

August 16, 2021 Zoning Hearing Meeting Packet

- Page 3 – 424 E. Elm Street, Conshohocken, PA 19428
- Page 86 – 900 Fayette Street, Conshohocken, PA 19428
- Page 109 – 331 W. 7th Avenue, Conshohocken, PA 19428
- Page 122 – 200 Block of Washington Street, Conshohocken, PA 19428
- Page 193 – 701 Fayette Street, Conshohocken, PA 19428
- Page 291 – 450 Colwell Lane, Conshohocken, PA 19428



BOROUGH OF CONSHOHOCKEN

ZONING HEARING BOARD

AGENDA

August 16th, 2021 - 7:00 PM

This meeting is being held using a Go to Meeting platform and will be recorded.

Monthly Zoning Hearing Board Meeting

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/972846509>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

Access Code: 972-846-509

The public is asked to please keep their phones on mute. There will be time for public comment that will be announced by the Zoning Hearing Board Chairman. During the meeting, you may submit written comments by e- mailing them to Zoning@conshohockenpa.gov. Please provide your name, address, and property reference.

1. Call to Order
2. Appearance of Property

PETITIONER: SK Elm, LLC.
 PREMISES INVOLVED: 424 E. Elm St, Conshohocken, PA 19428
 Borough Residential 2 District

PETITIONER: ACG. LLC.
 PREMISES INVOLVED: 900 Fayette St. Conshohocken, PA 19428
 Residential Office District

PETITIONER: Mary B. Kiernan
 PREMISES INVOLVED: 331 W. 7th Ave.. Conshohocken, PA 19428
 Borough Residential 1

PETITIONER: Millennium Waterfront Associates, II, LP.
 PREMISES INVOLVED: 200 Block of Washington St., Conshohocken, PA 19428
 Specially Planned District 2

PETITIONER: CGEM, LLC, Mun Chung, Member
 PREMISES INVOLVED: 701 Fayette St., Conshohocken, PA 19428
 Business Commercial

PETITIONER: Dryden Court Development, LLC. C/O David Brosso
 PREMISES INVOLVED: 450 Colwell Ln., Conshohocken, PA 19428
 Limited Industrial District

**** Persons who submitted an entry of appearance application for a specific property will be called upon at the appropriate time.

3. Public Comment – (state your name, address, and property reference)
4. Announcements/Discussion
5. Adjournment

The Conshohocken Zoning Hearing Board thanks you in advance for your cooperation during the remote meeting. If you encounter problems participating during the meeting, or have questions regarding the above prior to the meeting, please contact the Borough at zoning@conshohockenpa.gov.



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

ZONING NOTICE

August 16th, 2021, ZONING HEARING BOARD MEETING TO OCCUR VIA REMOTE MEANS

ZONING HEARING Z-2021-14

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on August 16th, 2021, at 7:00 p.m. prevailing time via remote means. The public is encouraged to participate as set forth below.

This meeting will be held using a Go-To-Meeting Platform. To the extent possible, members of Conshohocken Zoning Hearing Board and Borough staff/professionals will participate via both video and audio. (INSTRUCTIONS ON SECOND PAGE)

At this time, the Conshohocken Zoning Hearing Board will hear testimony and accept evidence on the following request.

PETITIONER: SK Elm, LLC.
826 Dresher Way, Wayne, PA 19087

PREMISES INVOLVED: 424 E. Elm St, Conshohocken, PA 19428
Borough Residential 2 District

OWNER OF RECORD: Jeronimos, LLC
424 E. Elm St, Conshohocken, PA 19428

The applicant is seeking a special exception from the Zoning Hearing Board per §27-703.B to permit the change of a nonconforming use.

Persons who wish to become parties to the application must notify the Borough of their intent to ask for party status at least five (5) days prior to the scheduled hearing by emailing the attached entry of appearance form to zoning@conshohockenpa.gov. Said persons must be available to participate in the zoning hearing on the scheduled date and time. It is noted that submitting the attached entry of appearance form does not guarantee that you will be granted party status. The Zoning Hearing Board decides who may participate in the hearing before it as a party, subject to Section 908(3) of the Municipalities Planning Code (MPC). The MPC permits party status to any person "affected" by the application. Having taxpayer status alone is not enough to claim party status; however, a person whose property or business abuts the property that is the subject of the appeal is affected and should qualify as a party. Ultimately, the ZHB makes the party status determination after reviewing the request.

Thank you,
Zoning Hearing Board



BOROUGH OF CONSHOHOCKEN

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Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

ZONING HEARING REMOTE SESSION ACCESS INSTRUCTIONS

The public is encouraged to participate as follows:

Audio Feed Participation: You may dial-in to access the audio feed of the meeting. All participants (whether listening or providing comments) must use this method of audio participation, even those using Go-To-Meeting to access the video feed. To access audio, please use the below number and access code/ password information.

We ask that you please always keep your phones on mute, unless giving a public comment as set forth in the Public Comment section below.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/972846509>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

Access Code: 972-846-509

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/972846509>

If you have already downloaded the Go-To-Meeting application, the link will redirect you to the application itself. Please follow the instructions.

It is recommended that you download the application in advance of the meeting time. If you attempt to sign in prior to the start of the meeting, the Go-To-Meeting application will inform you that the meeting has not started. Please close the application and log back in at the time of the meeting (7:00 PM).

Public Comment: There will be a designated time on the agenda for public comment. Those with public comment shall state their name and address. Prior to the start of the meeting, you may submit written comments by e-mailing them to Zoning@conshohockenpa.gov. Similarly, during the meeting, you may submit written comments by e-mailing them to Zoning@conshohockenpa.gov.

Public comments submitted in this manner will be read by a member of Borough Administration during the public comment period. Because the actual time of the public comment period is determined by the pace of the meeting, please submit all comments as soon as possible, whether before or during the meeting. Written comments shall include the submitting person's name, address, and property in question.

The Conshohocken Zoning Hearing Board thanks you in advance for your cooperation during the remote meeting. If you encounter problems participating during the meeting, or have questions regarding the above prior to the meeting, please contact the Borough at zoning@conshohockenpa.gov.



BOROUGH OF CONSHOHOCKEN

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Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

The Borough of Conshohocken Zoning Hearing Board Entry of Appearance as a Party

I/We _____

Request to be granted party status in Application Z-2021-14.

Applicant: 424 E. Elm St - SK Elm, LLC. - Special Exception

Please print name:

Please print address:

Please print email:

Please Sign Below:

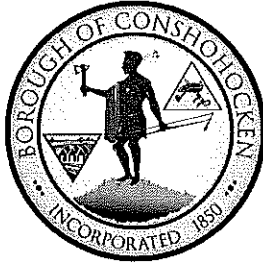
Please return form via mail or e-mail to the below:
(Entry must be received no later than August 11th, 2021)

MAIL:

Borough of Conshohocken
Attn: Bobbi Jo Myrsiades
400 Fayette St. - Suite 200
Conshohocken, PA 19428

E-MAIL:

zoning@conshohockenpa.gov



BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Zoning Application

Application: Z-2021-14
Date Submitted: 6-21-21
Date Received: 6-24-21

1. Application is hereby made for:

Special Exception Variance

Appeal of the decision of the zoning officer

Conditional Use approval Interpretation of the Zoning Ordinance

Other _____

2. Section of the Zoning Ordinance from which relief is requested:

Section 27-703B

3. Address of the property, which is the subject of the application:

424 East Elm Street, Conshohocken, PA

4. Applicant's Name: SK Elm LLC c/o Martin Klagholz

Address: 826 Dresher Way, Wayne PA 19087

Phone Number (daytime): &

E-mail Address: mck@360kbs.com>

5. Applicant is (check one): Legal Owner Equitable Owner ; Tenant

6. Property Owner: Jerónimo, LLC c/o Equitable Owner SK Elm LLC

Address: 424 East Elm Street, Conshohocken, PA

Phone Number: 610-337-5585

E-mail Address: ecampbell@campbellroccolaw.com

7. Lot Dimensions: irregular; 11,364 sq. ft. Zoning District: BR-2 Borough Residential 2

8. Has there been previous zoning relief requested in connection with this Property?

Yes No If yes, please describe.

Applicant is unaware of any prior zoning relief.

9. Please describe the present use of the property including any existing improvements and the dimensions of any structures on the property.

The site currently contains a two story non-conforming building. Each floor of the building is approximately 4,000 sf. The first floor is a yoga studio. The second floor is office space. The property has 18 parking spaces on site and additional spaces pursuant to an easement on an adjacent property.

10. Please describe the proposed use of the property.

The applicant proposes no change of use on the second floor, it will continue as office. The applicant proposes to convert the first floor yoga studio to a mix of warehouse/storage, equipment service/maintenance and related support and office space.

Please see addendum

11. Please describe proposal and improvements to the property in detail.

The Special Exception is requested in order to allow the change of a non-conforming use to a less intense non-conforming use. No change to the footprint of the building is proposed.

Please see addendum

12. Please describe the reasons the Applicant believes that the requested relief should be granted.

27-703 Change of Use.

B. (1) A nonconforming use may be changed to another nonconforming use which is equally appropriate or more appropriate to the district in which the property is located

13. If a Variance is being requested, please describe the following:

a. The unique characteristics of the property: _____

b. How the Zoning Ordinance unreasonably restricts development of the property:

c. How the proposal is consistent with the character of the surrounding neighborhood. _____

d. Why the requested relief is the minimum required to reasonably use the property; and why the proposal could not be less than what is proposed.

14. The following section should be completed if the applicant is contesting the determination of the zoning officer.

a. Please indicate the section of the zoning ordinance that is the subject of the zoning officer's decision (attach any written correspondence relating to the determination).

b. Please explain in detail the reasons why you disagree with the zoning officer's determination.

15. If the Applicant is requesting any other type of relief, please complete the following section.

a. Type of relief that is being requested by the applicant.

Special Exception

b. Please indicate the section of the Zoning Ordinance related to the relief being requested.

27-703 B. (1) A nonconforming use may be changed to another nonconforming use which is equally appropriate or more appropriate to the district in which the property is located.

c. Please describe in detail the reasons why the requested relief should be granted.

Such new use is equally appropriate or more appropriate to the district in which the property is located.

See Addendum

16. If the applicant is being represented by an attorney, please provide the following information.

a. Attorney's Name: Edmund J. Campbell, Jr. Esquire

b. Address: 2701 Renaissance Boulevard, Fourth Floor

c. Phone Number: 610-337-5585

d. E-mail Address: ecampbell@campbellroccolaw.com

I/we hereby certify that to the best of my knowledge, all of the above statements contained in this Zoning Application and any papers or plans submitted with this application to the Borough of Conshohocken are true and correct.

SK Elm LLC by Edmund G. Campbell, Jr. Esquire, its authorized representative

Applicant

SK Elm, LLC

Legal Owner

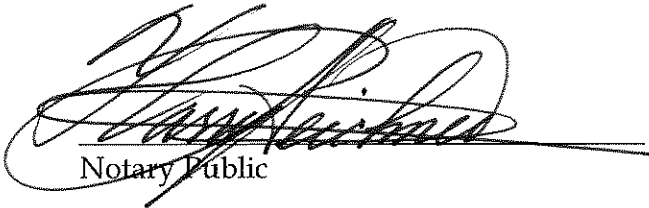
JUNE 18, 2021

Date

COMMONWEALTH OF PENNSYLVANIA

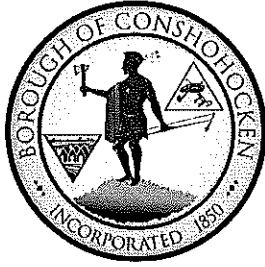
COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 18TH day of JUNE, 2021.


Notary Public

(Seal)

Commonwealth of Pennsylvania - Notary Seal
Harry A. Reichner, Notary Public
Philadelphia County
My commission expires November 13, 2022
Commission number 1194882
Member, Pennsylvania Association of Notaries



BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Decision

(For Borough Use Only)

Application Granted

Application Denied

MOTION:

CONDITIONS:

BY ORDER OF THE ZONING HEARING BOARD

	Yes	No
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

DATE OF ORDER: _____

ADDENDUM TO ZONING APPLICATION

SK Elm LLC

Requesting a Special Exception

424 East Elm Street

The Applicant, SK Elm LLC intends to operate its related business, Key Business Solutions (KBS) at 424 East Elm Street in the Borough of Conshohocken (the "Property"). The Property is located in the BR-2 zoning district. There is a 2 story building located on the Property and it is currently used for office and a yoga studio. Those uses are not permitted in the BR-2 district.

KBS is in the business of providing mail room equipment supplies and support services. KBS proposes to move its current operations to the Property. There will be no change of use on the second floor as it will be used as office by KBS administration. The first floor will be used for storage of mail room equipment such as postage meters, scales, printers, etc. and supplies used with such equipment. The first floor will be used to prepare this equipment to be delivered to customers. The first floor will also be used to service this type of equipment. The first floor will also contain office space supporting these activities.

The service and maintenance of this mail room equipment does not involve any process that creates noise, dust or fumes. The service and maintenance of this mail room does not involve hazardous materials.

KBS employs approximately 20 full-time individuals, however only 10 employees will regularly work at the Property.

No changes are proposed to the footprint of the building or the exterior of the Property.

Deliveries to the KBS Elm Street facility are made by standard "fed-ex" style box trucks. Typically there are 1-2 such trips per day at KBS's existing facility and that is not expected to be any different at the Property. Other than the initial move in, no full size trailer deliveries are anticipated.

The exterior signage will be changed to reflect KBS. The size and location of the existing signage will not change.

Google Maps 424 east e,, street conshohocken



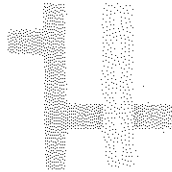
Imagery ©2021 Maxar Technologies, Map data ©2021 20 ft

E 11th Ave

No reviews

Conshohocken, PA 19428

east e,, street conshohocken



Don't see what you're looking for?

Try Google Search instead

Should this place be on

Google Maps?

