

Received

FEB 28 2024

NORTHAMPTON COUNTY, SS.

Township of Bethlehem

THE COMMONWEALTH OF PENNSYLVANIA

TO BOARD OF COMMISSIONERS OF BETHLEHEM TOWNSHIP

AFORESAID, GREETING: BOARD OF COMMISSIONERS OF BETHLEHEM TOWNSHIP

We being willing, for certain causes, to be certified of a certain plea between:

1600 FREEMANSBURG ASSOCIATES, LLC.

VS.

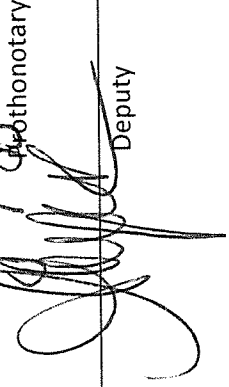
BOARD OF COMMISSIONERS OF BETHLEHEM TOWNSHIP

before you depending; do command you, that the plea aforesaid, with all things touching the same, before our Judges at Easton, at our Court of Common Pleas, there to be held for the County of Northampton, within twenty days after service of this writ on you, so full and entire as before you they remain, you certify and send, together with this writ, that we may further cause to be done thereupon what of right and according to our laws and customs ought.

WITNESS the Honorable CRAIG A. DALLY, President Judge of our said Court at Easton,

The 21st day of FEBRUARY in the year of our Lord, TWO THOUSAND TWENTY FOUR.



Notary


Per _____ Deputy

NO. C-48-CV-2024-01311

1600 FREEMANSBURG ASSOCIATES, LLC.

Appellant

VS

BOARD OF COMMISSIONERS OF BETHLEHEM TOWNSHIP

Appellee

CERTIORARI TO:

BETHLEHEM TOWNSHIP BOARD OF COMMISSIONERS

4255 EASTON AVENUE

BETHLEHEM, PA 18020

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

Northampton

County

For Prothonotary Use Only:

Docket No:

C-48-CV-2024-01311

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

- ☐ Complaint ☐ Writ of Summons ☒ Petition ☐ Declaration of Taking
- ☐ Transfer from Another Jurisdiction

Lead Plaintiff's Name:

1600 Freemansburg Associates, LLC

Lead Defendant's Name:

Board of Commissioners of Bethlehem Twp.

Are money damages requested? ☐ Yes ☒ No

Dollar Amount Requested: ☐ within arbitration limits
☐ outside arbitration limits
(check one)

Is this a *Class Action Suit*? ☐ Yes ☒ No

Is this an *MDJ Appeal*? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Catherine E.N. Durso, Esquire

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

- ☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other

☐ Other:

CIVIL APPEALS

Administrative Agencies

- ☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other:

☐ Zoning Board

☒ Other: Land Use Appeal

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

CIVIL DIVISION – LAW

1600 FREEMANSBURG ASSOCIATES, LLC,

Appellant

v.

BOARD OF COMMISSIONERS OF
BETHLEHEM TOWNSHIP,

Appellee

:
: DOCKET NO. **C-48-CV-2024-01311**

:
: LAND USE APPEAL

**NOTICE OF APPEAL FROM DECISION OF THE BOARD OF COMMISSIONERS
OF BETHLEHEM TOWNSHIP**

AND NOW, comes the Appellant, 1600 Freemansburg Associates, LLC, by and through its counsel Fitzpatrick Lentz & Bubba, PC, and hereby appeals the January 25, 2024 Decision of the Board of Commissioners of Bethlehem Township, County of Northampton, and in support hereof states the following:

1. Appellant, 1600 Freemansburg Associates, LLC is a Delaware limited liability company registered to do business in the Commonwealth of Pennsylvania which maintains a principal office at 2100 McKinney Avenue, Suite 800, Dallas, Texas 75201.

2. Appellee is the Board of Commissioners of Bethlehem Township having an address of 4225 Easton Avenue, Bethlehem, PA. 18020.

3. Appellant is the equitable owner of property at 1600 Freemansburg Avenue located partially in the Borough of Freemansburg and partially within Bethlehem Township, Northampton County, Pennsylvania (“Subject Property”).

