

LOWER NAZARETH TOWNSHIP
Board of Supervisors

Resolution #LNT-21-24

RE: Stone Briar II Major Subdivision

WHEREAS, the Lower Nazareth Township Board of Supervisors are in receipt of a Preliminary/Final Major Subdivision Plan entitled “Stone Briar II Preliminary/Final Subdivision Plan”, prepared by Lehigh Engineering Associates of Walnutport, Pennsylvania, consisting of (10) sheets, dated January 29, 2021, and last revised April 8, 2024; and

WHEREAS, the intent of the Plan is the subdivision of a 43.9321-acre parcel to create (10) 1-acre lots for the development of single family dwellings, with the remaining acreage to be retained by the owner of the existing homestead; and

WHEREAS, the property in question is Tax Parcel #L7-6-12, at 4112 Hecktown Road; and

WHEREAS, the Applicant submitted an application for a Zoning Map Amendment, dated March 19, 2021, and last updated January 22, 2024, to change the zoning of this parcel from “TD-1 Agriculture” to “TD-2 Estate Residential”; and

WHEREAS, the Board of Supervisors have taken action to formally adopt the Zoning Map Amendment as prescribed in Ordinance #249-04-24;

WHEREAS, the Applicant has requested (4) waivers from the Subdivision and Land Development Ordinance; and

WHEREAS, the Lower Nazareth Township Planning Commission recommended approval of the Plan and requested waivers at its November 20, 2023 meeting, provided all concerns of the Township Engineer and the Township Zoning Administrator are addressed; and

WHEREAS, the Township Engineer has reviewed the Plan against the provisions of the 2005 Lower Nazareth Township Subdivision and Land Development Ordinance and has offered comments in his letter dated April 22, 2024; and

WHEREAS, the Township Zoning Administrator has reviewed the Plan against the provisions of the Lower Nazareth Township Zoning Ordinance, adopted December 13, 2023; and

WHEREAS, the Lower Nazareth Township Board of Supervisors desires to take final action on this plan.

NOW THEREFORE, BE IT RESOLVED that the Lower Nazareth Township Board of Supervisors approve the Preliminary/Final Subdivision Plan as referenced above, subject to the following conditions:

1. The following waivers of the SALDO have been 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.

- c. Article 7, Section 741.10: Requirement to install curbing along the street side of an existing arterial road.
 - d. Article 7, Section 749.1: Requirement for curbing and sidewalk along both sides of Meadow View Drive.
2. The comments in the Township Engineer's letter dated April 22, 2024, 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 is responsible for executing an Improvement Agreement and submitting an acceptable form of security for the public improvements. The applicant acknowledges that the Subdivision 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 outlined in this Resolution are satisfied and the Subdivision Plan has been recorded.
 4. For recording, the applicant shall supply the following documents to Lower Nazareth Township:

- Sheets 2, 3, & 4 - (2) sets of Mylar reproducible prints, and
(2) sets of Paper Prints
- Full Sets - (4) sets of Paper Prints

All documents shall have original Applicant 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.

5. No construction shall commence until all outside agency approvals have been obtained, specifically related to stormwater management and on-lot septic without the approval of the Board of Supervisors.
6. The Applicant understands that any changes to the proposed uses and/or the subdivision 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. All correspondence regarding the plan shall be directed to the Township or if directed to the Engineer, the Township shall be copied.

8. The Stonebriar II Preliminary/Final Subdivision Plan is accompanied by a conservation easement on a portion of lands with tax parcel L7-6-12 totaling 22.1591 acres more fully defined under the Conservation Easement Agreement of Sale between Lower Nazareth Township and Rae-Jay Partners. The conservation easement shall be executed by all parties and duly recorded at the Northampton County Recorder of Deeds.
9. This approval is predicated that the Zoning Map Amendment approved under Ordinance #249-04-24 is not challenged in court. No Plan release shall occur until 30 days has elapsed from the adoption of Ordinance #249-04-24, the Ordinance has not been challenged, and the Conservation Easement is released by the applicant for recording. Any court challenge of Ordinance #249-04-24 renders this approval null and void.
10. 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 Subdivision Ordinance and a formal Notice to Proceed is issued by the Township. Said pre-construction meeting shall not occur until Items 1-9 above have been satisfied to the Township's satisfaction.
11. 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.

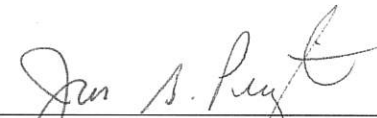
ADOPTED AND APPROVED this 24th day of April 2024, at a regular public meeting. Motion made by Stephen Brown and seconded by Martin Boucher. The motion carried unanimously.

ATTEST:

BOARD OF SUPERVISORS



Tammi Dravec, Secretary/Treasurer



James Pennington, Chairman