Add a missing place

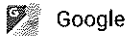


Google Maps 455 E Elm St

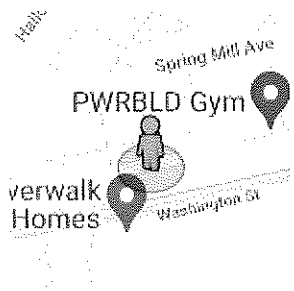


Image capture: Nov 2019 © 2021 Google

Conshohocken, Pennsylvania



Street View



PARID: 050005900008
 JERONIMOS LLC

424 E ELM ST

Parcel

TaxMapID	05023 039
Parid	05-00-05900-00-8
Land Use Code	4100
Land Use Description	C - RETAIL, OFFICE, APTS. - MULTI-USE
Property Location	424 E ELM ST
Lot #	14
Lot Size	11364 SF
Front Feet	114
Municipality	CONSHOHOCKEN
School District	COLONIAL
Utilities	ALL PUBLIC//

Owner

Name(s)	JERONIMOS LLC
Name(s)	
Mailing Address	424 E ELM ST
Care Of	
Mailing Address	
Mailing Address	CONSHOHOCKEN PA 19428

Current Assessment

Appraised Value	Assessed Value	Restrict Code
634,000	634,000	

Estimated Taxes

County	2,303
Montco Community College	247
Municipality	2,853
School District	14,813
Total	20,216
Tax Lien	Tax Claim Bureau Parcel Search

Last Sale

Sale Date	23-MAY-14
Sale Price	\$1,000,000
Tax Stamps	10000
Deed Book and Page	5914-01065
Grantor	APEX REALTY LLC
Grantee	JERONIMOS LLC
Date Recorded	28-MAY-14

Sales History

Sale Date	Sale Price	Tax Stamps	Deed Book and Page	Grantor	Grantee	Date Recorded
05-23-2014	\$1,000,000	10000	5914-01065	APEX REALTY LLC	JERONIMOS LLC	05-28-2014
12-24-2012	\$1	0	5860-01623	424 ELM STREET ASSOCIATES LP	APEX REALTY LLC	01-08-2013
04-26-2006	\$1,530,000		5600-02637	TR-SUBURBAN LP	424 ELM STREET ASSOCIATES LP	
06-10-1999	\$0	0	5279-01803	TR-SUBURBAN LP	TR-SUBURBAN LP	07-19-1999

08-30-1990	\$200,000	2000	4956-01968	COMER EDWARD A & ELAINE K	09-05-1990
09-11-1980	\$35,000	350	-	KALBACH JAMES C & PAULA F	
04-26-1978	\$37,000	0	-	HOME ASSN OF UNITED RUBBER	

Lot Information

Lot Size	11364 SF
Lot #	14
Remarks	114 X IRR 11364 SF
Remarks	
Remarks	

Commercial Parcel Summary

No. of Cards	1
Land Use Code	4100
Gross Building Area (Total of all Cards)	8,404
Total Living Units	

Commercial Parcel Summary

Use	Area
WAREHOUSE	7,404
MULTI-USE OFFICE	1,000

Commercial Card Summary

Card	1
Imp Name	
Structure Code	398
Structure	WAREHOUSE
Sprinkler	N
Units	
Identical Units	1
Year Built	1971
Gross Building Area	8,404
Elevator/Escalator	N

Permits

1 of 4

Permit Date	16-NOV-2018
Permit Number	18-01136
Amount	
Purpose	ELECTRICAL/MECHANICAL
Notes	REPLACE OLD CONDENSING UNIT WITH NEW UNIT
Notes	
Notes	
Status	CLOSED

Assessment History

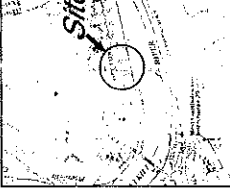
Appraised Value	Assessed Value	Restrict Code	Effective Date	Reason	Notice Date
634,000	634,000		01-JAN-15	COURT STIPULATION	18-DEC-15
295,340	295,340		01-JAN-07	APPEAL	24-OCT-06
295,340	295,340		01-JAN-06	SUBDIVISION	06-MAR-06
	295,340		01-JAN-06	SUBDIVISION	

6/18/2021

Montgomery, Pennsylvania

83,650
60,800
1,100
6,200

01-JAN-01 APPEAL
01-JAN-98 REASSESSMENT
01-JUL-96 DEMOLITION
01-JAN-87



THIS MAP WAS PREPARED BY THE COUNTY OF MONTGOMERY... THE COUNTY ENGINEER HAS REVIEWED THIS MAP AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MONTGOMERY COUNTY ZONING ORDINANCES...

ZONING INFORMATION
M-1 EMPLOYMENT INDUSTRIAL DISTRICT
MIN. LOT AREA: 1,000 SF
MIN. FRONT YARD SETBACK: 10 FT.
MIN. SIDE YARD SETBACK: 5 FT.
MIN. REAR YARD SETBACK: 10 FT.
MAX. BUILDING HEIGHT: 35 FT.
MAX. GROUND COVER: 25%
MAX. SIGNAGE: 10%
MAX. SIGNAGE HEIGHT: 10 FT.
MAX. SIGNAGE AREA: 100 SF
MAX. SIGNAGE SPACING: 10 FT.

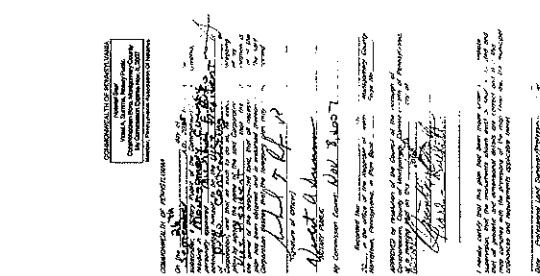
OWNER/APPLICANT:
T.L. BURMAN, LP
2100 ELM STREET
COLUMBIA, MD 21046

COMMERCIAL PARKING ANALYSIS
PARKING REQUIRED FOR REQUESTS:
OFFICE = 20,450 SF (195/1000SF)
WAREHOUSE = 8,989 SF (195/1000SF)
PARKING PROVIDED: 43 PS
HANDICAP ACCESSIBLE PARKING = 2 PS
SPACES REQUIRED FOR PARKING = 3 PS
SPACES PROVIDED

RESIDENTIAL PARKING ANALYSIS
TOWNHOUSE UNITS = 21 (2PS/UNIT)
PARKING REQUIRED: 42 PS
PARKING PROVIDED: 42 PS

RECORD PLAN
401, 425 & 440 E. HECTOR STREET
MONTGOMERY COUNTY, MONTGOMERY
MOMENE AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
924 COUNTY LINE ROAD BRYAN MARK PA 19010 (610) 377-3000
420 EXTON SQUARE DRIVE EXTON PA 18541 (610) 354-8384

- LOT 1: 10,000 SF (40,000)
- LOT 2: 10,000 SF (40,000)
- LOT 3: 10,000 SF (40,000)
- LOT 4: 10,000 SF (40,000)
- LOT 5: 10,000 SF (40,000)
- LOT 6: 10,000 SF (40,000)
- LOT 7: 10,000 SF (40,000)
- LOT 8: 10,000 SF (40,000)
- LOT 9: 10,000 SF (40,000)
- LOT 10: 10,000 SF (40,000)
- LOT 11: 10,000 SF (40,000)
- LOT 12: 10,000 SF (40,000)
- LOT 13: 10,000 SF (40,000)
- LOT 14: 10,000 SF (40,000)
- LOT 15: 10,000 SF (40,000)
- LOT 16: 10,000 SF (40,000)
- LOT 17: 10,000 SF (40,000)
- LOT 18: 10,000 SF (40,000)
- LOT 19: 10,000 SF (40,000)
- LOT 20: 10,000 SF (40,000)



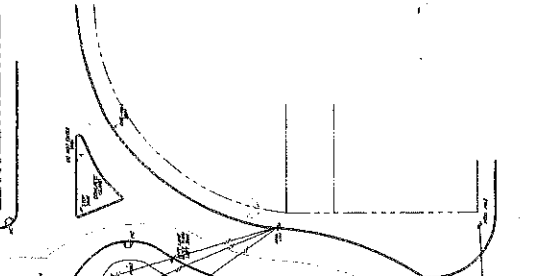
Scale 1" = 30'

LOT AREA CALCULATION TABLE

LOT	AREA (SQ FT)	AREA (AC)
1	3,187 SF (0.0447 AC)	0.0447
2	1,987 SF (0.0452 AC)	0.0452
3	1,987 SF (0.0452 AC)	0.0452
4	1,987 SF (0.0452 AC)	0.0452
5	1,987 SF (0.0452 AC)	0.0452
6	1,987 SF (0.0452 AC)	0.0452
7	1,987 SF (0.0452 AC)	0.0452
8	2,887 SF (0.0661 AC)	0.0661
9	2,887 SF (0.0661 AC)	0.0661
10	2,887 SF (0.0661 AC)	0.0661
11	1,987 SF (0.0452 AC)	0.0452
12	1,987 SF (0.0452 AC)	0.0452
13	2,187 SF (0.0501 AC)	0.0501
14	1,987 SF (0.0452 AC)	0.0452
15	1,987 SF (0.0452 AC)	0.0452
16	1,987 SF (0.0452 AC)	0.0452
17	1,987 SF (0.0452 AC)	0.0452
18	1,987 SF (0.0452 AC)	0.0452
19	1,987 SF (0.0452 AC)	0.0452
20	1,987 SF (0.0452 AC)	0.0452
21	1,987 SF (0.0452 AC)	0.0452
22	2,187 SF (0.0501 AC)	0.0501
23	1,987 SF (0.0452 AC)	0.0452
24	11,384 SF (0.2608 AC)	0.2608
25	33,455 SF (0.7680 AC)	0.7680

NOTES
1. THE REQUESTED PARKING FOR LOTS 1 THROUGH 13 IS PROVIDED IN THE BUILDING FOOTPRINTS.
2. AT A MINIMUM 3 OUT OF 4 LOTS 1 THROUGH 13 SHALL BE PROVIDED WITH HANDICAP ACCESSIBLE PARKING.
3. THE BUILDING FOOTPRINT LOCATION IS SUBJECT TO CHANGE AT THE TIME OF BUILDING PERMIT REVIEW.

- LOT 1: 10,000 SF (40,000)
- LOT 2: 10,000 SF (40,000)
- LOT 3: 10,000 SF (40,000)
- LOT 4: 10,000 SF (40,000)
- LOT 5: 10,000 SF (40,000)
- LOT 6: 10,000 SF (40,000)
- LOT 7: 10,000 SF (40,000)
- LOT 8: 10,000 SF (40,000)
- LOT 9: 10,000 SF (40,000)
- LOT 10: 10,000 SF (40,000)
- LOT 11: 10,000 SF (40,000)
- LOT 12: 10,000 SF (40,000)
- LOT 13: 10,000 SF (40,000)
- LOT 14: 10,000 SF (40,000)
- LOT 15: 10,000 SF (40,000)
- LOT 16: 10,000 SF (40,000)
- LOT 17: 10,000 SF (40,000)
- LOT 18: 10,000 SF (40,000)
- LOT 19: 10,000 SF (40,000)
- LOT 20: 10,000 SF (40,000)



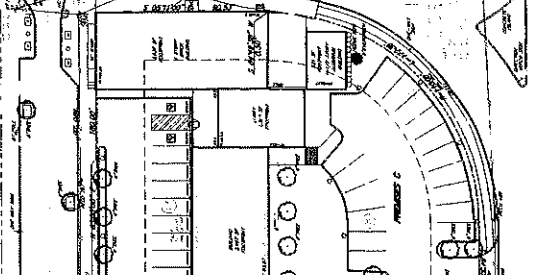
Scale 1" = 30'

LOT AREA CALCULATION TABLE

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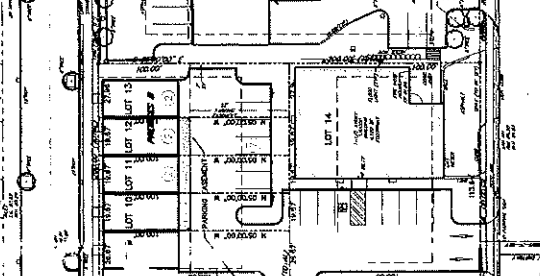
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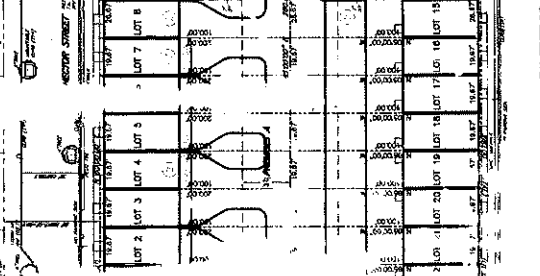
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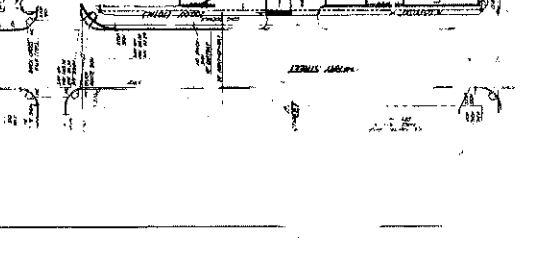
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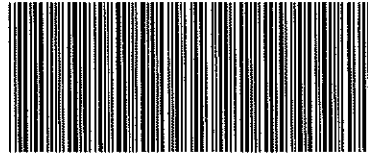




RECORDER OF DEEDS
MONTGOMERY COUNTY
Nancy J. Becker

One Montgomery Plaza
Swede and Airy Streets ~ Suite 303
P.O. Box 311 ~ Norristown, PA 19404
Office: (610) 278-3289 ~ Fax: (610) 278-3869

DEED BK 5914 PG 01065 to 01069
INSTRUMENT # : 2014032347
RECORDED DATE: 05/28/2014 11:34:34 AM



3080427-0012K

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Page 1 of 5

Document Type: Deed	Transaction #: 3059668 - 3 Doc(s)
Document Date: 05/23/2014	Document Page Count: 4
Reference Info:	Operator Id: dcane
RETURN TO: (Simplifile) Bryn Mawr Abstract, LLC 10 Campus Blvd Newtown Square, PA 19073	PAID BY: BRYN MAWR ABSTRACT LLC

*** PROPERTY DATA:**
Parcel ID #: 05-00-05900-00-8
Address: 424 E ELM ST

Municipality: PA
Conshohocken Borough
(100%)
School District: Colonial

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION / SECURED AMT:	
\$1,000,000.00	
TAXABLE AMOUNT:	
\$1,000,000.00	
FEES / TAXES:	
Recording Fee: Deed	\$83.00
State RTT	\$10,000.00
Conshohocken Borough RTT	\$5,000.00
Colonial School District RTT	\$5,000.00
Total:	\$20,083.00

DEED BK 5914 PG 01065 to 01069
Recorded Date: 05/28/2014 11:34:34 AM

I hereby CERTIFY that
this document is
recorded in the
Recorder of Deeds
Office in Montgomery
County, Pennsylvania.



Nancy J. Becker

Nancy J. Becker
Recorder of Deeds

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.

*COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION.



