, this 12 day of April, 2023.

**BOARD OF SUPERVISORS
LOWER NAZARETH TOWNSHIP**

BY: James B. Pennington
JAMES PENNINGTON, Chairman

ATTEST:

Sammi D'aveez



Lower Nazareth Township

Application for Subdivision, Land Development and Zoning Site Plan Review

Submission Type: (select from each category, as applicable)

Type of Submission	Proposed Use	Phase of Submission
<input checked="" type="checkbox"/> SITE PLAN	<input type="checkbox"/> COMMERCIAL	<input type="checkbox"/> SKETCH PLAN
<input checked="" type="checkbox"/> SUBDIVISION PLAN	<input checked="" type="checkbox"/> INDUSTRIAL	<input checked="" type="checkbox"/> PRELIMINARY
<input checked="" type="checkbox"/> LAND DEVELOPMENT	<input type="checkbox"/> INSTITUTIONAL	<input type="checkbox"/> FINAL
<input checked="" type="checkbox"/> Lot Consolidation	<input type="checkbox"/> RESIDENTIAL	<input type="checkbox"/> PRELIMINARY/FINAL

DATE OF APPLICATION: _____ NAME OF PROJECT: Proposed Industrial Building

If a Final Plan, Indicate Date of Preliminary Plan Approval: _____

Is this part of a phased plan? No Yes → Phase Number _____ Date of Preliminary Plan Approval _____

SITE INFORMATION:

Parcel No(s) L8-8-3C-0418 & L8-8-3D-0418 Location of Subdivision or Site (Street): Country Club Road

Number of Lots: 1 Total Acreage: +/- 24.19 acres Minimum Lot Size Required by Ordinance: _____

Lineal Fee of New Streets: 0 Are all streets proposed for dedication: No Yes

Zoning District: LI Present Use: vacant Proposed Use: Warehouse

Are you requesting any waivers? No Yes → Complete "Waiver Request Application"

List Any Prior Subdivisions or Zoning Appeals Filed in Connection with this property: Zoning 2020-05; CU - CU2020-04
Land Dev INT20-016

Water Supply: Public System On-Lot System Sewer System: Public System On-Lot System

APPLICANT: Fantastic 1948 LLC Phone #: (484) 221-2081

Address: 155 Butztown Road Alternate Phone #: (____)

Bethlehem, PA 18020 Fax #: (____)

Point of Contact: Theresa Moyzan Email Address: tmoyzan@powerballersbaseball.com
kmozyan@theparksportscomplez.com

PROPERTY OWNER: See attached Phone #: (____)

Same as Applicant

Address: _____ Alternate Phone #: (____)

_____ Fax #: (____)

Point of Contact: _____ Email Address: _____

ENGINEER/SURVEYOR: Bohler Engineering Phone #: (610) 709-9971

Address: 74 W. Broad Street, Suite 500 Alternate Phone #: (____)

Bethlehem, PA 18018 Fax #: (____)

Point of Contact: Mike Jeitner, P.E. Email Address: mjeitner@bohlereng.com

ATTORNEY: Erich J. Schock, Esquire Phone #: (610) 799-9000

Address: 645 W. Hamilton St, Suite 800 Alternate Phone #: (____)

Allentown, PA 18101 Fax #: (____)

Point of Contact: _____ Email Address: eschock@fblaw.com



LOWER NAZARETH TOWNSHIP PLANNING & ZONING OFFICE

623 MUNICIPAL DRIVE
NAZARETH, PA 18064
TELEPHONE: 610-759-7434
FAX: 610-746-3317
www.lowernazareth.com

February 13, 2023

Fantastic 1948, LLC
155 Butztown Road
Bethlehem, PA 18020

Attention: Terry and Kevin Moyzan

Reference: Submission for Proposed Industrial Building – Land Development
270 Country Club Road, Tax Parcel #L8-8-3

Dear Mr. and Mrs. Moyzan:

An application package was submitted to Lower Nazareth Township for Land Development approval of a proposed industrial building at the above referenced address. I have checked the land development submittal for administrative completeness pursuant to the Subdivision & Land Development Ordinance and note the following deficiencies:

1. The names, deed book references, and parcel numbers for all abutting property owners are not provided on the plan.
2. Lot lines of all adjacent lots and approximate locations of buildings within 200 feet of the property line have not been provided.
3. The Owner's Statement is not signed and notarized.
4. The Surveyor's Statement is not signed.
5. The Engineer's Statement is not signed.
6. The Plan Statement is not for the submitted project.
7. The letter from Easton Suburban Water Authority is not for the submitted project.
8. No evidence has been provided showing a submission has been made to Northampton County Conservation District.
9. The variances received under Zoning Appeal ZA2020-05 were based upon testimony and an application for a Sports Complex - not a warehouse. The variances do not apply to this project.
10. The Septic Design is not for the submitted project.
11. The Planning Module information is not for the submitted project.
12. The Traffic Impact Study is not for the submitted project.
13. The Infiltration Test Report is not for the submitted project.

