LOWER NAZARETH TOWNSHIP
Board of Supervisors

Resolution #LNT-14-26

RE: United Rentals Realty Preliminary/Final Land Development

WHEREAS, On February 11, 2026, the Lower Nazareth Township Board of Supervisors approved Resolution #LNT-11-26 granting conditional Final Land Development Plan approval and approval of (6) waivers from the Subdivision and Land Development Ordinance (SALDO). The conditional approval was subject to the Applicant accepting the Resolution terms with (5) business days, or the Plan would be considered denied; and.

WHEREAS, A letter was sent by the Township Secretary on February 12, 2026 outlining the terms of approval and requirement to accept the terms of the Resolution. The deadline for the Applicant's acceptance was February 20, 2026. To date, Lower Nazareth Township has not received acceptance of the Resolution terms; and

NOW THEREFORE, BE IT RESOLVED, the "Preliminary/Final Land Development Plan for United Rentals Realty, LLC & SIND, LLC", prepared by Bohler Engineering of Bethlehem, PA, consisting of (8) sheets, dated December 19, 2025 is denied for these specific reasons:

1. Numerous sections of the SALDO have not been addressed, as outlined in the Township Engineer's January 16, 2026 letter, specifically:

   a. Article 4, Section 424.9(a): Requirement to include location and width of all streets and rights-of way, with a statement of any conditions governing their use; suggested street names and utility easement locations; all applicable design criteria under Article 7.

   b. Article 4, Section 424.9(h): Requirement to include a signed certificate of ownership or equitable ownership, plus a copy of the current deed of record for the property being subdivided or developed.

   c. Article 4, Section 424.9 (i): Requirement to include copies of the proposed deed restrictions, protective and restrictive covenants, referenced to the preliminary plan map.

   d. Article 5, Section 533.7 (a): Requirement to include covenants and restrictions summarized in notes on the record plan, specifically:

      "After their construction, grantees shall repair and be responsible for maintaining all swales and detention ponds. Once established and approved, the extent and grades of all swales and detention ponds shall be maintained in perpetuity. Maintenance shall include, but not be limited to, regular lawn mowing, removal of trash/debris, plus repair of all sinkholes."

   e. Article 5, Section 533.9: Requirement to include a note reading as follows on the plan:

"A highway occupancy permit is required pursuant to Section 420 of the act of June 1, 1945 (P.L. 1242, No 428), known as the "State Highway Law," before driveway or roadway access to a State highway is permitted."

2. Relief is not granted for the requested waivers specifically:

   a. <u>Appendix C, Preliminary Checklist; Item C-4</u>: Requirement to provide lot lines of adjacent lots, locations of buildings, detention areas, etc. within 200 feet of the property.

   b. <u>Appendix C, Preliminary Checklist, Item G-5</u>: Requirement to provide proposed and existing rights-of-way and cartway widths for streets within 200 feet of tract boundaries.

   c. <u>Article 4, Section 400, Preliminary Plan Submission</u>: To allow a preliminary/final plan review in lieu of separate processes.

   d. <u>Article 4, Section 421, Preliminary Plan Requirements</u>: Requirement to draw plan to scale at a minimum of 1 inch equals 50 feet.

   e. <u>Article 4, Section 424.7, Preliminary Plan Requirements</u>: Requirement to depict utilities and easements within 200 feet of the tract boundary on the plan.

   f. <u>Article 7, Section 749.1, Design Standards; Sidewalks and Curbs</u>: Requirement to provide a sidewalk.

3. Compliance with the comments of the Zoning Officer's January 19, 2026 letter is required, particularly to modify the plan to demonstrate that the storage containers can be stored without encroaching any setback areas, and maintain circulation within the site for deliveries and emergency services. The plan must be revised to comply, or relief must be granted by the Lower Nazareth Township Zoning Hearing Board. Refusal to comply is grounds for denial.

4. The #CU2025-02 Conditional Use Opinion and Order imposed a limitation of up to three hundred (300) storage containers on the subject property. Further, the Order limited storage height to (30) feet from ground level. This equates to container storage (3) containers high. The submitted Plan depicts (133) containers, reflecting a potential of (399) storage containers which exceeds the number permitted under the Conditional Use Opinion and Order. Refusal to amend the plan display to limit the number of containers to (300) as prescribed in the Conditional Use Order and Opinion is grounds for denial.

5. Article 5, Section 512.1 of SALDO provides "...*Action by the Board of Supervisors to approve the Final Plan shall be made in the form of a resolution, which is duly passed by the Board. The resolution shall include stipulations as to the terms of approval including the improvements agreement if one is called for. No subdivision plan shall be approved unless the review fees, recreation fees, and other fees required under the terms of this Subdivision and Land Development Ordinance have been paid in full, and unless the improvements agreement, if one is called for, has been executed.*

   The applicant shall sign the resolution agreeing to the stipulations as to the terms of approval not less than five (5) days before the end of the statutory review period. Failure

to sign the resolution by the applicant shall void the resolution forthwith. The Board of Supervisors shall than act to disapprove the application."
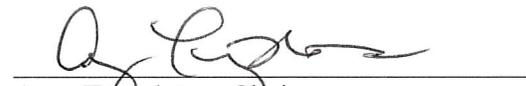
6. The Board of Supervisors is compelled to disapprove and deny the Application for the foregoing reasons.

      ADOPTED AND APPROVED this 11th day of March 2026 at a regular public meeting. Motion made by ~~Martin Boucher~~ and seconded by ~~Nancy Teague~~ . The motion carried unanimously.

ATTEST: **BOARD OF SUPERVISORS**

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Tammi Dravecz, Secretary/Treasurer   Amy Templeton, Chairperson