Prepared by and Return to:

Bryn Mawr Abstract, Inc.
 10 Campus Blvd
 Newtown Square, PA 19073
 (610) 355-8107

File No. 14-5698

UPI # 05-00-05900-00-8

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
 05-00-05900-00-8 CONSHOHOCKEN BOROUGH

424 E ELM ST
 APEX REALTY LLC

B 023 L 14 U 039 4100 05/28/2014

\$15.00

JG

This Indenture, made the 23rd day of May, 2014,

Between

APEX REALTY, LLC

(hereinafter called the Grantor), of the one part, and

JERONIMOS, LLC

(hereinafter called the Grantee), of the other part,

Witnesseth, that the said Grantor for and in consideration of the sum of **One Million And 00/100 Dollars (\$1,000,000.00)** lawful money of the United States of America, unto it well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements erected, said lot being Lot 14, Situate in the Borough of Conshohocken, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a plan titled Record Plan - 401, 425 & 440 E. Hector Street by Momenee and Associates, Inc., dated March 8, 2004, last revised October 26, 2005, and recorded in Montgomery County in Plan Book 25 Page 276, as follows, to wit:

BEGINNING at a point, said point being located the following course and distance from an iron pin to be set at the intersection of the easterly side of Cherry Street, (50.00 feet wide), and the northerly side of Elm Street, (50.00 feet wide), (1) along the northerly side of Elm Street North 85 degrees 00 minutes 00 seconds East 166.36 feet to a common corner with Lot 15, thence from said point of beginning leaving the northerly side of Elm Street and along a common line with Lot 15 North 05 degrees 00 minutes 00 seconds West 100.00 feet to a common corner of Lots 15, 8 and 9, thence along a common line with Lots 9, 10, 11, 12, and 13 North 85 degrees 00 minutes 00 seconds East 113.64 feet to a common corner with Lot 13 and along a common line with Premises C, thence along said line South 05 degrees 00 minutes 00 seconds East 100.00 feet to a point along the northerly side of Elm Street marked by a spike to be set, thence along said line South 85 degrees 00 minutes 00 seconds West 113.64 feet to the first mentioned point and place of beginning.



PARCEL NO. 05-00-05900-00-8

BEING the same premises which 424 Elm Street Associates, L.P., by Deed dated 12/24/2012 and recorded 01/08/2013 in the Office of the Recorder of Deeds in and for the County of Montgomery in Deed Book 5860 Page 1624, granted and conveyed unto Apex Realty, LLC.

Together with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of it, the said grantor, as well at law as in equity, of, in and to the same.

To have and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns, forever.

And the said Grantor, for itself, its successors and assigns, does, by these presents, covenant, grant and agree, to and with the said Grantee, its successors and assigns, that it, the said Grantor, and its successors and assigns, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against it, the said Grantor, and its successors and assigns, will warrant and defend against the lawful claims of all persons claiming by, through or under the said Grantor but not otherwise.

In Witness Whereof, the party of the first part has caused its common and corporate seal to be affixed to these presents by the hand of its Vice President, and the same to be duly attested by its Secretary. Dated the day and year first above written.

ATTEST:

{SEAL}

APEX REALTY, LLC

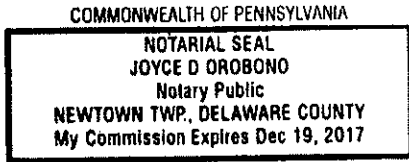
By: *Scott W. Herald*
Scott W. Herald, Vice President



Commonwealth of Pennsylvania } ss
County of Montgomery

AND NOW, this 23rd day of May, 2014, before me, the undersigned Notary Public, appeared **Scott W. Herald**, who acknowledged himself/herself to be the **Vice President** of **Apex Realty, LLC**, a corporation, and he/she, as such **Vice President** being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as **Vice President**.

IN WITNESS WHEREOF, I hereunder set my hand and official seal.



Notary Public
My commission expires 12/19/2017

The precise residence and the complete post office address of the above-named Grantee is:

**424 E. Elm Street
Conshohocken, PA 19428**

On behalf of the Grantee



<p>Deed</p>	<p>UPI # 05-00-05900-00-8</p> <p>Apex Realty, LLC</p> <p>TO</p> <p>Jeronimos, LLC</p>	<p>Bryn Mawr Abstract, Inc. 10 Campus Blvd Newtown Square, PA 19073 Phone: (610) 355-8107 Fax: (610) 355-8407</p>
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**MONTGOMERY COUNTY
RECORDER OF DEEDS OFFICE
Jeanne Sorg, Recorder of Deeds
Office: (610) 278-3289**

CUSTOMER RECEIPT

Receipt #: 21122867
Printed: 06/18/2021 01:47:05 PM
Purchase Date: 06/18/2021 01:47:00 PM
Submitter Name: Campbell Rocco Law
Operator ID: SearchOrder
Payment Comment: Online Escrow Transaction

Charges

Certify Document	
# of Pages	5
eCertification Fee	\$10.50

Total Charges:	\$10.50
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Payments

Escrow Account Campbell Rocco Law	\$10.50
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Totals

Total Amount Due:	\$10.50
Total Amount Paid:	\$10.50
Refund :	\$0.00

Please note: If a credit card was used, the credit card company's convenience fee of 2.65% has been charged separately at the time of this transaction. This fee is not shown on this receipt.

**Jeanne Sorg
Montgomery County Recorder of Deeds**

AGREEMENT OF PURCHASE AND SALE

THIS AGREEMENT OF PURCHASE AND SALE (this "Agreement") is made as of _____, 2021 (the "Effective Date"), by and between SK ELM, LLC, a Pennsylvania limited liability company, having an address at 826 Dresher Way, Wayne, PA 19087, ("Buyer"), and JERONIMOS LLC, a Pennsylvania limited liability company with an address of 30 Cooper Beech, Lafayette Hill, PA 19444 ("Seller").

WITNESSETH:

In consideration of the covenants and provisions contained herein, and intending to be legally bound hereby, the parties hereto agree as follows:

1. Agreement to Sell and Purchase. Seller agrees to sell to Buyer, and Buyer agrees to purchase from Seller, subject to all of the terms and conditions of this Agreement, all of Seller's right, title and interest in and to the following property located at 424 E. Elm Street, Conshohocken Borough, Montgomery County, Pennsylvania, consisting of the following (collectively, the "Property"):

(a) Real Property. All of that certain tract of land more fully described on Exhibit A-1 to this Agreement commonly known as 424 E. Elm Street, tax parcel # [05-00-05900-00-3] [to be confirmed], together with all improvements thereon including a two-story building (the "Improvements"), and all appurtenances thereto including all easements, rights of way, water rights, and privileges, and subject to any burdens and obligations set forth in any recorded easements, declarations and covenants; together with all rights, title and interest of Seller in and to any land lying in the bed of any street, opened or proposed, in front of or abutting or adjoining the aforesaid tract of land, and all right, title and interest of Seller in and to any unpaid award for the taking by eminent domain of any part of the aforesaid tract of land or for damage to such tract of land by reason of a change of grade of any street (collectively, the "Real Property"). Buyer acknowledges that the Real Property is located within the Bella Square Townhomes Planned Community and subject to one or more recorded Declaration and association rules and regulations.

(b) Personal Property. All fixtures, furniture, equipment, supplies and other tangible personal property attached or appurtenant to, or located in or on the second floor of the building, or used solely in connection with the Real Property, which are owned by Seller, and all intangible personal property owned by Seller and related solely to the Land and Improvements, including, without limitation: any trade names; any and all plans and specifications and other architectural and engineering drawings for the Land; any and all assignable warranties; any and all assignable contract rights related to the Real Property; and any and all assignable governmental permits, approvals and licenses (collectively, the "Personal Property"), with the exception of the following items which Seller shall retain and remove from the Real Property: butcher block table and associated stools in the open area, exercise equipment, spring leaf lamp and two (2) office chairs.

(c) Leases. Seller's interest in all leases, tenancies, licenses and other agreements for the use or occupancy of any portion of the Property in effect on the date of this

contain the aforesaid provision.

IN WITNESS WHEREOF, intending to be legally bound, the parties have executed this Agreement as a sealed instrument as of the day and year first above written.

BUYER:

SK ELM, LLC,
a Pennsylvania limited liability company

By: _____ DocuSigned by:

Name:

Martin Klayholer

Title:

9060FD9338374A0...

SELLER:

JERONIMOS LLC,
a Pennsylvania limited liability company

By: _____

Dr. Fiona Jamison, Sole Member:

Fiona Jamison

80CF73324518480...



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Senior Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

MEMORANDUM

Stephanie Cecco
Borough Manager

Date: July 9, 2021
To: Stephanie Cecco, Brittany Rogers
From: Eric P. Johnson, PE
Re: 424 E. Elm Street – Zoning Determination

History of the Site:

424 E. Elm Street is an existing non-conforming, mixed use property, developed with a 2-story, 8,000 square-foot structure. The property contains parking spaces around the building perimeter and maintains access to additional parking spaces on the adjoining property pursuant to an easement agreement. The ground floor is currently occupied by a yoga studio and the second floor is occupied by commercial office space. The property is located in the BR-2 – Borough Residential Two zoning district.

Current Request:

The applicant, SK Elm, LLC, proposes to relocate their business, Key Business Solutions (KBS), to the subject property. KBS is a mail room equipment and support company. KBS proposes to convert the first floor of the building from the current yoga studio use to a mix of office space and storage, preparation, and servicing of mail room equipment. The second floor of the building will remain office space. No exterior building modifications are proposed except for the replacement of the existing signage to reflect KBS. The applicant indicates KBS has 20 full-time employees, but only 10 employees will regularly work at the subject property. The applicant also indicates that 1 or 2 box truck deliveries are anticipated per day.

In November 2005, the subject property was granted a special exception to convert the first floor from an office and warehouse use to the yoga studio use that currently occupies the space. As part of the special exception approval, an easement agreement was signed with the abutting property for the use of parking spaces for the benefit of 424 E. Elm Street.

Zoning Determination:

Per 27-703.B(1), a nonconforming use may be changed to another nonconforming use which is equally appropriate or more appropriate to the district in which the property is located and is no more detrimental than the existing nonconforming use as a special exception by the Zoning Hearing Board. The existing property is a nonconforming mixed-use commercial property in the BR-2 residential zoning district. The proposed change of use on the ground floor from a yoga studio constitutes a change of a nonconforming use, requiring a special exception granted by the Zoning Hearing Board.

The applicant should provide additional details on how daily box truck deliveries to the property will be handled, the anticipated parking demand for the proposed use, and if the change of use will impact the parking easement on the adjoining property.

