

**RESOLUTION NO. 12-2022-1763**

**BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF  
SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, APPROVING A  
PRELIMINARY/FINAL LAND DEVELOPMENT PLAN AT 3380 LEHIGH  
STREET, SALISBURY TOWNSHIP, PENNSYLVANIA**

**WHEREAS**, the Developer has submitted a Preliminary/Final Land Development Plan dated July 12, 2022 for the construction of a fast-food restaurant and parking facilities on the property at 3380 Lehigh Street; and

**WHEREAS**, on August 24, 2022, the Planning Commission reviewed this Plan along with various waiver requests; and

**WHEREAS**, the Applicant has received various zoning relief and special exception approval for the aforementioned fast-food restaurant; and

**WHEREAS**, the Applicant had submitted various waivers/deferral requests by letter dated August 18, 2022; and

**WHEREAS**, the Plan came before the Township Board of Commissioners on December 8, 2022, for review and action on the plan; and

**WHEREAS**, on December 8, 2022, the Salisbury Township Board of Commissioners voted to approve the Plan with the following conditions:

1. The Developer shall comply with the review comments set forth in the Township Engineer's review letter dated August 15, 2022.
2. The Developer shall comply with the review comments of the Planning & Zoning Officer set forth in her letter dated August 18, 2022.
3. The Developer is granted the following waivers/deferrals:
  - a. A waiver to SALDO Section 22-302.1.C which would require separate submissions of preliminary and final land development plans, so that

the Applicant can submit a combined preliminary/final land development plan.

- b. A waiver to SALDO Section 22-1003.6 with regard to obtaining Lehigh County Conservation District approval, waiving said requirement and allowing the Township's review to be sufficient for these issues.
  - c. A waiver to SALDO Section 22-1011.2, which requires the minimum driveway separation distance of 75 feet, with the Applicant proposing 70 foot separation on the driveways internal to the site. The nearby internal mall driving aisles shall also be shown on the plan
  - d. A waiver to SALDO Section 22-1011.9.B(1) which requires the providing of curb radii of 25 feet with the curb radii shown on the plan to be 15 feet and accepted by the Township.
  - e. A deferral to SALDO Section 22-1012.1 with regard to the installation of sidewalks.
  - f. A waiver to SALDO Section 22-1016 to allow the Developer to install trees as shown on the plans, Drawing 5 dated July 12, 2022, which shows various shade trees and other planting provided on the plan.
- 4. Applicant shall submit this Plan to the Lehigh Valley Planning Commission and provide to the Township proof of said submission.
  - 5. Applicant agreed to install a bike rack at their property in the location indicated by the Township Engineer.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Salisbury Township that the Preliminary/Final Land Development Plan of Oak Restaurant LLC for property at 3380 Lehigh Street is hereby approved subject to the above-noted conditions.

Subdivision Land Development Ordinance Section 22-901.1 requires that approved plans be recorded in the Recorder of Deeds of Lehigh County within ninety (90) days of the date hereof. An extension of the ninety (90) day recording period may be granted by the approving body following a written request from the Developer for an extension which sets forth the reasons for the request and the specific requested time for the extension to last. Failure to record the plan, or to be granted an extension within the ninety (90) day period, will result in the previously granted approval becoming null and void.

The conditions of approval have been made known to the Developer and final approval is deemed expressly contingent upon Developers affirmative written acceptance of these conditions of approval on a form prescribed by the Township of Salisbury within twenty (20) days of the date hereof.

In the event that the statutory review period for this preliminary/final land development plan, as set forth in the Pennsylvania Municipalities Planning Code and the Township Subdivision Land Development Regulations should expire prior to the end of the twenty (20) days response period, the Developers written acceptance of conditions of approval shall be tendered prior to the expiration of the statutory review period, even if such period expires less than twenty (20) days from the date of this Resolution. The response period shall be deemed to expire on December 28, 2022. The statutory review period expires on March 31, 2023. The vote to conditionally approve was December 8, 2022.

In addition, Developer shall be responsible for all reasonable costs incurred by the Township, including all reasonable legal and engineering fees incurred by the Township in conjunction with this Plan approval process.

APPROVED AND ADOPTED this 8<sup>th</sup> day of December, 2022 at a regular public meeting in  
the Township of Salisbury, Lehigh County, Pennsylvania.

**ATTESTED:**

  
Cathy Bonaskiewich  
Township Secretary

**TOWNSHIP OF SALISBURY  
(LEHIGH COUNTY, PENNSYLVANIA)**

By:   
Debra Brinton, President  
Board of Commissioners

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