4. The Subject Property is +/- 116 acres in size and within the General Industrial (G-I) Zoning District in both Bethlehem Township and the Borough of Freemansburg being identified

FILED
2024 FEB 21 P 124
CLERK OF COURT
NORTHAMPTON COUNTY, PA

as Northampton County Tax Parcel Identification Numbers N7-2-3-0212 and N7-2-3-0205 as further described at the Deed recorded at Northampton County Record Book 2016-1, Page 164384.

5. Appellant is proposing to construct a +/- 866,350 square foot warehouse on the Subject Property, which use is permitted by right in the Borough of Freemansburg and Bethlehem Township in the GI Zoning District.

6. Freemansburg Borough Council granted preliminary plan approval at a public meeting held on October 17, 2023 pursuant to Resolution 2023-023, duly adopted by Borough Council on November 8, 2023.

7. The Bethlehem Township Planning Commission reviewed the preliminary/final land development plan at public meetings held on July 24, 2023, and November 27, 2023 and did not vote to recommend preliminary/final plan approval without any justification provided at the November 27th meeting for the lack of a favorable recommendation.

8. The Bethlehem Township Board of Commissioners reviewed the preliminary/final land development plan and voted to deny the plan at a public meeting held on January 15, 2024.

9. The Bethlehem Township Board of Commissioners issued a denial letter dated January 25, 2024, through Amanda Jensen, the Township Community Development Director. A copy of Appellee's written Decision is attached hereto as Exhibit "A".

10. Bethlehem Township's engineer, The Pidcock Company, recommended that Appellee grant preliminary/final subdivision and land development plan approval by stating in its November 21, 2023 letter: "Engineering approval is recommended subject to the following comments being addressed."

11. Bethlehem Township's Staff and its consultants' recommendation to grant preliminary/final plan approval and a waiver to permit a preliminary/final plan subject to conditions was outlined and set forth in the draft Resolution presented to Appellee as part of the January 15, 2024 Meeting Agenda. A copy of the draft Resolution is attached hereto as Exhibit "B".

12. Appellant is aggrieved by Appellee's Decision and hereby appeals therefrom.

13. The actions of Appellee in denying preliminary/final plan approval and the requested waiver were arbitrary, capricious, an abuse of discretion and contrary to Pennsylvania law.

14. The claimed deficiencies set forth in the January 25th denial letter are not supported by any evidence.

15. Appellee violated its duty to exercise good faith in reviewing and processing Appellant's land use application and in providing Appellant with a reasonable opportunity to respond to objections or to make modification where there was a misunderstanding or difference of opinion.

16. Appellant was discriminated against when it was not granted conditional preliminary/final plan approval following receipt of direction by the Township Community Development Director that a resubmission of revised plans was not required prior to appearing before Appellee as is standard practice in Bethlehem Township.

17. Appellee committed an error of law and abused its discretion in choosing to rely upon alleged lack of documentation as illusory support for a plan denial.

18. Appellee's citation to noncompliance with multiple provisions of the Township Zoning Ordinance in its Decision is an abuse of discretion and an error of law in that the Zoning Officer confirmed that the use complied with the noted provisions and/or that additional information be submitted, which Appellant was prevented from providing.

19. Appellee abused its discretion and committed an error of law when it failed to specify on the record at the January 15, 2024 meeting and in its denial letter how the plan failed to comply with the cited sections of the Zoning Ordinance and SALDO, nor was any evidence presented at the January 15, 2024 meeting to support the decision.

20. Appellee's decision does not comply with Section 508(2) of the MPC, 53 PS Section 1050(a), as it does not specify the defects found; it does not describe the requirements that have not been met; and it does not cite to the relevant provisions of the statute or ordinance relied upon as the basis for denial.

21. Numerous alleged SALDO deficiencies cited by Appellee are technical, non-substantive violations that Appellant was not afforded the opportunity to address.

22. Appellee's denial letter includes generic references to SALDO provisions without findings or explanations for why each of the alleged violations justified denying plan approval; why it would not grant approval conditioned on compliance of the items set forth in the draft Resolution; or why the requested waiver to permit a submission of preliminary/final plan was not granted.