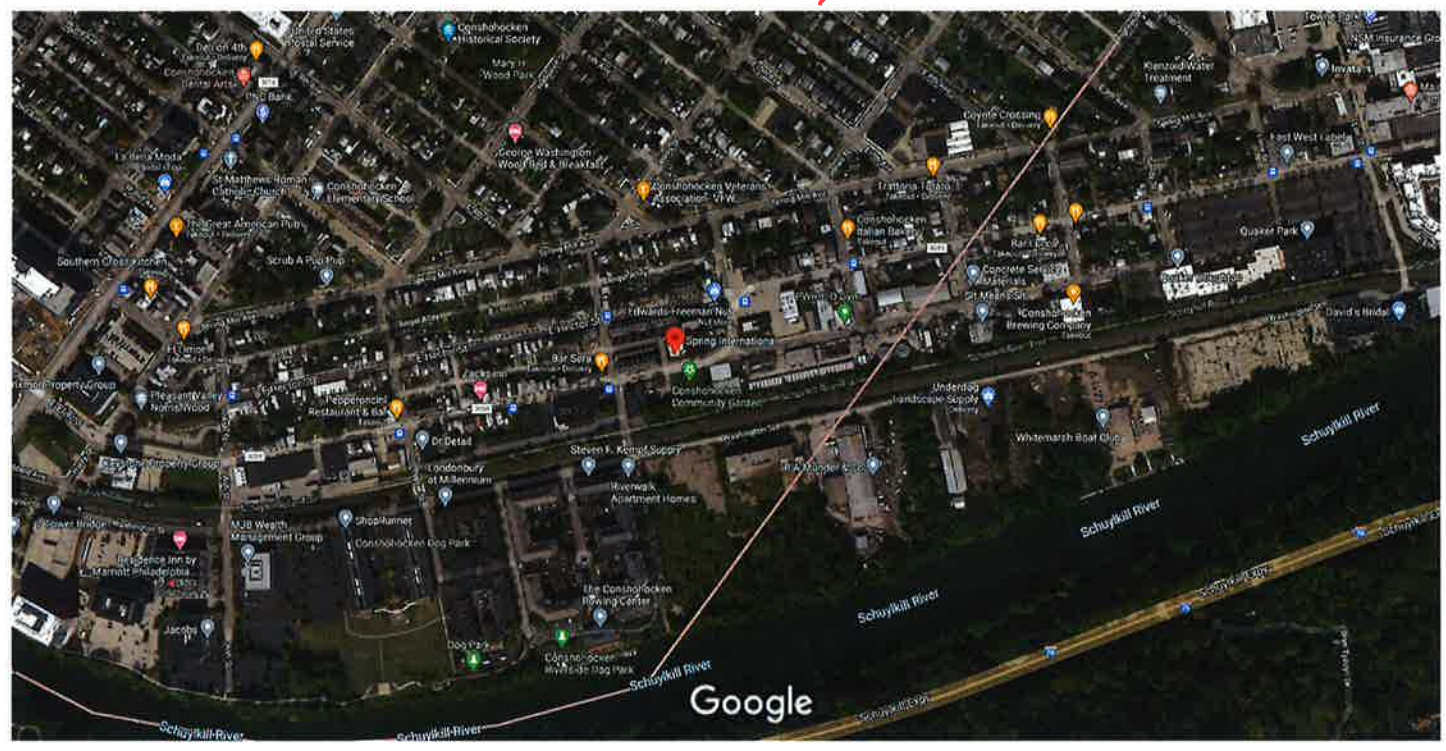
Exhibit 1

Aerial Photos of Site

- 1.1 Fayette Street to River
- 1.2 Zoom in photo

Google Maps Spring International

1.1 FAYETTE STREET TO RIVER



Google Maps Spring International

1.2 ZOOM IN PHOTO

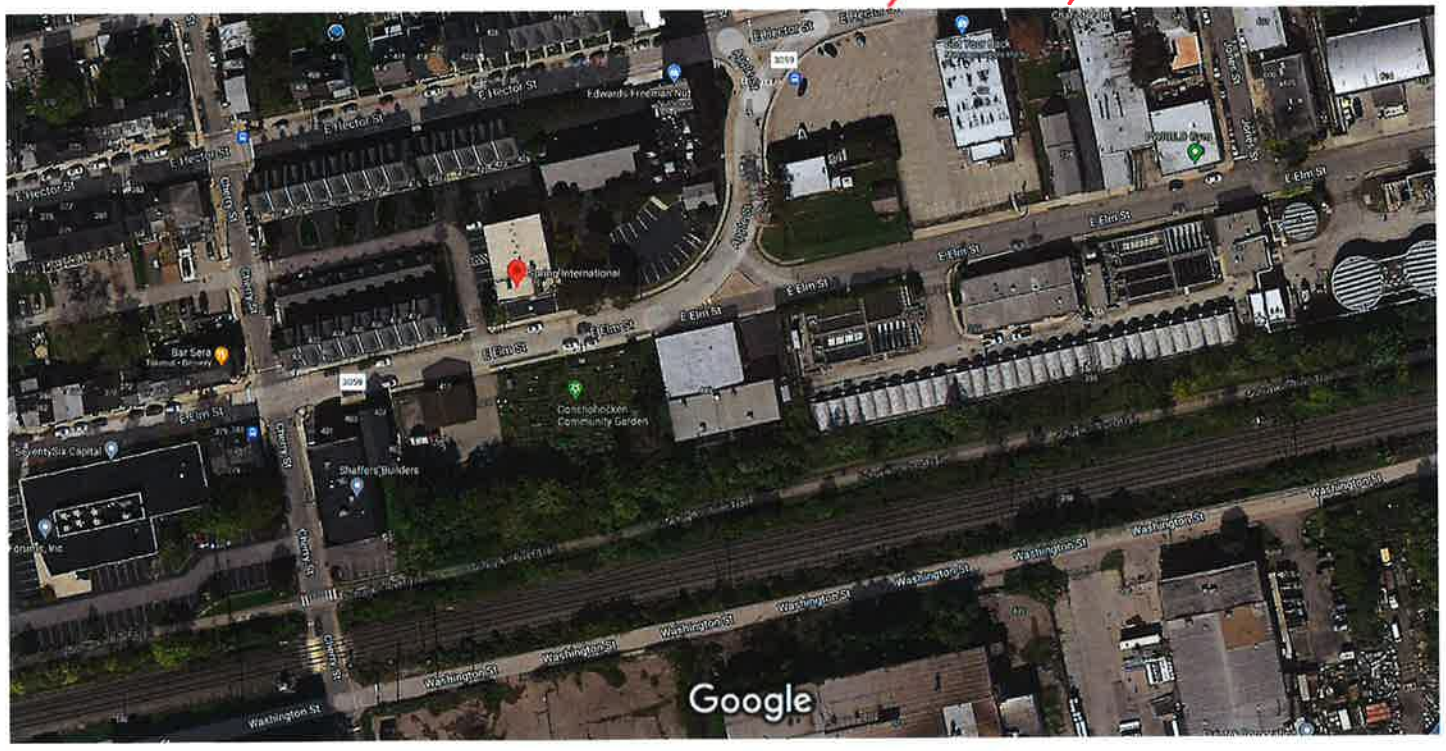


Exhibit 2

Ground Level Photos

- 2.1 South Façade / West Facade
- 2.2 North Façade / East Façade

EXHIBIT 2

Google Maps 499 State Rte 3059

2.1 SOUTH FAÇADE



Image capture: Nov 2019 © 2021 Google

Conshohocken, Pennsylvania

Google Maps 455 E Elm St

2.1 WEST FAÇADE



Image capture: Nov 2019 © 2021 Google

Conshohocken, Pennsylvania

7/19/2021

Conshohocken, Pennsylvania - Google Maps

EXHIBIT 2 (CONTINUES)

Google Maps Conshohocken, Pennsylvania

2.2 NORTH FAÇADE



Image capture: Aug 2019 © 2021 Google

7/19/2021

498 State Rte 3059 - Google Maps

Google Maps 498 State Rte 3059

2.2 EAST FAÇADE

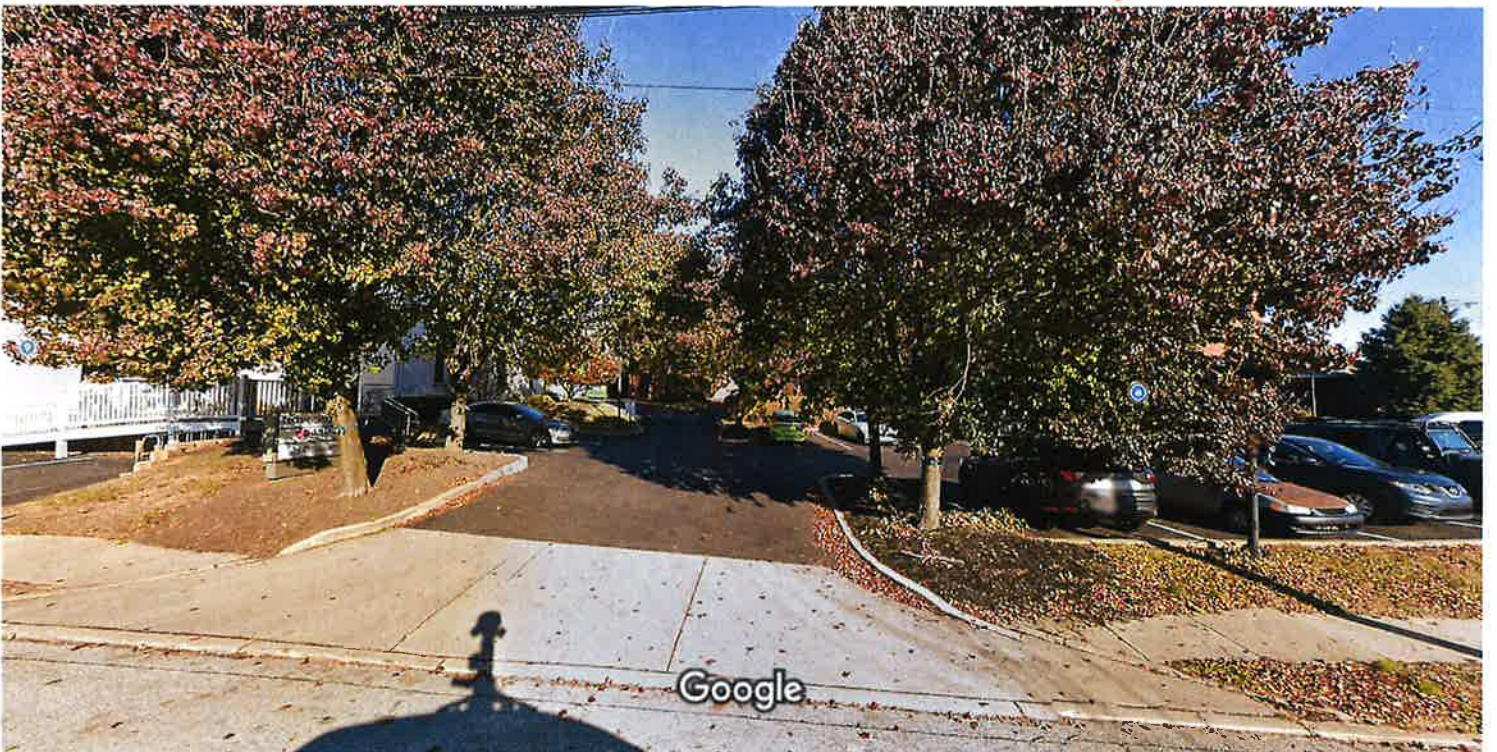


Image capture: Nov 2019 © 2021 Google

Conshohocken, Pennsylvania

Exhibit 3

Site Plan

- PLAN SHEET INDEX:
- 00-00-00
 - 00-00-01
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LOCATION MAP

THE PROPERTY HEREIN APPLICABLE TO THE SUBJECT OF THIS APPLICATION IS SHOWN IN THE LOCATION MAP ATTACHED TO THIS APPLICATION. THE LOCATION MAP IS A PART OF THIS APPLICATION AND SHALL BE CONSIDERED A PART OF THE RECORD.

ZONING INFORMATION

100-00-0000 ZONING DISTRICT

100-00-0000 ZONING DISTRICT

100-00-0000 ZONING DISTRICT

OWNERS/APPLICANT:

L. BISHAM, JR.

421 E. ELM STREET

COVINGTON, PA 15429

RECORD PLAN

401, 425 & 440 E. VECTOR STREET

MONMOUTH AND ASSOCIATES, INC.

ONE BUSINESS AND LAND SERVICES

924 COUNTY LINE ROAD BRIVAN MARIE, PA 19010 (610) 672-3333

420 EYON SQUARE PARKWAY, EYON, PA 18341 (610) 294-2344

APPLICANT'S REPRESENTATIVE:

Montgomery County Planning Commission

APPROVED BY: [Signature]

DATE: [Date]

COMMERCIAL PARKING ANALYSIS:

PAVING AREAS FOR PARKING SPACES:

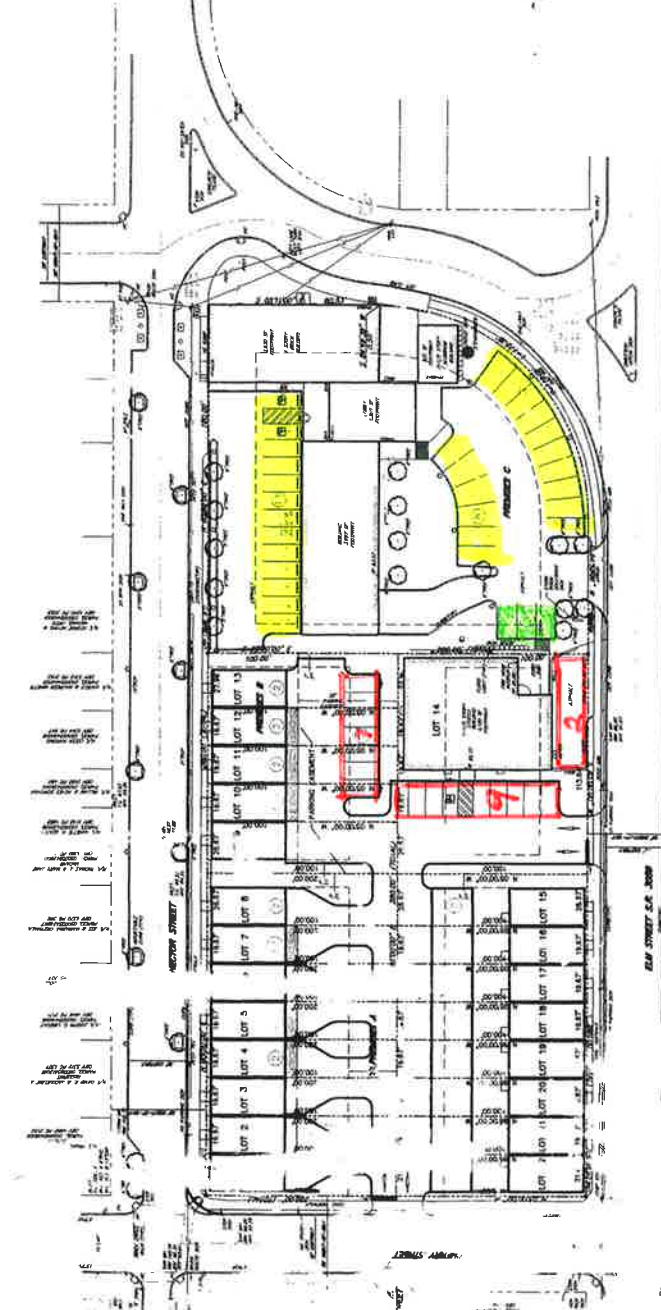
- OFFICE = 20,450 SF (1/PS/1000SF)
- WHOLESALE = 8,500 SF (1/PS/1000SF)
- PARKING REQUIRED: 43 PS
- HANDICAP ACCESSIBLE PARKING = 2 PS
- SPACES PROVIDED: 50 PS

RESIDENTIAL PARKING ANALYSIS:

TOWNHOUSE UNITS = 21 (2PS/UNIT)

PARKING REQUIRED: 42 PS

SPACES PROVIDED: 48 PS



Scale 1" = 30'

25-276

LOT	AREA	PERCENTAGE	AREA
1	2,187 SF (0.0197 AC)	1,728 SF (0.0155 AC)	78.7%
2	1,987 SF (0.0425 AC)	1,891 SF (0.0432 AC)	95.1%
3	1,987 SF (0.0425 AC)	1,891 SF (0.0432 AC)	95.1%
4	1,987 SF (0.0425 AC)	1,891 SF (0.0432 AC)	95.1%
5	1,987 SF (0.0425 AC)	1,891 SF (0.0432 AC)	95.1%
6	1,987 SF (0.0425 AC)	1,891 SF (0.0432 AC)	95.1%
7	1,987 SF (0.0425 AC)	1,891 SF (0.0432 AC)	95.1%
8	1,987 SF (0.0425 AC)	1,891 SF (0.0432 AC)	95.1%
9	1,987 SF (0.0425 AC)	1,891 SF (0.0432 AC)	95.1%
10	1,987 SF (0.0425 AC)	1,891 SF (0.0432 AC)	95.1%
11	1,987 SF (0.0425 AC)	1,761 SF (0.0403 AC)	88.6%
12	1,987 SF (0.0425 AC)	1,761 SF (0.0403 AC)	88.6%
13	2,738 SF (0.0612 AC)	1,279 SF (0.0291 AC)	46.7%
14	11,364 SF (0.2609 AC)	4,172 SF (0.0949 AC)	36.7%
15	33,435 SF (0.7650 AC)	26,542 SF (0.6070 AC)	79.4%

LOT AREA CALCULATION TABLE:

LOT	AREA	PERCENTAGE	AREA
1	2,187 SF (0.0197 AC)	1,728 SF (0.0155 AC)	78.7%
2	1,987 SF (0.0425 AC)	1,891 SF (0.0432 AC)	95.1%
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15	33,435 SF (0.7650 AC)	26,542 SF (0.6070 AC)	79.4%

REQUESTED VARIANCE AND RELIEF GRANTED SIMULATION OF SETTLEMENT

NO. 04-1400720 W/6 APPEAL

SECTION 25.03A(1-8): SHOW EXISTING/PROPOSED FEATURES LOT

SECTION 25.04(1): APPELLANT WILL BE PERMITTED A BUILDING COVERAGE OF A MAXIMUM OF 60% ON EACH LOT

SECTION 25.05(1): APPELLANT WILL BE PERMITTED TO BUILD GARAGES AS ACCESSORY BUILDINGS WITHOUT A YARD SETBACK AS SHOWN ON THE PLANS

SECTION 25.06(1): APPELLANT WILL BE PERMITTED TO BUILD GARAGES AS ACCESSORY BUILDINGS UP TO 437 SQUARE FEET ON THE LOTS AS SHOWN ON THE PLANS

RE: ENCL. - LANS

ALL COORDINATES OF EXISTING UTILITIES SHOWN ON THIS PLAN HAVE BEEN OBTAINED FROM THE MONTGOMERY COUNTY UTILITIES DEPARTMENT AND ARE SUBJECT TO CHANGE WITHOUT NOTICE. THE APPLICANT SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THESE COORDINATES AND FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND UTILITIES COMPANIES.

