

UPPER NAZARETH TOWNSHIP
Board of Supervisors

Resolution No. 24-11

373 East Lawn Road – Endeavor Enterprises LLC

WHEREAS, the Upper Nazareth Township Board of Supervisors are in receipt of a Final Land Development Plan entitled “373 East Lawn Road”, prepared by Jena Engineering Corp., 2358 Sunshine Rd, Suite 200, Allentown, PA. 18103, consisting of (4) sheets, dated April 18, 2024.

WHEREAS, the intent of the Plan is the Land Development of a 0.5686 -acre parcel property identified as J8NW4-3-10-0432 on Northampton County Tax Parcels.

WHEREAS, the Upper Nazareth Township Planning Commission recommended approval of the plan at its May 9, 2024 meeting, provided all concerns of the Township Engineer and the Township Zoning Administrator are addressed; and

WHEREAS, the Township Engineer has reviewed the Final Land Development Plan against the provisions of the 2005 Upper Nazareth Township Subdivision and Land Development Ordinance known as Chapter 22A in the Code of Ordinances of Upper Nazareth Township and has offered comments in his letter dated May 7, 2024; and

WHEREAS, the Township Zoning Administrator has reviewed the Final Subdivision Plan against the provisions of the 2007 Upper Nazareth Township Zoning Ordinance, as amended; and

WHEREAS, the Developer, will make payment of Seven Thousand Eight Hundred One (\$7,801.00) for Township recreation as calculated and in accordance with the current fee schedule. The amount shall be paid at the time of issuance of a building permit; and

WHEREAS, the Developer, Endeavor Enterprise LLC., will be responsible for payment of the Traffic Impact Fee of One Thousand and Eighty Dollars (\$1080.00) per PM Trip, as calculated by the Developer based on ITE Trip Generation Manual (latest edition), for a full amount of Eight Thousand Six Hundred and Forty Dollars (\$8,640.00) The full amount shall be paid at the time of issuance of a building permit; and

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

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

1. Provided the comments in the Township Engineer's letter dated May 7, 2024, are 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. The Applicant understands that any changes to the proposed 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.
3. For recording, the applicant shall supply three (3) sets of Mylar reproducible prints and (3) sets of paper prints of Sheets 1 through 4 of the Final Plan, and (4) full sets of paper prints, all with original signatures, to Upper Nazareth Township. These copies will be used for distribution to Upper Nazareth Township Planning Commission and the Township Engineer, and one copy returned to the Applicant. The applicant is welcome to provide additional copies to be signed for their records. Upper Nazareth Township will obtain all plan signatures. Upon satisfaction of all conditions of approval and placement of signatures on the Plans, the Applicant shall record the Plan within ninety (90) days of said satisfaction, the approved Plan shall be recorded 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 Upper Nazareth Township Subdivision and Land Development Ordinance.
4. All correspondence regarding the plan shall be directed to the Township or if directed to the Engineer, the Township shall be copied.
5. The applicant shall accept these conditions in writing, within fifteen (15) 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.
6. The Developer/ Owner shall enter into an Improvements Agreement with the Township and provide appropriate securities.

ADOPTED AND APPROVED this 17th day of July, 2024 at a regular public meeting. Motion made by Brian Sayago and Seconded by William Bartlett. The motion carried 4-0.


ATTEST:

BOARD OF SUPERVISORS

Kim Mutarelli
Kim Mutarelli / Secretary

Scott Sylvanus
Scott Sylvanus / Chairman

ENDEAVOR ENTERPRISE LLC.


Signature

Adam Pooler
Print Name



May 7, 2024

Upper Nazareth Township
Planning Commission
100 Newport Avenue
Nazareth, PA 18064

BY EMAIL

RE: 373 East Lawn Rd Land Development
Upper Nazareth Township, Northampton County, Pennsylvania
Cycle 3 Preliminary Plan Review

Commissioners,

A revised Land Development Plan was submitted April 18, 2024 for the property at 373 East Lawn Road.

M1. The materials submitted by the Applicant for Cycle 3 review include:

- a. Land Development Plan, 5 sheets + 2 E&S Plan Sheets, prepared by Jena Engineering Corp., dated 4/18/2024.

M2. The materials submitted by the Applicant for Cycle 2 review include:

None this cycle.

M3. Materials received previously not otherwise superseded by most recent submission:

- a. Application from Endeavor Enterprises LLC for Preliminary Plan Review dated 3/20/2024.