23. Appellee ignored the extensive correspondence and submissions between Appellant's engineer and its consultants and the Township's engineer and its consultants prior to the January 15, 2024 meeting and the representations and agreement by Appellant that it would bring the plan into compliance to meet all the conditions set forth in the proposed Resolution.

24. Appellee is equitably estopped from raising new issues concerning the plan prior to the denial as Appellee's decision to deny upon grounds not previously advised was inequitable and unjust and a violation of due process.

25. Appellee's denial decision cites to Ordinance sections that offer no objective criteria that would permit Appellant to understand the specific nature of the deficiency and if necessary to take concrete action to remedy the deficiency.

26. Appellee's denial includes amorphous criteria, including noncompliance with the purpose of an ordinance and mere inconsistencies with a comprehensive plan.

27. Each of the reasons Appellee provided as justification for the plan denial are either factually inaccurate, ignore details of the plans, based on erroneous interpretations of the Zoning Ordinance or the SALDO, and/or are inconsequential, administrative, or technical matters that are remediable and should not be grounds for a plan denial.

28. Appellee's denial letter includes objections to traffic related matters which fall under PennDOT's jurisdiction so reliance upon them constitutes errors of law.

29. Appellant was not provided an opportunity to amend its request to be for preliminary plan approval if the waiver was not going to be granted.

30. Appellee's actions were in bad faith as Appellee did not discuss matters involving Ordinance interpretations with Appellant nor did Appellee provide Appellant a reasonable opportunity to respond to objections or to modify plans where there has been a misunderstanding or difference of opinion.

31. Appellee's refusal to specifically discuss deficiencies with the plan at the January 15th meeting and in not granting the requested waiver was unprecedented as Appellee departed from prior practice of granting conditional approval based on the recommendations of Township Staff and consultants.

32. Appellee's consideration of the plan and subsequent denial constituted disparate treatment of Appellant.

33. Each of the purported deficiencies is either correctable or an improper basis for a denial.

34. Despite public opposition to the project, a Township is obligated to exercise good faith in its review and consideration of land development plans, which was not done in this instance.

35. Appellee's identified deficiency regarding the submitted traffic study constitutes an error of law and an abuse of discretion as access and use of a state road is controlled by a third party entity, namely PennDOT, and PennDOT approved the traffic study.

36. Appellee failed to specify on the record how the plan did not comply with the cited requirements of the Ordinances.

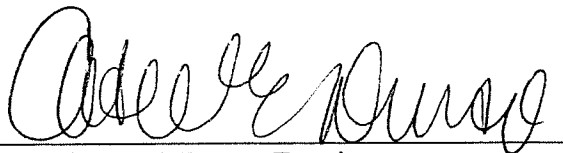
37. Appellee was without substantial evidence to deny plan approval.

38. Appellee's denial of the plan approval constitutes a *de facto* taking of the Subject Property without just compensation when the proposed warehouse use is permitted by right and Appellee rejected adoption of conditional plan approval as set forth in the proposed Resolution.

WHEREFORE, Appellant, 1600 Freemansburg Associates, LLC respectfully requests this Honorable Court reverse the Decision of the Board of Commissioners of Bethlehem Township dated January 25, 2024 and grant Appellant preliminary/final plan approval and the requested waiver.

Respectfully submitted,

FITZPATRICK LENTZ & BUBBA, PC

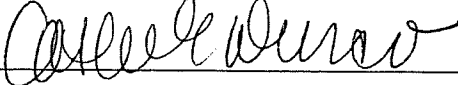
By: 

Catherine E.N. Durso, Esquire
Two City Center
645 West Hamilton Street
Suite 800
Allentown, PA 18101
Phone: (610) 797-9000
Attorney I.D. #73622
kdurso@flblaw.com

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial Systems of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Catherine E.N. Durso

Signature: 

Name: Catherine E.N. Durso

Attorney No.: #73622

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

CIVIL DIVISION – LAW

1600 FREEMANSBURG ASSOCIATES, LLC,	:	
	:	DOCKET NO. _____
Appellant	:	
	:	
v.	:	LAND USE APPEAL
	:	
BOARD OF COMMISSIONERS OF	:	
BETHLEHEM TOWNSHIP,	:	
	:	
Appellee	:	