APPLICANT'S REPRESENTATIVE:

Montgomery County Planning Commission

APPROVED BY: [Signature]

DATE: [Date]



Exhibit 4
2005 Easement

ER 2

125

DE BK05584-1988 ON-DEED MISCELLANEOUS
2005188921 12/28/2005 01 18:40 PM:1
RCD FEE \$81 00



MONTGOMERY COUNTY ROD

05-CONSHOCKEN BOROUGH 30 00 NANCY BECKER ROD

Prepared by:
Carl N Weiner, Esquire
Hamburg, Rubin, Mullin, Maxwell & Lupin

Return to:
Carl N Weiner, Esquire
Hamburg, Rubin, Mullin, Maxwell & Lupin
375 Morris Road, P O Box 1479
Lansdale, PA 19446-0773
215-661-0400

EXHIBIT A
2005 EASEMENT

19554 002cd102705

DECLARATION OF COVENANTS AND EASEMENTS

THIS DECLARATION OF COVENANTS AND EASEMENTS ("Declaration") made this 26th day of October, 2005 by TR-SUBURBAN, L.P., a Pennsylvania limited partnership, with offices at 424 E Elm Street, Conshohocken, Montgomery County, Pennsylvania (hereinafter referred to as the "Declarant")

Basis of Declaration

A Declarant is the owner of certain properties located in Conshohocken Borough, Montgomery County, Pennsylvania, more fully identified as Tax Parcel Identification Numbers 05-00-05896-003, Block 023 and Unit 038, and 05-00-05900-008, Block 023 and Unit 039 (collectively, the "Property"), and as depicted on a Record Plan prepared for Declarant by Momenee and Associates, Inc, dated March 8, 2004, a true and correct copy of which is attached hereto as Exhibit A and made a part hereof (the "Plan")

B The said Property is being subdivided into twenty-one (21) townhouse lots ("Townhouse Lots") and a single one and one-half (1½) story office building lot ("Lot 14") The Townhouse Lots are identified as Lots 1 through 13 and Lots 15 through 22 on the Plan Hereinafter, the Townhouse Lots and Lot 14 are sometimes collectively referred to as the "Lots "

Plan the new count list attached



C Declarant desires that all of the Lots shall be developed and maintained in such manner so as to protect the value, attractiveness and desirability of the Property

D Declarant hereby further reserves for the benefit of any Owner, and such Owner's tenants, agents, employees and invitees, the right of full and uninterrupted use of the parking spaces located within Lot 14, as depicted on the Plan, for the purpose of parking of automobiles at all times other than Normal Business Hours

E Declarant or Declarant's Successor has created or intends to create a planned community which will govern the Townhouse Lots by recording a Declaration of Bella Square Townhomes Planned Community in the Office of the Recorder of Deeds of Montgomery County (the "Association Declaration")

SECTION 1. DEFINITIONS.

Unless otherwise expressly provided, the following words and phrases when used herein have the following meaning hereinafter specified

A "Association" shall mean and refer to the Bella Square Townhomes Community Association

B "Cherry Street Driveway" shall mean the common driveway located on the Property that runs from Cherry Street behind Townhouse Lots 1 through 9 and 15 through 22 and serves the Townhouse Lots and Lot 14 and is depicted on the Plan

C "Community Property" shall mean the portion of the Property which is subject to the terms of the Association Declaration

D "Declarant" shall mean and refer to TR-Suburban, L P

E "Declarant's Successor" shall mean and refer to Ava Landholding, Inc



F "Elm Street Driveway" shall mean the common driveway located on the Property that runs from Elm Street through Lot 14 and serves the Townhouse Lots and Lot 14 and is depicted on the Plan Hereinafter, the Cherry Street Driveway and the Elm Street Driveway shall sometimes be referred to collectively as the "Driveways "

G "Lot 14" shall mean and refer to the office building lot identified as Lot 14 and as shown upon the Plan

H "Lot 14 Owner" shall mean and refer to the person or persons or other legal entity or entities, including Declarant, holding fee simple interest of record to Lot 14, including sellers under executory contracts of sale, but excluding those having an interest merely as security for the performance of an obligation

I "Lot 14 Parking Easement" shall mean the parking easement located in the nine (9) parking spaces within Lot 14 as identified and shown on the Plan

J "Normal Business Hours" shall mean from seven (7) o'clock a m to six (6) o'clock p m , Monday through Friday

K "Owner" shall mean and refer to the person or persons or other legal entity or entities, including Declarant, holding fee simple interest of record to any Townhouse Lot, including sellers under executory contracts of sale, but excluding those having an interest merely as security for the performance of an obligation

L "Parking Easement" shall mean the Parking Easement located within the seven (7) parking spaces adjacent to Lot 14 and within the rear portions of Townhouse Lots 9 through 13, as identified and shown on the Plan

M "Person" shall mean a natural individual or any other entity with the legal right to hold title to real property



SECTION 2. RESERVATION OF EASEMENTS & MAINTENANCE OBLIGATIONS.

A Subject to the covenants set forth herein, Declarant hereby reserves for the benefit of the Lot 14 Owner, its tenants, agents, employees and invitees, a right-of-entry, full and uninterrupted use, right-of-way, liberty and privilege of and passage on and along all portions of the Cherry Street Driveway as shown on the Plan for the purposes of pedestrian and vehicular ingress and egress to and from Lot 14 and Cherry Street This easement area shall not be limited to the portion of the Cherry Street Driveway adjoining Lot 14 but shall extend throughout the entire Cherry Street Driveway

B Subject to the covenants set forth herein, Declarant hereby reserves for the benefit of any Owner, its tenants, agents, employees and invitees, a right-of-entry, full and uninterrupted use, right-of-way, liberty and privilege of and passage on and along all portions of the Elm Street Driveway as shown on the Plan for the purposes of pedestrian and vehicular ingress and egress to and from the Townhouse Lots and Elm Street This easement area shall not be limited to the portion of the Elm Street Driveway adjoining Lot 14 but shall extend throughout the entire Elm Street Driveway

C Declarant hereby further reserves for the benefit of the Lot 14 Owner, its tenants, agents, employees and invitees, the right of full and uninterrupted use and easement in and through the Parking Easement, as depicted on the Plan, for the purpose of pedestrian and vehicular access and the parking of automobiles in the seven (7) parking spaces shown on the Plan on that portion of the Property The Parking Easement is valid at all times, provided, however, that during Normal Business Hours, the Parking Easement shall be specifically reserved for the exclusive use of the Lot 14 Owner, its tenants, agents, employees and invitees



At all other times, the Parking Easement may be used by any Owner of Lots 9 through 13 and his, her or their tenants and invitees

D Declarant further reserves for the benefit of the Owners, their tenants, invitees, heirs, successors and assigns, the full right and uninterrupted use and easement in and to the nine (9) parking spaces located on Lot 14 for the purpose of parking automobiles in those nine (9) parking spaces in common with the owner, invitees, employees and tenants of Lot 14 except during Normal Business Hours (the "Lot 14 Parking Easement") The Lot 14 Parking Easement is valid at all times, provided, however, that during Normal Business Hours the Lot 14 Parking Easement shall be specifically reserved for the exclusive use of the Lot 14 owner and its tenants, invitees and employees At all other times, the Lot 14 Parking Easement may be used by the Owners and their invitees and tenants

E The Association and its successors or assigns, or anyone on its behalf, shall bear the exclusive responsibility for snow removal, maintenance and repair of the Driveways, Parking Easement and Lot 14 Parking Easement (the "Driveway and Parking Maintenance")

F The Lot 14 Owner will be responsible for reimbursing the Association for a proportionate share of the cost of the Driveway and Parking Maintenance (the "Reimbursement Obligation"), the balance of such costs shall be the responsibility of the Association Said Reimbursement Obligation shall be calculated as twenty-five percent (25%) of the total costs of the Driveway and Parking Maintenance as itemized in the annual budget of Association (the "Driveway and Parking Maintenance Share") The Association shall provide a copy of the annual budget of the Association every year, within thirty (30) days of its approval of same, to the Lot 14 Owner The Lot 14 Owner shall pay to the Association one-twelfth (1/12th) of the Driveway and Parking Maintenance Share on a monthly basis, payment to commence on the first



day of the first month following occupancy of the office building on Lot 14 In the event the amount for Driveway and Parking Maintenance itemized in the annual budget of the Association is insufficient to maintain the Driveways, Parking Easement and Lot 14 Parking Easement, the Association may assess the Lot 14 Owner for twenty-five percent (25%) of any additional costs for Driveway and Parking Maintenance

G Further, in addition to the Driveway and Parking Maintenance Share, the Lot 14 Owner shall pay to the Association an annual contribution in the amount of twenty-five percent (25%) of the reserve for the replacement of the driveways and parking areas as itemized in the annual budget of the Association (the "Annual Contribution") Such sum shall be paid within thirty (30) days of receipt by the Lot 14 Owner of the annual budget of the Association

H Declarant hereby further reserves for the benefit of the Association, its successors and assigns, an easement of access, ingress and egress over such portions of the Townhouse Lots and Lot 14 as is necessary for the Driveway and Parking Maintenance

I In the event that the Association fails to properly maintain the Driveways, Parking Easement or Lot 14 Parking Easement in a commercially reasonable manner, the Lot 14 Owner shall have the right to maintain that portion of the Driveways, Parking Easement and Lot 14 Parking Easement necessary for access to the public street, Elm Street, after written notice has been given to the Association and the Association has failed to cure the problem within thirty (30) days of said written notification, provided, however, that the Lot 14 Owner may proceed with reasonable diligence to correct any condition requiring immediate corrective action

J In the event that the Lot 14 Owner shall fail or refuse to make payment to the Association pursuant to the Reimbursement Obligation and Annual Contribution, as described herein, the Association shall be deemed to have advanced funds on behalf of the Lot 14 Owner,



and shall be entitled to reimbursement from the Lot 14 Owner, including interest at the rate of fifteen percent (15%) per annum

K In the event that either the Association or the Lot 14 Owner undertake corrective action due to the failure of the respective responsible party to either properly maintain certain improvements or make required reimbursement payments as provided herein, the party taking corrective action shall be entitled to reimbursement from the defaulting party of all costs expended for corrective action including but not limited to reasonable attorney's fees and court costs

SECTION 3. CONSTRUCTION NOTICE AND ACCEPTANCE. These restrictions and easements shall be deemed covenants running with the land and shall bind and inure to the benefit of the Lot 14 Owner, any Owner and the Association and their respective assigns and successors in title Every person who owns, occupies or acquires any right, title, estate or interest in and to any of the Lots does and shall be inclusively deemed to have consented and agreed to every limitation, restriction, condition, and covenant contained herein, whether or not any reference to these restrictions is contained in the instrument by which such person acquired an interest in the Property, or any portion thereof

SECTION 4. ENFORCEMENT. This Declaration may be enforced by appropriate legal proceedings by any Owner, the Lot 14 Owner or by Conshohocken Borough Nothing herein shall be deemed, however, to require Conshohocken Borough or to indicate any intent on the part of Conshohocken Borough, to maintain the Driveways and the Parking Easement

SECTION 5. INTERPRETATION. The provisions of this Declaration shall be liberally construed in accordance with the laws of the Commonwealth of Pennsylvania The section headings have been inserted for convenience only and shall not be considered or referred to in



resolving questions or interpretation or construction Unless the context requires a contrary construction, the singular shall include the plural and the plural the singular, and the masculine, feminine, and neuter shall each include the masculine, feminine and neuter

Declarant has executed this Declaration on the date first above written

TR-SUBURBAN, L.P.,
a Pennsylvania limited partnership,
By its General Partner,
TR-III, L L C

Witness *Barbara Gamber*

By *Anthony M. Rufo, Member*
Anthony M Rufo, Member




COMMONWEALTH OF PENNSYLVANIA

55

COUNTY OF MONTGOMERY

On the 26th day of OCTOBER, 2005, before me, the subscriber, a Notary Public, personally appeared ANTHONY M RUFO, who acknowledges himself to be a Member of TR-III, L L C , and that he, as such Member, being authorized to do so, executed the foregoing instrument by signing the name of the Company by himself as and for the act and deed of said Company for the uses and purposes therein contained and that he desires the same might be recorded as such

IN WITNESS WHEREOF, I have hereunto set my official hand and seal



Notary Public

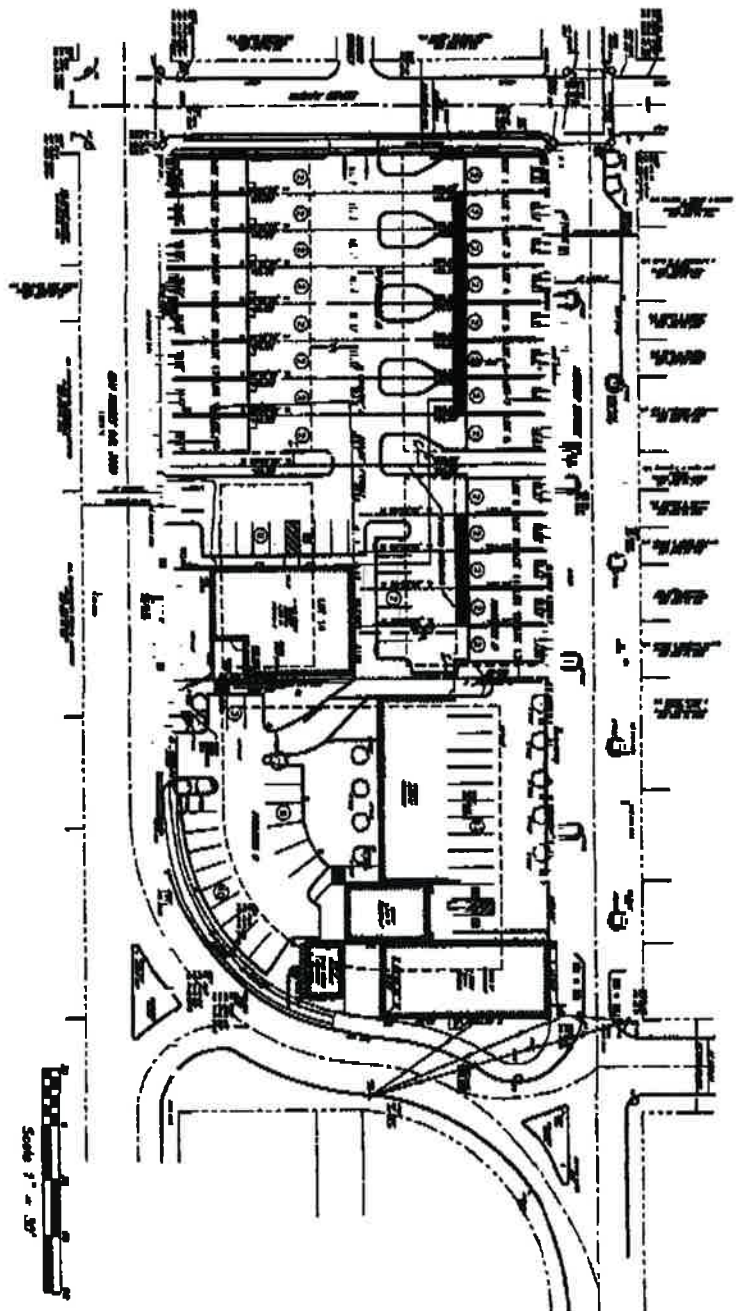
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Violet A. Summs Notary Public
Conshohocken Boro Montgomery County
My Commission Expires Nov 8 2007
Member, Pennsylvania Association Of Notaries



