

LOWER NAZARETH TOWNSHIP
Board of Supervisors

Resolution #LNT-18-23

RE: Easton Eastgate – Popeye’s Restaurant and Take5 Auto Service Station

WHEREAS, the Lower Nazareth Township Board of Supervisors are in receipt of a Land Development Plan entitled “Preliminary & Final Land Development Plans, Proposed Popeyes with Drive-Thru and Take 5 Auto Service Station Facilities”, consisting of (16) sheets, dated March 29, 2022 and last revised December 20, 2022, and a “Minor Subdivision of Tax Map K8 Lot 6 Block 9” consisting of (1) sheet, dated January 26, 2023, both prepared by Stonefield Engineering Design of Princeton, New Jersey, 08542; and

WHEREAS, the intent of the Plans to subdivide Tax Parcel K8-9-6 into two lots to develop a Popeye’s restaurant and a Take 5 auto service station on the separate parcels; and

WHEREAS, the Lower Nazareth Township Zoning Hearing Board granted Special Exception approval and variances related to this project as outlined in Zoning Appeal #ZA2022-15 Order and Opinion (Exhibit A);

WHEREAS, the Lower Nazareth Board of Supervisors granted Conditional Use (CU2023-04) approval at their June 14, 2023, meeting (Exhibit B); and

WHEREAS, the Applicant has requested waivers to SALDO Article 4, Section 401 and Article 5, Section 501 for submission of a preliminary/final application; and

WHEREAS, the Lower Nazareth Township Planning Commission recommended approval of the requested waiver and plans at its February 27, 2023, meeting; and

WHEREAS, the Township Zoning Administrator has reviewed the Preliminary/Final Land Development Plan and Minor Subdivision Plan against the provisions of the 2001 Lower Nazareth Township Zoning Ordinance, last amended February 8, 2023; and

WHEREAS, the Township Engineer has reviewed the Preliminary/Final Land Development Plan and Minor Subdivision Plan against the provisions of the 2005 Lower Nazareth Township Subdivision and Land Development Ordinance and has offered comments in his letter dated June 8, 2023; 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 following waivers from the Subdivision and Land Development Ordinance are granted:
 - a. Article 4, Section 401: Requirement for Separate Preliminary and Final Submission.

- b. Article 5, Section 501: Requires submission of a Preliminary Plan prior to a Final Plan submission.
2. The comments in the Township Engineer's letter dated June 8, 2023 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.
3. The Applicant must satisfy the requirements of the #CU2023-04 Conditional Use Opinion and Order as executed by the Board of Supervisors Chairman and Secretary.
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 Plans 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 Subdivision Plan and Land Development Plan have been recorded.
5. For recording, the applicant shall supply to Lower Nazareth Township:

Minor Subdivision

- (2) Mylar reproducible prints;
- (6) Paper prints;

Land Development Plan

Recording Sheets C-1 and C-4

- (2) Sets of Mylar reproducible prints;
- (2) Sets of paper prints;

Full Sets, Sheets C-1 thru C-16

- (4) 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.

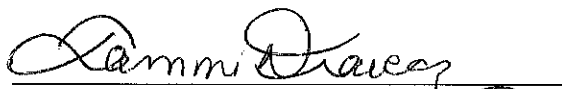
6. The Applicant agrees to enter into a shared traffic signal maintenance agreement with adjacent property owners and Lower Nazareth Township for the traffic signals at Eastgate Boulevard/Prologis Parkway/Route 248. The shared percentage to be determined by the Township Engineer. No construction will commence until the Traffic Signal Maintenance Agreements are completely executed by all parties.

7. 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.
8. 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. The Pre-Construction meeting will be coordinated by Lower Nazareth Township and held in conjunction with the Northampton County Conservation District. The pre-construction meeting shall not occur until Items 2 thru 6 above have been completed to the Township's satisfaction.
9. All correspondence regarding the plan shall be directed to the Township or if directed to the Engineer, the Township shall be copied.
10. 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.

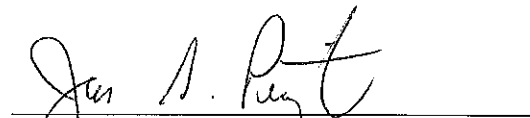
ADOPTED AND APPROVED this 14th day of June 2023 at a regular public meeting.
Motion made by Martin Boucher and seconded by Robert Hojn. The motion carried unanimously.

ATTEST:

BOARD OF SUPERVISORS



Tammi Dravec, Secretary/Treasurer



James Pennington, Chairman