CERTIFICATE OF SERVICE

I, Catherine E.N. Durso, attorney for Appellant, hereby certify that a copy of Appellant's Notice of Appeal from the Decision of the Board of Commissioners of Bethlehem Township has been served on all parties by First Class United States Mail, postage pre-paid and electronic means at the following addresses:

James L. Broughal, Esquire
Broughal & DeVito, LLP
38 West Market Street
Bethlehem, PA 18018
Attorney for Board of Commissioners
of Bethlehem Township
E-Mail: jimbroughal@broughal-devito.com

Bethlehem Township Board of Commissioners
4225 Easton Avenue
Bethlehem, PA 18020
Attention: Doug Bruce, Township Manager
Email: dbruce@bethlehemtwp.com

FITZPATRICK LENTZ & BUBBA, P.C.

Date: February 21, 2024

By: 
Catherine E.N. Durso, Esquire
I.D. No. 73622
645 W. Hamilton Street, Suite 800
Allentown, PA 18101
Phone: (610) 797-9000
Attorney for Appellant,
1600 Freemansburg Associates, LLC
kdurso@fblaw.com

EXHIBIT "A"

Appellee's Written Decision



TOWNSHIP OF BETHLEHEM

BOARD OF COMMISSIONERS

MUNICIPAL OFFICES
4225 EASTON AVENUE
BETHLEHEM, PENNSYLVANIA 18020-1496

Phone: 610.814.6400
Fax No: 610.814.6408
www.bethlehemtownship.org

Commissioners:
Jan Beatty
John K. Gallagher
Michael D. Hudak
DeAnn L. Lawrence
John J. Merhottein

Treasurer:
John P. Petro

Township Manager:
Doug Bruce

January 25, 2024

Mr. Mike Wilson
1600 Freemansburg Associates, LLC
300 Conshohocken State Rd., Suite 250
West Conshohocken, PA 19428

***RE: Freemansburg Industrial
Bethlehem Township and Borough of Freemansburg
Northampton County, Pennsylvania
Preliminary/Final Land Development
Decision of the Board of Commissioners of Bethlehem Township,
Northampton County, Pennsylvania on January 15, 2024***

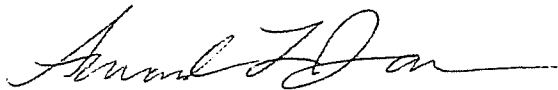
Dear Mr. Wilson:

On January 15, 2024, at a public meeting held at the Bethlehem Township Municipal Building, the Board of Commissioners of Bethlehem Township made a decision to unanimously disapprove the Application for Preliminary/Final Land Development Plans for Freemansburg Industrial Bethlehem Township and Borough of Freemansburg, Northampton County, Pennsylvania based upon the following:

1. Failure to provide evidence that proposed berms meet the ordinance standards set forth at Zoning Ordinance §275-91.M(5).
2. Failure to provide separate Preliminary and Final Plans pursuant to Subdivision and Land Development Ordinance ("SALDO") §230-24.D(1).
3. Failure to add a PennDOT Highway Occupancy Plan Note pursuant to SALDO §230-34.B(3)(a).
4. Failure to provide fire-truck turning template to confirm adequate access to southern portion of parking area pursuant to comment A-3 of the Pidcock review letter dated November 21, 2023.
5. Failure to provide trash-truck turning template to confirm access to proposed dumpster locations pursuant to comment A-4 of the Pidcock review letter dated November 21, 2023.
6. Failure to provide updated storm sewer calculation to match the Plan in accordance with Township Ordinance Chapter 218 Stormwater Management and SALDO §230-61.