Exhibit A

THE PLAN





018337

- 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
- 2. ALL WALLS ARE 12" THICK UNLESS NOTED OTHERWISE.
- 3. ALL DOORS ARE 36" WIDE UNLESS NOTED OTHERWISE.
- 4. ALL WINDOWS ARE 48" WIDE UNLESS NOTED OTHERWISE.
- 5. ALL CEILING HEIGHTS ARE 10' UNLESS NOTED OTHERWISE.
- 6. ALL FLOOR FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
- 7. ALL WALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
- 8. ALL CEILING FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
- 9. ALL MECHANICAL AND ELECTRICAL SYSTEMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL MECHANICAL CODE (NMC).
- 10. ALL SANITARY AND PLUMBING SYSTEMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL PLUMBING CODE (NPC).
- 11. ALL STRUCTURAL REQUIREMENTS ARE TO BE DETERMINED BY A LICENSED STRUCTURAL ENGINEER.
- 12. ALL MATERIALS AND METHODS OF CONSTRUCTION ARE TO BE APPROVED BY THE ARCHITECT.
- 13. ALL WORK IS TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- 14. ALL UTILITIES ARE TO BE LOCATED AND DEPTH MARKED PRIOR TO CONSTRUCTION.
- 15. ALL EXISTING CONDITIONS ARE TO BE PRESERVED UNLESS OTHERWISE NOTED.
- 16. ALL NEW CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND ALL APPLICABLE LOCAL ORDINANCES.
- 17. ALL ACCESSIBLE ROUTES ARE TO BE PROVIDED IN ACCORDANCE WITH THE AMERICAN WITH Disabilities Act (ADA).
- 18. ALL SIGNAGE IS TO BE PROVIDED AS NOTED ON THE ARCHITECT'S SCHEDULE OF FINISHES.
- 19. ALL LIGHTING IS TO BE PROVIDED AS NOTED ON THE ARCHITECT'S SCHEDULE OF FINISHES.
- 20. ALL PAINTS AND COATINGS ARE TO BE OF QUALITY AND DURABLE.
- 21. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE ARCHITECT'S GENERAL CONDITIONS OF CONTRACT.
- 22. ALL MATERIALS AND METHODS OF CONSTRUCTION ARE TO BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.
- 23. ALL WORK IS TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- 24. ALL UTILITIES ARE TO BE LOCATED AND DEPTH MARKED PRIOR TO CONSTRUCTION.
- 25. ALL EXISTING CONDITIONS ARE TO BE PRESERVED UNLESS OTHERWISE NOTED.

GENERAL NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL WALLS ARE 12" THICK UNLESS NOTED OTHERWISE.
 3. ALL DOORS ARE 36" WIDE UNLESS NOTED OTHERWISE.
 4. ALL WINDOWS ARE 48" WIDE UNLESS NOTED OTHERWISE.
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 6. ALL FLOOR FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 7. ALL WALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 8. ALL CEILING FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 9. ALL MECHANICAL AND ELECTRICAL SYSTEMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL MECHANICAL CODE (NMC).

GENERAL NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL WALLS ARE 12" THICK UNLESS NOTED OTHERWISE.
 3. ALL DOORS ARE 36" WIDE UNLESS NOTED OTHERWISE.
 4. ALL WINDOWS ARE 48" WIDE UNLESS NOTED OTHERWISE.
 5. ALL CEILING HEIGHTS ARE 10' UNLESS NOTED OTHERWISE.
 6. ALL FLOOR FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 7. ALL WALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 8. ALL CEILING FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 9. ALL MECHANICAL AND ELECTRICAL SYSTEMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL MECHANICAL CODE (NMC).

NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	CONCRETE FOUNDATION	100	CY	100.00	100.00
2	CONCRETE SLAB	200	CY	200.00	200.00
3	CONCRETE CURB	50	CY	50.00	50.00
4	CONCRETE DRIVE	100	CY	100.00	100.00
5	CONCRETE SIDEWALK	100	CY	100.00	100.00
6	ASPHALT DRIVE	100	CY	100.00	100.00
7	ASPHALT SIDEWALK	100	CY	100.00	100.00
8	GRAVEL DRIVE	100	CY	100.00	100.00
9	GRAVEL SIDEWALK	100	CY	100.00	100.00
10	PAVING	100	CY	100.00	100.00
11	PAVING	100	CY	100.00	100.00
12	PAVING	100	CY	100.00	100.00
13	PAVING	100	CY	100.00	100.00
14	PAVING	100	CY	100.00	100.00
15	PAVING	100	CY	100.00	100.00
16	PAVING	100	CY	100.00	100.00
17	PAVING	100	CY	100.00	100.00
18	PAVING	100	CY	100.00	100.00
19	PAVING	100	CY	100.00	100.00
20	PAVING	100	CY	100.00	100.00

GENERAL NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL WALLS ARE 12" THICK UNLESS NOTED OTHERWISE.
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 9. ALL MECHANICAL AND ELECTRICAL SYSTEMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL MECHANICAL CODE (NMC).

RECORD PLAN
 411, 425 & 430 E. WILSON STREET
 KANSAS LAW ASSOCIATES, P.C.
 400 WEST 10TH AVENUE, SUITE 1000
 KANSAS CITY, MISSOURI 64101
 TEL: 816.241.1111
 FAX: 816.241.1112
 WWW.KLA.PC

411, 425 & 430 E. WILSON STREET
 KANSAS LAW ASSOCIATES, P.C.
 400 WEST 10TH AVENUE, SUITE 1000
 KANSAS CITY, MISSOURI 64101
 TEL: 816.241.1111
 FAX: 816.241.1112
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Exhibit 5

2006 Easement

EXHIBIT 5
2006 EASEMENT

250052
#92

DE BK05598-0539
2006047903 04/24/2006 03 33 35 PM 1
RCO FEE 888 50

DT-EASEMENT



MONTGOMERY
COUNTY RCD

CONSHOHOCKEN BOROUGH #0 00 NANCY BECKER RCD

DECLARATION OF EASI

THIS DECLARATION, made this 21st day of April, 2006 by TR-Suburban, L P., a Pennsylvania limited partnership whose mailing address is 424 E. Elm Street, Conshohocken, Pennsylvania ("Declarant").

WITNESSETH

A Declarant is the owner in fee of two parcels of land located in Conshohocken Borough, Montgomery County, Pennsylvania, and described by the metes and bounds description contained in Exhibit "A" attached hereto and made a part hereof (the "Entire Premises"). The Entire Premises is depicted on the Plan prepared by Momence and Associates, Inc. and attached hereto as Exhibit "B".

B Declarant intends to convey a portion of the Entire Premises denoted as Lot 14 on the Plan and described by metes and bounds on Exhibit "C" attached hereto ("Lot 14"). Prior to the conveyance of Lot 14, Declarant desires to create certain easements which will benefit Lot 14 and burden the parcel described by metes and bounds on Exhibit "C" attached hereto and depicted as "Premises C" on the Plan ("Lot C").

C. Declarant desires to create certain perpetual easements for the benefit of Lot 14 which will burden Lot C

NOW, THEREFORE, for and in consideration of benefits accruing to Declarant by reason of this Declaration, and intending to be legally bound, Declarant for itself, its successors and assigns, hereby declares as follows:

1 Definitions.

(a) "Occupant" means any person entitled to the use, occupancy or enjoyment of all or any portion of Lot 14,

(b) "Owner" means the then current holder from time to time of fee simple title to any portion of the Entire Premises

(c) "Parking Easement Parcel" means that certain portion of Lot C cross-hatched on the Plan.

(d) "Permittees" means the following persons

- i) an Occupant, and
- ii) the officers, directors, employees, agents, contractors, subcontractors, customers, patrons, clients, visitors, licensees and invitees of any Occupant and/or of any Owner, its successors and assigns

(e) "Person" means individuals, partnerships, firms, associations, corporations, trusts and any other form of legal entity.

2 Grant of Easements

(a) Declarant hereby grants and declares that Lot C shall be held, sold, transferred, conveyed, leased, mortgaged and used subject to the following perpetual easements

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
05 00-05900-00-8 CONSHOHOCKEN
E ELM ST
TR SUBURBAN LP
B 023 U 039 L 14 4100 DATE 04/24/06

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
05-00 05904-00-4 CONSHOHOCKEN
441 E HECTOR ST
TR-SUBURBAN LP
B 023 U 040 L 3348 DATE 04/24/06

eCertified copy of recorded # 2006047903 (page 1 of 9)
Montgomery County Recorder of Deeds
Only valid with epm-signature on cover page

PHILA1\2454656\1
RECEIVED APR 24 2006



which shall be appurtenant to Lot 14 and which are granted to and for the benefit of any Owner, his heirs and assigns, of all or any portion of Lot 14, and all Permittees with respect to Lot 14.

1) an easement to use the Parking Easement Parcel, in common with Permittees of Lot C, for the parking and passage of motor vehicles and passage by pedestrians. It is further provided that Permittees of Lot 14 shall have the exclusive right to post signs that designating the three (3) spaces denoted on Exhibit "B" with double hatch marks as "Reserved Parking Spaces" as parking spaces reserved for the Permittees of Lot C

ii) an easement to use the Parking Easement Parcel for ingress and egress, by vehicle or on foot, in, to, upon and over the Parking Easement Parcel for all purposes for which roadways, driveways and walkways are commonly used

3 Not Affected by Change in Use. The easements granted by this Declaration shall continue in full force and effect as perpetual easements and shall be unaffected by any change in the use, whether such change is in the nature of use or the intensity of use, of Lot 14 or any portion thereof

4 Division of Lot C or Lot 14 If Lot C and/or Lot 14 are divided into multiple parts by separation of ownership or by lease, to the extent an easement hereby created benefits Lot 14, the benefits or the easements hereby created shall continue to attach to and run with, and benefit and burden, as the case may be, each part so divided

5. Use of Parking Easement Parcel. Use of the Parking Easement Parcel is not confined to present uses of the Entire Premises, the present buildings thereon (if any) or present means of transportation Declarant, its successors and assigns as Owner of Lot 14, expressly reserves the right to use the Parking Easement Parcel for the purposes set forth herein, and for any other use that does not unreasonably interfere with the use of the Parking Easement Parcel for the purposes set forth herein

6 Maintenance. The Owner(s) of Lot C shall be responsible for, and shall bear all costs for the construction, cleanliness, upkeep, maintenance, snow removal and repair of the Parking Easement Parcel

7. Running of Benefits and Burdens It is intended that all provisions of this Declaration, including the benefits and burdens, shall attach to and run with the Entire Premises, and each portion thereof, and shall be binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of Declarant and all Owners of any portion of the Entire Premises

8 RESCISSION; Amendment. The provisions of this Declaration may be rescinded or amended in whole or in part only by the joinder of all Owners of all or any portion of the Entire Premises in such rescission or amendment. No other party or parties in interest shall have the right to rescind or amend, in whole or in part, this Declaration; nor shall the effectiveness of any rescission or amendment of this Declaration be dependent on the consent or approval of any other party or parties in interest



IN WITNESS WHEREOF Declarant has caused this Declaration of Cross Easements to be executed as of the date and year first above written

DECLARANT

TR - SUBURBAN, L.P., a Pennsylvania limited partnership, by its general partner

BY: TR - III, L.L.C.

BY 
Anthony M. Rufo, Member



COMMONWEALTH OF PENNSYLVANIA

:
SS.

COUNTY OF Montgomery :

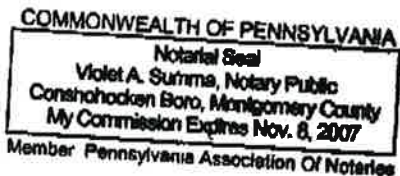
On the 21st day of April, 2006, before me, the subscriber, a Notary Public for the Commonwealth of Pennsylvania, residing in the County aforesaid, personally appeared Anthony M. Rufe, who acknowledged himself/herself to be the managing member of TR - III, LLC, as general partner of TR - Suburban, L.P., a Pennsylvania limited partnership, and that he/she as such member, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing his/her name on behalf of said partnership

Witness my hand and notarial seal the day and year aforesaid.

Violet A. Summa

Notary Public

My Commission Expires



JOINDER

This Joinder of Susquehanna/Patriot Bank, Mortgagee, for Lot C, is an acknowledgement that their encumbrance will be subordinate to this Easement.