I. SUBMISSION DESCRIPTION SUMMARY

The submitted material depicts a proposed land development at 373 East Lawn Road (Northampton County Tax Parcel ID J8NW4-3-10-0432), a property at the northwest quadrant of the intersection for East Lawn Road (SR 191) and Schoeneck Avenue (T-585)/Friedenstahl Avenue (T-514).

The existing site was formerly a bar/restaurant and has sat vacant for over a decade. Until recently, there were two additional structures that must have served as dwelling units at some point but have also sat vacant for over a decade. One of those structures, a mobile home, has been removed from the site in the past few months.

As a matter of background, a separate, but similar, project received preliminary/final land development approval in 2010 and was recorded in 2011 (ref. Bruno D. Scipioni Jr. Property

Land Development, Northampton County Map Book Vol. 2011-5 Pg 28). That project proposed a ground floor restaurant/commercial space with four (4) apartments on the upper floors. This project received Zoning Hearing Board approval on July 29, 2009 (Case ZB09-01) permitting the application of NC Neighborhood Commercial Zoning for this site.

The currently proposed project is substantively similar in layout, except that use is proposed to be first floor and basement commercial space (not a restaurant) and up to seven (7) apartments.

II. WAIVER/DEFERRAL REQUESTS

None submitted to date.

III. GENERAL PLANNING/ZONING COMMENTS

1. *Pursuant to discussion with the Zoning Officer:
 - a. *The Land Development Plan approved in 2010 expired and a new land development plan will be needed.*
 - b. *It is our understanding that the use of the Zoning Hearing Board's prior approval of the use of the NC Zoning District regulations will be respected.*
 - c. *The current plan will be held to the same building, pavement setback, building coverage, and impervious coverage restrictions established with the 2010 plan.**
2. *Overall, the proposed plan is very similar in nature and layout to the 2010 plan.*
3. *The switch from a restaurant use to generic commercial office space freed up parking spaces that permit the Applicant to increase the number of apartment units while maintaining 32 parking spaces as proposed in the 2010 plan.*
4. *Overall impervious coverage is projected to decrease by about 185 SF.*
5. *The Applicant has satisfactorily addressed previous comments concerning traffic control signage at both driveway locations.*
6. *The Applicant has satisfactorily addressed previous comments for pedestrian accommodation with paved pedestrian pathways proposed from the intersection of East Lawn Rd and Schoeneck Ave connecting to Hoch St to the west, and Holly St to the north.*
7. *Buffer plantings and parking lot trees are included in the proposed plan similar to what was proposed in the 2010 plan.*

8. *The provided grading plan is consistent with the 2010 plan in providing site grading that will accommodate installation of curbing along East Lawn Rd and Hoch St. if warranted in the future. Curbing is not required by ordinance at this time.*

IV. ACT 167 STORMWATER MANAGEMENT ORDINANCE PROVISIONS

Existing impervious area largely existing prior to the May 1992 start date for the Bushkill Creek Watershed Act 167 Plan. Conditioned on the Applicant keeping overall area of disturbance under one acre, this project will reduce overall impervious area and not require stormwater mitigation as pertains to the Townships Stormwater Management Ordinance Ch. 23A. Future plan submission will be reviewed for adequacy of stormwater collection and conveyance.

V. PLAN/APPLICATION PREPARATION COMMENTS

1. *The Applicant has satisfactorily addressed planning-level comments concerning:*
 - a. *Traffic control signage*
 - b. *Provision of pedestrian accommodation along the property fronting Schoeneck Avenue and East Lawn Road.*
 - c. *Landscaping.*
 - d. *Site grading to accommodate possible installation of curbing along street frontages in the future.*
2. Relevant construction details and construction notes, as applicable, for sidewalk, ADA ramps/DWS (1:5 drawings showing dimensions and slopes of all proposed ADA curb ramps are required), curbing, driveway apron, parking lot paving, traffic control sign schedule (type, size, qty) and traffic control sign posts specified to be 2"x2" galvanized square "Quik-Punch" style square posts per 22A Attachment 6 Section 1103. Reference Township Standards for Improvements Construction found in 22A Attachment 6 and provide a general note stating compliance with these standards is minimally required. (22A-403 and 22A-504)
3. Address the following miscellaneous plan presentation comments:
 - a. Show existing paving limits and footprints of each of the two (2) existing structures/foundations at the north end of the property on existing conditions plan (Sheet 2).
 - b. The existing conditions plan on sheet 5 is redundant to that provided on Sheet 2 – it can be deleted. The construction notes provided on Sheet 5 should remain.
 - c. Show the limits of proposed pavement and the correct building footprint on the Grading and Utility Plan (Sheet 5).
 - d. Show relevant construction details for sanitary sewer and water service lateral connections.
 - e. Revise sheet numbering and add E&S plan sheets to an index on the record plan.