7. Failure to provide additional or higher type improvements as may be required in specific cases where, in the determination of the Board of Commissioners, are clearly necessary to protect the public health and safety pursuant to SALDO §230-54.B.
8. Failure to address certain traffic concerns as outlined by SALDO §230-57.F(7); §230-57.F(9)(a), and §230-57.M.
9. Failure to evidence additional evergreen tree plantings around the western portion of Basins 1 & 2 pursuant to Zoning Ordinance §275-171.D.(4).
10. Failure to provide a tree survey to demonstrate compliance with Zoning Ordinance § 275-138.B.
11. Failure to provide the building construction type as required to calculate the required number of fire hydrants for water supply in accordance with SALDO §230-63.
12. Failure to comply with Zoning Ordinance §275-189.A.(69)(b) and (d) related to additional requirements for warehouses.
13. Failure to comply with SALDO §230-3(I) in relation to carrying out the goals and objectives of the 2017 Comprehensive Plan's transportation and traffic goals.
14. Failure to comply with SALDO §230-56.C in that subdivisions or land developments shall generally be designed in consideration of any applicable provisions of the Township Comprehensive Plan.
15. Failure to comply with SALDO §230-56.F in that subdivisions or land developments shall occur in such a way that would significantly threaten the public health and safety, including hazards of toxic substances, groundwater pollution, traffic hazards and explosive and fire hazards.
16. Failure to undertake a Traffic Study in an area that included areas beyond ¼ mile from the east of the site relative to Zoning Ordinance §275-179.F.
17. Failure to address certain environmental concerns, including but not limited to potential vehicles leaking fluids into the water system pursuant to back Zoning Ordinance Article XVI Environmental Protection, particularly §275-130.
18. Failure to address potential noise concerns pursuant to Zoning Ordinance §275-132.

Sincerely,



Amanda L. Jensen, AICP
Community Development Director

Cc: Kate Durso, Fitzpatrick, Lentz & Bubba, via email
Jim Broughal, Township Solicitor, via email
Doug Bruce, Township Manager, via email
Ron Gawlik, Township Engineer, via email

EXHIBIT "B"

Draft Resolution

RESOLUTION NO. R0XX-24

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF
BETHLEHEM, NORTHAMPTON COUNTY, PENNSYLVANIA, GRANTING
CONDITIONAL PRELIMINARY/FINAL LAND DEVELOPMENT PLAN APPROVAL
OF FREEMANSBURG INDUSTRIAL**

WHEREAS, the applicant, 1600 Freemansburg Associates, LLC has submitted a Preliminary/Final Land Development Plan application and plan titled "FREEMANSBURG INDUSTRIAL BETHLEHEM TOWNSHIP AND BOROUGH OF FREEMANSBURG, NORTHAMPTON COUNTY, PENNSYLVANIA PRELIMINARY/FINAL LAND DEVELOPMENT PLANS", prepared by Langan Engineering and Environmental Services of Bethlehem, Pennsylvania, dated May 22, 2023, last revised November 3, 2023. The plan proposes the construction of a 866,350 square foot warehouse building with the associated amenities. The lot is within the "GP" General Industrial District and Conservations Recreation District; and

WHEREAS, the proposed Preliminary/Final Plan meets the definition of a Preliminary/Final Plan as defined by Township Subdivision and Land Development Ordinance (SALDO) Section 230-22; and

WHEREAS, the Township Engineer has reviewed the plan and offered comments in The Pidcock Company letter dated November 21, 2023; and

WHEREAS, the Bethlehem Township Planning Commission did not pass a motion to recommend conditional approval of the "FREEMANSBURG INDUSTRIAL BETHLEHEM TOWNSHIP AND BOROUGH OF FREEMANSBURG, NORTHAMPTON COUNTY, PENNSYLVANIA PRELIMINARY/FINAL LAND DEVELOPMENT PLANS " Plan at a meeting held on November 27, 2023; and

WHEREAS, the Bethlehem Township Board of Commissioners desires to take final action on this Plan.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED BY the Board of Commissioners of Bethlehem Township, County of Northampton, and Commonwealth of Pennsylvania:

I. The following Subdivision and Land Development waivers and deferrals be granted:

1. §230-29.A and §230-24.D(1) – Waiver to allow a Preliminary/Final Plan review/approval process in lieu of separate Preliminary and Final Plan approval processes