Exhibit "B"

February 13, 2023

Reference: Submission for Proposed Industrial Building -- Land Development
270 Country Club Road, Tax Parcel #L8-8-3

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14. The Geotechnical Engineering Report is not for the submitted project.

15. The letter from Valley Environmental Services is not for the submitted project.

Due to the deficiencies stated above, we are unable to accept or deem your application filed as we have found the application is incomplete. Please pick up your materials and check at your earliest convenience and resubmit when they are compliant with the requirements of the Ordinance.

Sincerely,


Lori B. Seese
Planning & Zoning Administrator

/lbs

cc: Lori Stauffer, Esq., Township Manager
Board of Supervisors
Gary Asteak, Esq.
Michael Jeitner, P.E.
Erich Schock, Esq.



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March 27, 2023

Fitzpatrick & Lentz & Bubba, P.C.
645 W. Hamilton St
Suite 800
Allentown, PA 18101

Attention: Erich Schoch, Esq.

Reference: Fees for Conditional Use and Land Development Applications
270 Country Club Road

Dear Erich:

I am writing you regarding the fees supplied with the Conditional Use and Land Development applications for Fantastic 1948, LLC.

Conditional Use Application

We received the Conditional Use Application Fee in the amount of \$1,500.00 (check #3702). A check for Site Plan escrow in the amount of \$10,000 (check #3699) was also included. We did deposit that check; however, this fee is not needed and the funds are being returned under cover of this letter (Check #2979).

Subdivision & Land Development

The submission for the land development application was determined to be incomplete, using the Subdivision and Land Development Ordinance (SALDO). Sections cited below refer to Appendix C, Preliminary Plan Checklist (PPC) and/or the referenced section of Article 4, Preliminary Plan Submission Procedures and Requirements of the SALDO.

1. The names, deed book references, and parcel numbers for all abutting property owners are not provided on the plan (PPC Item C.3)
2. Lot lines of all adjacent lots and approximate locations of buildings within 200 feet of the property line have not been provided. (PPC Item C.4)
3. The Owner's Statement is not signed and notarized. (PPC Item C.6)
4. The Professional Surveyor's Statement is not signed. (PPC Item C.7)
5. The Professional Engineer's Statement is not signed. (PPC Item C.8)
6. The Plan Statement is not for the submitted project. (PPC Item C.18)
7. The letter from Easton Suburban Water Authority is not for the submitted project. (PPC Item Q.3 and Article 4, Section 404)

Exhibit "C"

March 27, 2023

Reference: Fees for Conditional Use and Land Development Applications
270 Country Club Road

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8. No evidence has been provided showing a submission has been made to Northampton County Conservation District. (PPC Item L and Article 4, Section 404)
9. The variances received under Zoning Appeal ZA2020-05 were based upon testimony and an application for a Sports Complex - not a warehouse. The variances do not apply to this project. (PPC Item Q.11)
10. The Septic Design is not for the submitted project. (PPC Item Q.13)
11. The Planning Module information is not for the submitted project. (PPC Item Q.2)
12. The Traffic Impact Study is not for the submitted project. (PPC Item Q.7)

Pursuant to Article 4 Section 411.1 of the SALDO, "submissions without the required information will be considered incomplete and not eligible for placement on the agenda until the information is submitted. Submission does not guarantee a spot on the agenda." The checks related to the Subdivision and Land Development portion of your submission are hereby returned under cover of this letter:

Land Development Application Fee	\$ 2,876.00, check #3701
Escrow Fee	\$10,000.00, check #3700

As you are aware, the Board of Supervisors have set the Conditional Use hearing for Wednesday, April 12, 2023 at 7:00 p.m.

Very truly yours,

Lori B. Seese
Planning & Zoning Administrator

/lbs
Enclosure

cc: Lori Stauffer, Esq., Manager
Gary Asteak, Esq.
Fantastic 1948, LLC
Erich Schock, Esq.
Bohler Engineering