Susquehanna/Patriot Bank

By James B. Erb, Jr.
James B. Erb, Vice President

4/2/06
Date



EXHIBT "A"

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, said lot being Premises 'C', Situate in the Borough of Conshohocken, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a plan titled Record Plan - 401, 425 & 440 E Hector Street by Momenee and Associates, Inc , dated March 8, 2004, last revised October 26, 2005, as follows, to wit

BEGINNING at a point, said point being located the following course and distance from an iron pin to be set at the intersection of the easterly side of Cherry Street, (50 00 feet wide), and the northerly side of Elm Street, (50.00 feet wide), (1) along the northerly side of Elm Street North 85 degrees 00 minutes 00 seconds East 280 00 feet to a common corner with Lot 14 marked by a spike to be set, thence from said point of beginning leaving the northerly side of Elm Street and along a common line with Lot 14 North 05 degrees 00 minutes 00 seconds West 200.00 feet to a point marked by an iron pin to be set along the southern side of Hector Street (50 00 feet wide) a common corner with Lot 13, thence along the southern side of Hector Street North 85 degrees 00 minutes 00 seconds East 180 00 feet to a point at the intersection with the northerly side of Elm Street, thence along the northerly side of Elm Street the following four courses (1) South 05 degrees 11 minutes 00 seconds East 90 53 feet to a point, (2) South 84 degrees 49 minutes 38 seconds West 0.50 feet to a point, (3) along the arc of circle curving to the right with a radius of 110.00 feet and an arc length 172.38 feet to a point, (4) South 84 degrees 53 minutes 31 seconds West 70 00 feet to the first mentioned point and place of beginning

CONTAINING 33,455 SF (0 7680 acres) of land more or less

BEING Parcel #05-00-05904-00-4

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, said lot being Lot 14, Situate in the Borough of Conshohocken, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a plan titled Record Plan - 401, 425 & 440 E Hector Street by Momenee and Associates, Inc., dated March 8, 2004, last revised



October 26, 2005, and recorded in Montgomery County in Plan Book 25 page 276, as follows, to wit

BEGINNING at a point, said point being located the following course and distance from an iron pin to be set at the intersection of the easterly side of Cherry Street, (50.00 feet wide), and the northerly side of Elm Street, (50.00 feet wide), (1) along the northerly side of Elm Street North 85 degrees 00 minutes 00 seconds East 166 36 feet to a common corner with Lot 15, thence from said point of beginning leaving the northerly side of Elm Street and along a common line with Lot 15 North 05 degrees 00 minutes 00 seconds West 100 00 feet to a common corner of Lots 15, 8 and 9, thence along a common line with Lots 9, 10, 11, 12, and 13 North 85 degrees 00 minutes 00 seconds East 113 64 feet to a common corner with Lot 13 and along a common line with Premises C, thence along said line South 05 degrees 00 minutes 00 seconds East 100.00 feet to a point along the northerly side of Elm Street marked by a spike to be set, thence along said line South 85 degrees 00 minutes 00 seconds West 113.64 feet to the first mentioned point and place of beginning

CONTAINING 11,364 SF (0 2609 acres) of land more or less

BEING Parcel #05-00-05900-00-8

BEING as to part, the same premises which Edward A Comer and Elaine K Comer, his wife by Deed dated 6/10/1999 and recorded 7/19/1999 in the County of Montgomery in Deed Book 5279 page 1803, conveyed unto TR-Suburban, L P., a Pennsylvania limited partnership, in fee



EXHIBIT "C"

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, said lot being Lot 14, Situate in the Borough of Conshohocken, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a plan titled Record Plan - 401, 425 & 440 E. Hector Street by Momenee and Associates, Inc., dated March 8, 2004, last revised October 26, 2005, and recorded in Montgomery County in Plan Book 25 page 276, as follows, to wit

BEGINNING at a point, said point being located the following course and distance from an iron pin to be set at the intersection of the easterly side of Cherry Street, (50.00 feet wide), and the northerly side of Elm Street, (50.00 feet wide), (1) along the northerly side of Elm Street North 85 degrees 00 minutes 00 seconds East 166.36 feet to a common corner with Lot 15, thence from said point of beginning leaving the northerly side of Elm Street and along a common line with Lot 15 North 05 degrees 00 minutes 00 seconds West 100.00 feet to a common corner of Lots 15, 8 and 9, thence along a common line with Lots 9, 10, 11, 12, and 13 North 85 degrees 00 minutes 00 seconds East 113.64 feet to a common corner with Lot 13 and along a common line with Premises C, thence along said line South 05 degrees 00 minutes 00 seconds East 100.00 feet to a point along the northerly side of Elm Street marked by a spike to be set, thence along said line South 85 degrees 00 minutes 00 seconds West 113.64 feet to the first mentioned point and place of beginning.

CONTAINING 11,364 SF (0 2609 acres) of land more or less.

BEING Parcel #05-00-05900-00-8.

BEING as to part, the same premises which Edward A Comer and Elaine K. Comer, his wife by Deed dated 6/10/1999 and recorded 7/19/1999 in the County of Montgomery in Deed Book 5279 page 1803, conveyed unto TR-Suburban, L.P., a Pennsylvania limited partnership, in fee.



03023LD14
02-24-06



Exhibit 6

Parking Summary

Existing Parking - 49 Spaces

18 spaces on site
3 Elm Street (exclusive)
15 Elm Street (non-exclusive)
13 Elm Street (non-exclusive)
49 Total

Existing Parking Demand - 34 Spaces

17 spaces for Second Floor Office (4,200 sf office at 4/1,000 sf = 17)

17 spaces for Yoga Studio

84 students (20-50 sf per "student" 4,200sf /5 students = 84 maximum students)

-IBC Max capacity is 50 sf per student

-Industry standard is 20 sf per student

84 students / 5 = 17 spaces

Proposed Use Parking Demand –

17 spaces for Second Floor Office - No change proposed

16 spaces for First Floor

1,050 sf of service/storage/warehouse @ 1/450 sf = 2.3 spaces

3,200 sf of office @ 4/1000 sf = 12.8 spaces

Excerpts from § 27-2002 re Off-site Parking:

Studio for dance, art, music or photography - 1 space per 5 students, and/or 1 space per 300 square feet of gross floor area for nonstudent patrons.

Indoor sports facility -1 1/2 spaces per person for maximum court and exercise equipment capacity.

Business or administrative offices - 1 space per 250 square feet of gross floor area.

Laboratory or industry - The larger of 1 space per employee or per 450 square feet of gross floor area.

Exhibit 7

Excerpt from Chapter 10 Means of Egress, 2021 International Building Code



Section 1005.6, the *occupant load* from separate stories shall not be added.

Search Type

Title

Content

1004.3 Multiple function occupant load.

Where an area under consideration contains multiple functions having different *occupant load* factors, the design *occupant load* for such area shall be based on the floor area of each function calculated independently.

1004.4 Multiple occupancies. CDP

Where a building contains two or more occupancies, the *means of egress* requirements shall apply to each portion of the building based on the occupancy of that space. Where two or more occupancies utilize portions of the same *means of egress* system, those egress components shall meet the more stringent requirements of all occupancies that are served.

1004.5 Areas without fixed seating. CDP

The number of occupants shall be computed at the rate of one occupant per unit of area as prescribed in Table 1004.5. For areas without *fixed seating*, the *occupant load* shall be not less than that number determined by dividing the floor area under consideration by the *occupant load* factor assigned to the function of the space as set forth in Table 1004.5. Where an intended function is not *listed* in Table 1004.5, the *building official* shall establish a function based on a *listed* function that most nearly resembles the intended function.

Exception: Where *approved* by the *building official*, the actual number of occupants for whom each occupied space, floor or building is designed, although less than those determined by calculation, shall be permitted to be used in the determination of the design *occupant load*.

TABLE 1004.5 MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT

FUNCTION OF SPACE	OCCUPANT LOAD FACTOR ^a
Accessory storage areas, mechanical equipment room	300 gross
Agricultural building	300 gross
Aircraft hangars	500 gross
Airport terminal	

Menu

DIGITAL
CODES

Search acr...



Sign In



Title	Content
Waiting areas	15 gross
Assembly	
Gaming floors (keno, slots, etc.)	11 gross
Exhibit gallery and museum	30 net
Assembly with fixed seats	See Section 1004.6
Assembly without fixed seats	
Concentrated (chairs only—not fixed)	7 net
Standing space	5 net
Unconcentrated (tables and chairs)	15 net
Bowling centers, allow 5 persons for each lane including 15 feet of runway, and for additional areas	7 net
Business areas	150 gross
Concentrated business use areas	See Section 1004.8
Courtrooms—other than fixed seating areas	40 net
Day care	35 net
Dormitories	50 gross
Educational	
Classroom area	20 net
Shops and other vocational room areas	50 net
Exercise rooms	50 gross
Group H-5 fabrication and manufacturing areas	200 gross
Industrial areas	100 gross
Institutional areas	
Inpatient treatment areas	240 gross
Outpatient areas	100 gross
Sleeping areas	120 gross
Kitchens, commercial	200 gross
Library	
Reading rooms	50 net
Stack area	100 gross
Locker rooms	50 gross
Mall buildings—covered and open	See Section 402.8.2

FEEDBACK

LIVE CHAT

Menu

DIGITAL
CODES

Search acr...



Sign In



	Search Type ?	
Residential		200 gross
Skating rinks, swimming pools	Title	Content
Rink and pool		50 gross
Decks		15 gross
Stages and platforms		15 net
Warehouses		500 gross

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m².

a. Floor area in square feet per occupant.

1004.5.1 Increased occupant load. COP

The *occupant load* permitted in any building, or portion thereof, is permitted to be increased from that number established for the occupancies in Table 1004.5, provided that all other requirements of the code are met based on such modified number and the *occupant load* does not exceed one occupant per 7 square feet (0.65 m²) of occupiable floor space. Where required by the *building official*, an *approved aisle*, seating or fixed equipment diagram substantiating any increase in *occupant load* shall be submitted. Where required by the *building official*, such diagram shall be posted.

1004.6 Fixed seating.

For areas having *fixed seats* and *aisles*, the *occupant load* shall be determined by the number of *fixed seats* installed therein. The *occupant load* for areas in which *fixed seating* is not installed, such as waiting spaces, shall be determined in accordance with Section 1004.5 and added to the number of *fixed seats*.

The *occupant load* of *wheelchair spaces* and the associated companion seat shall be based on one occupant for each *wheelchair space* and one occupant for the associated companion seat provided in accordance with Section 1109.2.3.

For areas having *fixed seating* without dividing arms, the *occupant load* shall be not less than the number of seats based on one person for each 18 inches (457 mm) of seating length.

The *occupant load* of seating booths shall be based on one person for each 24 inches (610 mm) of booth seat length measured at the backrest of the seating booth.

1004.7 Outdoor areas. COP

FEEDBACK

LIVE CHAT

Exhibit 8

Yoga Studio Schedule

about [schedule](#) events meditation privates * practice online * blog

Our schedule includes classes Online and Outdoors!

Our Summer Schedule is now LIVE! Please note: New schedule starts 6/1. Please click below to confirm Outdoor class location and teacher. *Join us for your first 5-Days on OMM, FREE!*

To register for online and outdoor classes, click [here](#).

MONDAY	Style	Teacher
7 – 8 am	Outdoor – All Levels @ Sutcliffe	Jenn/Steph (see Namastream for details)
12 – 12:45pm	Basics	Nicole
6 – 7pm	Power Flow	Kerri
7:30 – 8 pm	Live Monthly Meditation	Maura (1 st Sunday of month)
TUESDAY		
12 – 12:45pm	Community Care	Maura
6 – 7pm	Outdoor – All Levels @ A field	Kerri
6 - 7pm	Slow Flow	Alicia
7:30 – 8:30pm	Prenatal 4-Wk Series*	Allison
WEDNESDAY		
7 – 8 am	Outdoor – All Levels @ Sutcliffe	Kristin
12 – 12:45pm	Vinyasa	Gaby
8– 9pm	Yin	Maura
THURSDAY		
12 – 12:45 pm	Community Care	Kerri
5:45 – 6:45 pm	Outdoor – All Levels @ A field	Candace
8 – 9pm	Gentle	Meghan
FRIDAY		
12 – 12:45pm	Outdoor – All Levels @ B field	Maura
12 – 12:45pm	Vinyasa	Kerri
SATURDAY		
9 - 10am	Outdoor – All Levels @ A field	Kristie
9:30-10:45 am	Vinyasa & Meditation	Candace
SUNDAY		
9 – 10am	Outdoor – All Levels @ A field	Alicia thru 6/27, then Steph
10:15 – 11:15am	Gentle	Gaby/Rose (see Namastream for details)
8 – 9pm	Monthly Yoga Nidra or Restorative	* check schedule for dates & teachers

At Yoga Home, we believe yoga is for everyone and all should have access to yoga.
We proudly offer community tiered pricing to make yoga more accessible & equitable for all.



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL
Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

The Borough of Conshohocken Zoning Hearing Board Entry of Appearance as a Party

I/We Fiona Jamison

Request to be granted party status in Application Z-2021-14.

Applicant: 424 E. Elm St - SK Elm, LLC. - Special Exception

Please print name:

Fiona Jamison

Please print address:

424 E. Elm St. Suite 200 - Building Owner
Conshohocken

Please print email:

fjamison@spring.itl.com

Please Sign Below:

Please return form via mail or e-mail to the below:
(Entry must be received no later than July 14th, 2021)

MAIL:

Borough of Conshohocken
Attn: Bobbi Jo Myrsiades
400 Fayette St. - Suite 200
Conshohocken, PA 19428

E-MAIL:

zoning@conshohockenpa.gov



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL
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Robert Stokley, Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

The Borough of Conshohocken Zoning Hearing Board Entry of Appearance as a Party

I/We TRDS 441 HECTOR ASSOCIATES LP

Request to be granted party status in Application Z-2021-14.

Applicant: 424 E. Elm St - SK Elm, LLC. - Special Exception

Please print name:

Through its counsel, Eric B. Freedman

Please print address:

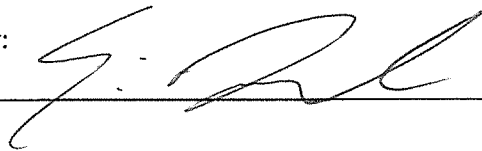
441 E Hector Street

Conshohocken, PA 19428

Please print email:

Counsel's email: efreedman@sanddlawyers.com

Please Sign Below:



Please return form via mail or e-mail to the below:
(Entry must be received no later than July 14th, 2021)

MAIL:

Borough of Conshohocken
Attn: Bobbi Jo Myrsiades
400 Fayette St. - Suite 200
Conshohocken, PA 19428

E-MAIL:

zoning@conshohockenpa.gov



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

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James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

The Borough of Conshohocken Zoning Hearing Board Entry of Appearance as a Party

I/We Fiona Jamison - Building Owner + Petitioner

Request to be granted party status in Application Z-2021-14.

Applicant: 424 E. Elm St - SK Elm, LLC. - Special Exception

Please print name:

Dr. Fiona Jamison

Please print address:

424 E. Elm St., Conshohocken

Please print email:

fjamison@springit1.com

Please Sign Below:



Please return form via mail or e-mail to the below:
(Entry must be received no later than August 11th, 2021)

MAIL:

Borough of Conshohocken
Attn: Bobbi Jo Myrsiades
400 Fayette St. - Suite 200
Conshohocken, PA 19428

E-MAIL:

zoning@conshohockenpa.gov



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

The Borough of Conshohocken Zoning Hearing Board Entry of Appearance as a Party

I/We Richard Kellerman

Request to be granted party status in Application Z-2021-14.