II. Conditions of Approval

That the "FREEMANSBURG INDUSTRIAL BETHLEHEM TOWNSHIP AND BOROUGH OF FREEMANSBURG, NORTHAMPTON COUNTY, PENNSYLVANIA PRELIMINARY/FINAL LAND DEVELOPMENT PLANS" dated 5/22/23, last revised 11/3/23, by Langan Engineering and Environmental Services, be hereby approved subject to the following conditions and provided the plan is revised as follows:

1. The applicant shall address all comments from the Township Engineer's review letter dated November 21, 2023, to the written satisfaction of the Township Engineer.
2. The applicant shall address all comments from the Township Zoning Officer's review dated November 16, 2023.
3. The applicant shall address all comments from Thomas Comitta Associates' review dated November 20, 2023.
4. The applicant shall address all comments from the Township Fire Marshal review dated July 19, 2023.
5. The applicant shall address all comments from Snyder Hoffman's review dated July 19, 2023.

6. The applicant shall pay a fee in lieu of an open space dedication in the amount of \$247,030.00 (\$3,500/acre or portion thereof and 70.58 acres).
7. The applicant shall present any future land development or subsequent subdivision of the above referenced property that is not specifically subject to this resolution to the Planning Commission for review and to the Board of Commissioners for approval. Furthermore, any changes to the above referenced plan shall be processed in accordance with Township Ordinance No. 8-99. A note to this effect shall be placed on the plans to be recorded after the language of the note has been approved by the Township Solicitor.
8. The applicant shall obtain all required permits and approvals from other governmental agencies including but not limited to the Easton Suburban Water Authority, Bethlehem Township Municipal Authority, Pennsylvania Department of Environmental Protection, Northampton County Conservation District, Pennsylvania Department of Transportation, United States Army Corps of Engineers, etc...prior to presenting the Final Plan for signatures.
9. The applicant shall submit all land covenants for review and approval by the Township Solicitor prior to presenting Record Plan for signatures.
10. The applicant shall enter into a land development improvement agreement with the Township, to be prepared by the Township Solicitor, providing for improvements performance guarantees as required by the Bethlehem Township Subdivision and Land Development Ordinance. The payment of all required impact fees shall be addressed in any such agreements.
11. The applicant shall enter into a land development maintenance agreement with the Township to be prepared by the Township Solicitor, providing for improvements maintenance guarantees as required by the Bethlehem Township Subdivision and Land Development Ordinance.
12. The applicant shall place a covenant on the Record Plan and also enter into a separate signed and notarized covenant agreement with the Township concerning the continuing ownership, maintenance and repair responsibility of the stormwater facilities. This is to be recorded with the Office of the Recorder of Deeds of Northampton County.
13. The waivers and any subsequent deferrals that may be granted by the Bethlehem Township Board of Commissioners shall be noted on the Final/Record Plan.
14. The applicant shall accept these conditions in writing, within five (5) days of receipt of the Board of Commissioners' resolution, otherwise the application is denied for failure to comply with the requirements of the Bethlehem Township Ordinances for which waivers were conditionally granted and for failure to comply with the other express conditions that are contained in this Resolution.
15. The applicant shall pay to the Township of Bethlehem all application fees and review and report fees charged by the Township consultants, including all currently outstanding application, review and report fees, which shall be paid within five (5) days of applicant's acceptance of these conditions and prior to the recording of the plan or the Township shall have the right to revoke the approvals granted herein.
16. The applicant shall record the Final Plan in the Office of the Recorder of Deeds of Northampton County, Pennsylvania, within ninety (90) days of final approval by the Board of Commissioners, or the date the approval of the Board of Commissioners is noted on the plat, whichever is later as required by Section 513(a) of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10513(a), as amended.
17. The applicant shall meet all conditions of the Final Plan/Record Plan approval within twelve (12) months of Conditional Plan approval, and agrees that if such conditions are not met, the conditional Final/Record Plan approval will be considered void, and the applications for Preliminary/Final/Record Plan approvals will be considered void and withdrawn.

ADOPTED AND APPROVED this 15th day of January, 2024 at a regular public meeting.

**BOARD OF COMMISSIONERS
OF BETHLEHEM TOWNSHIP**

John Merhottein

President

ATTEST:

Doug Bruce
Township Manager/Secretary