

**BEFORE THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA**

RESOLUTION NO. 05-2024-1817

**A RESOLUTION APPROVING THE REVISED PRELIMINARY/FINAL
LAND DEVELOPMENT PLAN WITH RESPECT TO THE LAND
DEVELOPMENT PROPOSED BY THOMAS P. WILLIAMS, SR. FOR
THE PROPERTY LOCATED AT 2844 SOUTH PIKE AVENUE,
ALLENTOWN, PA**

WHEREAS, on or about May 2, 2024, Thomas P. Williams, Sr. (the "Applicant") filed with the Township of Salisbury (the "Township") a revised "Land Development Plan" for Project Number PZ-22-0009 (the "Plan") regarding a property located at 2844 South Pike Avenue, Allentown, Pennsylvania (the "Subject Property"); and

WHEREAS, the Applicant, in pursuing development of the Subject Property, has requested waivers and deferrals from the Salisbury Township Subdivision and Land Development Ordinance (the "SALDO") as follows:

1. Waiver to SALDO Section 22-302.4.A (requiring that the Final Plans be submitted after the approval of a preliminary plan);
2. Waiver to SALDO Section 22-1004.1.1F (requiring the South Pike Avenue cartway to be Forty-Eight Feet (48') wide, despite Pike Avenue being a state road already existing at Thirty-One Feet (31') wide);
3. Deferral to SALDO Section 22-1012.1 and Section 22-1012.2 (requiring a sidewalk and curbing on South Pike Avenue, where none exists);
4. Waiver to SALDO Section 22-503.4.C (requiring natural features be shown within One Hundred Feet (100') of the site); and
5. Waiver to SALDO Section 22-503.6.A (requiring plans to show contour lines);

WHEREAS, the Planning Commission of the Township of Salisbury reviewed and recommended conditional approval of the preliminary/final Plan and all waivers and deferrals requested at the April 24, 2024 Planning Commission Meeting as listed above; and

WHEREAS, the purpose of this Resolution is to formally record the decision of Board of Commissioners with respect to the Plan in accordance with the MPC, SALDO and ZO.

NOW THEREFORE, BE IT RESOLVED AND ENACTED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania as follows.

1. The Plan is conditionally approved and the requested waivers and deferrals cited above are granted, subject to the following conditions:

a. The Developer shall comply with all outstanding conditions contained within the Barry Issett, Inc. Review Letter dated May 16, 2024, a copy of which is attached hereto, and incorporated herein as though fully set forth at length as Exhibit "A";

b. The Developer shall comply with all outstanding conditions contained within the Zoning Review Letter dated May 16, 2024, a copy of which is attached hereto, and incorporated herein as though fully set forth at length as Exhibit "B";

c. At the time of recording the Plan, the Developer shall record the Plan and submit copies with recording information to the Township;

d. At the time of recording the Plan, the Developer shall, subject to the review and approval of the Township Engineer and the Township Solicitor, record any and all deeds required, if necessary;

e. Execution and recording of a Land Development Improvements Agreement and Maintenance Agreement, secured by an irrevocable letter of credit, cash escrow, bond or other security in accordance with the MPC, SALDO and subject to approval by the Township Solicitor, if deemed necessary;

f. Execution and recording, if necessary, of a Stormwater BMP, operation and maintenance agreement subject to the approval of the Township Solicitor and Township Engineer;

g. Additions of notes to the Plan identifying the approved waivers and deferrals requests and the relief granted and conditions approved thereof; and

h. Payment of all review fees incurred by the Township prior to recording.

2. All revisions to the Plan shall be subject to review and approval by the Township Staff, Engineer and Solicitor.

3. Approval of the Plan is conditioned upon the Developer exercising good faith to timely secure all outside agency approvals, timely fulfilling all conditions of approval as set forth herein and timely recording of the Plan in accordance with Section 513 of the MPC.

4. This Resolution is further conditioned upon receipt by the Developer of all necessary outside agency approvals. If, in the opinion of the Township, any such approval results in a material modification of the Plan, as approved by this Resolution, the Township may require the filing, review and approval of amended plans.

5. The conditions of approval have been made known to the Developer and the same are contingent expressly upon Developer's affirmative, written acceptance of said conditions on a form prescribed by the Township. Said form is to be executed by the Developer and returned in such a manner as to be received by the Township on or before the close of business on June 15, 2024. If an unconditional acceptance of the conditions of approval is not received as set forth herein, the application for approval shall be deemed DENIED based upon Developer's failure to fulfill said conditions or agree thereto.

RESOLVED AND ADOPTED this 23rd day of May, 2024 at a regular public meeting.

**TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)**



Debra J. Brinton
President, Board of Commissioners

ATTESTED:



Cathy Bonaskiewich
Township Secretary