4. With respect to the E&S Plans:
 - a. It is recommended to add a compost filter sock option in lieu of silt fence. The detail should provide installation details for both vegetated and paved areas.
 - b. A concrete washout detail shall be added to the plans.

VI. LANDSCAPE AND LIGHTING PLAN COMMENTS

1. A sight lighting plan was provided. Applicant shall add photometric foot-candle contours on plan to verify compliance with lighting plan requirements with respect to allowable light intensity past the property boundary. (22A-710).
2. It is requested additional shielding be provided on the backside of each of the four (4) "shoebox" area lighting fixtures to limit light "hot spot" glare into adjacent residential properties north and west of the site.
3. Applicant does not show any building-mounted lighting. Any building-mounted lighting shall be subject to review by the Zoning Officer/Building Codes reviewer for compliance with the Township ordinance at the time of construction unless additional detail is required at this time. Lighting not shown on this plan should be limited to residential grade architectural exterior lighting fixtures and not be used for area-wide lighting.

VII. UTILITIES

1. When water service to the proposed subdivision is to be provided by an existing public system, the developer shall submit two copies of a letter from the agency, authority, or utility which agrees to extend water service, subject to the execution of a service agreement. (22A-403.5.H.(1))
2. When sewage disposal service is to be provided by an existing public system or extension thereof, the developer shall contact the controlling sewer authority regarding connections into their sewer system. Copies of all correspondence between the developer and sewer authority shall be provided to the Township. All negotiations, designs, reviews, approvals and construction will be handled by the controlling sewer authority in accordance with their current regulations. Additionally, all subdivisions and land developments proposing public sanitary sewer service will be required to obtain sewage facility planning approval from the Pennsylvania Department of Environmental Protection. (22A-403.5.I.(1))
3. Copies of the design approval letter from the governing public water and public sewer providers, as applicable. (22A-504.4.G.)

III. CONDITIONS OF PRELIMINARY/FINAL PLAN APPROVAL

1. *The Professional Land Surveyor and Engineer Statements shall be signed and sealed. (22A-504.3.B., 22A-Attachment 2 Sections E. and F.)*
2. *The Owner's Certification shall be signed and notarized. (22A-505.3.J., 22A-Attachment 2 Sections B. and C.)*
3. *An Improvements Agreement will be required per Article 9 of the SALDO. (22A-901.3)*
4. *Financial security will be required to guarantee completion of the improvements set forth in the Improvements Agreement (22A-904).*
5. *A recreation fee may be required. (22A-711.3.A.(6))*
6. *A Traffic Impact Fee will be required as established by the Upper Nazareth Township Traffic Impact Ordinance Chapter 22B. (22A-403.5.O.) The traffic impact fee will be (\$1,080/PM Peak Trip) x (x trips). (22B-203) The Applicant shall provide a trip generation tabulation based on ITE Trip Generation Manual (latest edition) for the project inclusive of Weekday total, AM Peak, PM Peak, Saturday Total and Saturday Peak.*
7. *As applicable, provide a letter/letters from any utilities verifying the development will comply with all reasonable design criteria set by the utility as applicable in accordance with SALDO 22A-403.5.J.*
8. *As applicable, Applicant shall obtain any easements or releases from all damages which may be necessary for the construction of any improvement which traverses lands of persons other than the Developer. Said releases shall insure to the benefit of the Township and/or public authority as well as to the Developer. (22A-903.1.D)*
9. *A project pre-construction meeting shall be required per 22A-504.6.*

Based on our review of the submitted material, the proposed land development is recommended for approval conditioned upon the Applicant substantively addressing outstanding plan presentation/detail comments document in this letter prior to the plan being presented to the Board of Supervisors.

Please contact the undersigned with any comments or questions regarding this letter.

Sincerely,

Keystone Consulting Engineers, Inc.



Kevin J. Horvath, P.E.

cc: Upper Nazareth Township
Upper Nazareth Township Manager
Upper Nazareth Township Zoning Officer
Gary N. Asteak, Esquire
Endeavor Enterprise LLC
Jena Engineering Corp.