

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

RESOLUTION NO. 09-2024-1824

**A RESOLUTION CONDITIONALLY APPROVING THE REVISED
PRELIMINARY/FINAL LAND DEVELOPMENT PLAN WITH RESPECT
TO THE LAND DEVELOPMENT PROPOSED BY BEDMINSTER
BUILDING COMPANY, INC. FOR THE PROPERTY LOCATED AT 1350
E. SUSQUEHANNA STREET, ALLENTOWN, PA**

WHEREAS, on or about August 19, 2024, the Bedminster Building Company, Inc. (the "Applicant") filed with the Township of Salisbury (the "Township") a revised "Land Development Plan" for Project Number PZ-23-0002 (the "Plan") regarding a property located at 1350 E. Susquehanna Street, Allentown, PA (the "Subject Property"); and

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

1. SALDO Section 22-502.1.A (requiring that the Final Plan Submissions are required after a Preliminary Submission, which waiver was recommended for approval by the Planning Commission);
2. SALDO Section 22-503.4.C (requiring existing man-made features on the site within One Hundred feet (100') be shown on the site plans;
3. SALDO Section(s) 22-503.4.D(7) and (8), (requiring the location of Open Spaces be shown on the plan);
4. SALDO Section 22-1004.4.B(2) (requiring a twenty-six foot (26') cartway with a curb in lieu of which Applicant shall replace an undersized eight inch (8") stormwater pipe with a fifteen inch (15") stormwater pipe);
5. SALDO Section 22-1012.1 (requiring sidewalks on any proposed street and where the Applicant shall install sidewalk along the proposed extension of Van Vetchen Avenue);
6. SALDO Section 22-1004.10.B(2) (requiring typical street section crowns);
7. SALDO Section 22-1016 (requiring shade trees at thirty-to-forty-foot (30' – 40') intervals based upon tree type, but still requiring the Applicant to install the proper number of trees); and
8. SALDO Section 22-1011.7.C (requiring driveway grades not exceed four percent (4%) in the initial twenty feet (20') behind the curb).

WHEREAS, the Planning Commission of the Township of Salisbury reviewed the Plan and recommended preliminary/final approval and approval of all waivers at the July 24, 2024 Planning Commission Meeting; and

WHEREAS, the purpose of this Resolution is to formally record the decision of the Board of Commissioners with respect to the Plan in accordance with the Municipalities Planning Code (the "MPC"), Salisbury Township Subdivision and Land Development Ordinance (the "SALDO") and the Salisbury Township Zoning Ordinance (the "ZO").

NOW THEREFORE, BE IT RESOLVED AND ENACTED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania that Applicant's Plan, as follows:

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

a. The Applicant shall comply with all conditions in the letter from Barry Isett & Associates dated September 10, 2024 and the letter from Zoning Officer Kerry Rabold dated July 18, 2024;

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

c. 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;

d. 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 ZO and subject to approval by the Township Solicitor, if deemed necessary;

e. Execution and recording, if necessary, of a Stormwater Best Management Practices, Operation and Maintenance Agreement subject to the approval of the Township Solicitor and Township Engineer;

f. Addition of notes to the Plan identifying the approved waiver requests and the relief granted and conditions approved thereof; and

g. 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 for the 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 October 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 26th day of September, 2024 at a regular public meeting.

**TOWNSHIP OF SALISBURY
BOARD OF COMMISSIONERS**



Debra J. Brinton
President

ATTESTED:



Cathy Bonaskiewich
Township Secretary