Applicant: 424 E. Elm St - SK Elm, LLC. - Special Exception

Please print name:

Richard Kellerman

Please print address:

414 E Elm St

Conshohocken PA 19428

Please print email:

rskellerman@gmail.com

Please Sign Below:



Please return form via mail or e-mail to the below:
(Entry must be received no later than August 11th, 2021)

MAIL:

Borough of Conshohocken
Attn: Bobbi Jo Myrsiades
400 Fayette St. - Suite 200
Conshohocken, PA 19428

E-MAIL:

zoning@conshohockenpa.gov



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL
Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

The Borough of Conshohocken Zoning Hearing Board

Entry of Appearance as a Party

I/We Russell Talone

Request to be granted party status in Application Z-2021-14.

Applicant: 424 E. Elm St - SK Elm, LLC. - Special Exception

Please print name:

Russell Talone

Please print address:

510 E. Hector Street

Please print email:

russ@taloneinsurance.com

Please Sign Below:

Russell Talone

Please return form via mail or e-mail to the below:
(Entry must be received no later than August 11th, 2021)

MAIL:

Borough of Conshohocken
Attn: Bobbi Jo Myrsiades
400 Fayette St. - Suite 200
Conshohocken, PA 19428

E-MAIL:

zoning@conshohockenpa.gov

APR 24 2006

DECLARATION OF EASEMENTS

THIS DECLARATION, made this 21st day of April, 2006 by TR-Suburban, L.P., a Pennsylvania limited partnership whose mailing address is 424 E. Elm Street, Conshohocken, Pennsylvania ("Declarant").

WITNESSETH:

A. Declarant is the owner in fee of two parcels of land located in Conshohocken Borough, Montgomery County, Pennsylvania, and described by the metes and bounds description contained in Exhibit "A" attached hereto and made a part hereof (the "Entire Premises"). The Entire Premises is depicted on the Plan prepared by Momenee and Associates, Inc. and attached hereto as Exhibit "B".

B. Declarant intends to convey a portion of the Entire Premises denoted as Lot 14 on the Plan and described by metes and bounds on Exhibit "C" attached hereto ("Lot 14"). Prior to the conveyance of Lot 14, Declarant desires to create certain easements which will benefit Lot 14 and burden the parcel described by metes and bounds on Exhibit "C" attached hereto and depicted as "Premises C" on the Plan ("Lot C").

C. Declarant desires to create certain perpetual easements for the benefit of Lot 14 which will burden Lot C.

NOW, THEREFORE, for and in consideration of benefits accruing to Declarant by reason of this Declaration, and intending to be legally bound, Declarant for itself, its successors and assigns, hereby declares as follows:

1. Definitions.

(a) "Occupant" means any person entitled to the use, occupancy or enjoyment of all or any portion of Lot 14;

(b) "Owner" means the then current holder from time to time of fee simple title to any portion of the Entire Premises.

(c) "Parking Easement Parcel" means that certain portion of Lot C cross-hatched on the Plan.

(d) "Permittees" means the following persons:

i) an Occupant; and

ii) the officers, directors, employees, agents, contractors, subcontractors, customers, patrons, clients, visitors, licensees and invitees of any Occupant and/or of any Owner, its successors and assigns.

(e) "Person" means individuals, partnerships, firms, associations, corporations, trusts and any other form of legal entity.

2. Grant of Easements.

(a) Declarant hereby grants and declares that Lot C shall be held, sold, transferred, conveyed, leased, mortgaged and used subject to the following perpetual easements

which shall be appurtenant to Lot 14 and which are granted to and for the benefit of any Owner, his heirs and assigns, of all or any portion of Lot 14, and all Permittees with respect to Lot 14:

i) an easement to use the Parking Easement Parcel, in common with Permittees of Lot C, for the parking and passage of motor vehicles and passage by pedestrians. It is further provided that Permittees of Lot 14 shall have the exclusive right to post signs that designating the three (3) spaces denoted on Exhibit "B" with double hatch marks as "Reserved Parking Spaces" as parking spaces reserved for the Permittees of Lot C.

ii) an easement to use the Parking Easement Parcel for ingress and egress, by vehicle or on foot, in, to, upon and over the Parking Easement Parcel for all purposes for which roadways, driveways and walkways are commonly used.

3. Not Affected by Change in Use. The easements granted by this Declaration shall continue in full force and effect as perpetual easements and shall be unaffected by any change in the use, whether such change is in the nature of use or the intensity of use, of Lot 14 or any portion thereof.

4. Division of Lot C or Lot 14. If Lot C and/or Lot 14 are divided into multiple parts by separation of ownership or by lease, to the extent an easement hereby created benefits Lot 14, the benefits or the easements hereby created shall continue to attach to and run with, and benefit and burden, as the case may be, each part so divided.

5. Use of Parking Easement Parcel. Use of the Parking Easement Parcel is not confined to present uses of the Entire Premises, the present buildings thereon (if any) or present means of transportation. Declarant, its successors and assigns as Owner of Lot 14, expressly reserves the right to use the Parking Easement Parcel for the purposes set forth herein, and for any other use that does not unreasonably interfere with the use of the Parking Easement Parcel for the purposes set forth herein.

6. Maintenance. The Owner(s) of Lot C shall be responsible for, and shall bear all costs for the construction, cleanliness, upkeep, maintenance, snow removal and repair of the Parking Easement Parcel.

7. Running of Benefits and Burdens. It is intended that all provisions of this Declaration, including the benefits and burdens, shall attach to and run with the Entire Premises, and each portion thereof, and shall be binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of Declarant and all Owners of any portion of the Entire Premises.

8. Rescission; Amendment. The provisions of this Declaration may be rescinded or amended in whole or in part only by the joinder of all Owners of all or any portion of the Entire Premises in such rescission or amendment. No other party or parties in interest shall have the right to rescind or amend, in whole or in part, this Declaration; nor shall the effectiveness of any rescission or amendment of this Declaration be dependent on the consent or approval of any other party or parties in interest.

IN WITNESS WHEREOF Declarant has caused this Declaration of Cross Easements to be executed as of the date and year first above written.

DECLARANT:

TR – SUBURBAN, L.P., a Pennsylvania limited partnership, by its general partner

BY: TR – III, L.L.C.

BY: *Anthony M. Rufo*
Anthony M. Rufo, Member

COMMONWEALTH OF PENNSYLVANIA :
 :
 : SS.
COUNTY OF Montgomery :

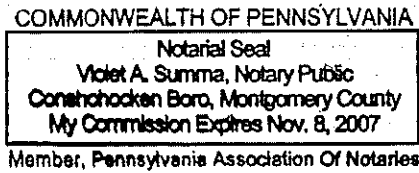
On the 21st day of April, 2006, before me, the subscriber, a Notary Public for the Commonwealth of Pennsylvania, residing in the County aforesaid, personally appeared Anthony M. Ruffo, who acknowledged himself/herself to be the managing member of TR - III, LLC, as general partner of TR - Suburban, L.P., a Pennsylvania limited partnership, and that he/she as such member, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing his/her name on behalf of said partnership.

Witness my hand and notarial seal the day and year aforesaid.

Violet A. Summa

Notary Public

My Commission Expires:



JOINDER

This Joinder of Susquehanna/Patriot Bank, Mortgagee, for Lot C, is an acknowledgement that their encumbrance will be subordinate to this Easement.

Susquehanna/Patriot Bank

By James B. Erb, Jr.
James B. Erb, Vice President

4/21/06
Date

EXHIBIT "A"

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, said lot being Premises 'C', Situate in the Borough of Conshohocken, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a plan titled Record Plan - 401, 425 & 440 E. Hector Street by Momenee and Associates, Inc., dated March 8, 2004, last revised October 26, 2005, as follows, to wit:

BEGINNING at a point, said point being located the following course and distance from an iron pin to be set at the intersection of the easterly side of Cherry Street, (50.00 feet wide), and the northerly side of Elm Street, (50.00 feet wide), (1) along the northerly side of Elm Street North 85 degrees 00 minutes 00 seconds East 280.00 feet to a common corner with Lot 14 marked by a spike to be set, thence from said point of beginning leaving the northerly side of Elm Street and along a common line with Lot 14 North 05 degrees 00 minutes 00 seconds West 200.00 feet to a point marked by an iron pin to be set along the southern side of Hector Street (50.00 feet wide) a common corner with Lot 13, thence along the southern side of Hector Street North 85 degrees 00 minutes 00 seconds East 180.00 feet to a point at the intersection with the northerly side of Elm Street, thence along the northerly side of Elm Street the following four courses (1) South 05 degrees 11 minutes 00 seconds East 90.53 feet to a point, (2) South 84 degrees 49 minutes 38 seconds West 0.50 feet to a point, (3) along the arc of circle curving to the right with a radius of 110.00 feet and an arc length 172.38 feet to a point, (4) South 84 degrees 53 minutes 31 seconds West 70.00 feet to the first mentioned point and place of beginning.

CONTAINING 33,455 SF (0.7680 acres) of land more or less.

BEING Parcel #05-00-05904-00-4.

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, said lot being Lot 14, Situate in the Borough of Conshohocken, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a plan titled Record Plan - 401, 425 & 440 E. Hector Street by Momenee and Associates, Inc., dated March 8, 2004, last revised

October 26, 2005, and recorded in Montgomery County in Plan Book 25 page 276, as follows, to wit:

BEGINNING at a point, said point being located the following course and distance from an iron pin to be set at the intersection of the easterly side of Cherry Street, (50.00 feet wide), and the northerly side of Elm Street, (50.00 feet wide), (1) along the northerly side of Elm Street North 85 degrees 00 minutes 00 seconds East 166.36 feet to a common corner with Lot 15, thence from said point of beginning leaving the northerly side of Elm Street and along a common line with Lot 15 North 05 degrees 00 minutes 00 seconds West 100.00 feet to a common corner of Lots 15, 8 and 9, thence along a common line with Lots 9, 10, 11, 12, and 13 North 85 degrees 00 minutes 00 seconds East 113.64 feet to a common corner with Lot 13 and along a common line with Premises C, thence along said line South 05 degrees 00 minutes 00 seconds East 100.00 feet to a point along the northerly side of Elm Street marked by a spike to be set, thence along said line South 85 degrees 00 minutes 00 seconds West 113.64 feet to the first mentioned point and place of beginning.

CONTAINING 11,364 SF (0.2609 acres) of land more or less.

BEING Parcel #05-00-05900-00-8.

BEING as to part, the same premises which Edward A. Comer and Elaine K. Comer, his wife by Deed dated 6/10/1999 and recorded 7/19/1999 in the County of Montgomery in Deed Book 5279 page 1803, conveyed unto TR-Suburban, L.P., a Pennsylvania limited partnership, in fee.

EXHIBIT "C"

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, said lot being Lot 14, Situate in the Borough of Conshohocken, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a plan titled Record Plan - 401, 425 & 440 E. Hector Street by Momenee and Associates, Inc., dated March 8, 2004, last revised October 26, 2005, and recorded in Montgomery County in Plan Book 25 page 276, as follows, to wit:

BEGINNING at a point, said point being located the following course and distance from an iron pin to be set at the intersection of the easterly side of Cherry Street, (50.00 feet wide), and the northerly side of Elm Street, (50.00 feet wide), (1) along the northerly side of Elm Street North 85 degrees 00 minutes 00 seconds East 166.36 feet to a common corner with Lot 15, thence from said point of beginning leaving the northerly side of Elm Street and along a common line with Lot 15 North 05 degrees 00 minutes 00 seconds West 100.00 feet to a common corner of Lots 15, 8 and 9, thence along a common line with Lots 9, 10, 11, 12, and 13 North 85 degrees 00 minutes 00 seconds East 113.64 feet to a common corner with Lot 13 and along a common line with Premises C, thence along said line South 05 degrees 00 minutes 00 seconds East 100.00 feet to a point along the northerly side of Elm Street marked by a spike to be set, thence along said line South 85 degrees 00 minutes 00 seconds West 113.64 feet to the first mentioned point and place of beginning.

CONTAINING 11,364 SF (0.2609 acres) of land more or less.

BEING Parcel #05-00-05900-00-8.

BEING as to part, the same premises which Edward A. Comer and Elaine K. Comer, his wife by Deed dated 6/10/1999 and recorded 7/19/1999 in the County of Montgomery in Deed Book 5279 page 1803, conveyed unto TR-Suburban, L.P., a Pennsylvania limited partnership, in fee.

BEFORE THE ZONING HEARING BOARD OF CONSHOHOCKEN

IN RE: APPLICATION OF TR-SUBURBAN, LP.

REGARDING

424 EAST ELM STREET

DECISION OF THE BOARD

I. History of the Case:

By application dated November 21, 2005, the Applicant is seeking zoning relief from the Zoning Hearing Board (the "Board"), in the nature of a special exception (the "Special Exception") from Section 7.3.B.1 to the Conshohocken Borough Zoning Ordinance of 2001 (together with all amendments thereto, the "Zoning Ordinance") for the change of a non-conforming use of real property (the "Proposed Relief"), as said provision relates to real property located at 424 East Elm Street, Conshohocken (the "Property"). The Property is presently zoned Borough Residential -2 ("BR-2"). The Applicant is requesting that it be permitted to convert the first floor of a building which is a non-conforming contractor office and warehouse area into a fitness/wellness center and related offices at the Property (the "Proposed Use").

The Zoning Ordinance permits a non-conforming use to be changed to another non-conforming use "which is equally appropriate or more appropriate" and is "no more detrimental than the existing non-conforming use, as a special exception by the Zoning Hearing Board." Id. at Section 7.3.B.1.

A public hearing was held before the Board on the evening of January 9, 2006, at 7:00 pm, prevailing time, at the Borough Hall in Conshohocken, Pennsylvania. At the conclusion of the hearing, the Board discussed the issue and rendered a decision. Due notice was given for the public hearing.

After the conclusion of the hearing, the Board found as follows:

II. Findings of Fact:

1. The Applicant is TR-Suburban, LP, of 424 East Elm Street, Conshohocken. The Applicant is the owner of the Property. Said Applicant was represented by Carl Weiner, Esquire, at the hearing.

2. The property involved is 424 East Elm Street in Conshohocken, Pennsylvania. The Property is zoned BR-2 and is a non-conforming commercial office and warehouse in a residential area.

3. The Applicant, through its counsel, testified that it wished to convert the first floor from warehouse and office space to a fitness studio/wellness center and office area.

4. Mike Rufo, representative of the Applicant testified that it intended to convert area that had been office space and warehouse into a "wellness center" which would consist of a Yoga and Pilates fitness studio area, as well as offices for a dietician and massage therapist which would be affiliated with the wellness center. A nurse practitioner would also use the office area.

5. A proposed change in non-conforming use requires Board approval that the proposed change must be "equally appropriate or more appropriate" for, and no more detrimental to, the neighborhood. See Zoning Ordinance Section 7.3.B.

6. The Board asked numerous questions of the Applicant regarding the hours of operation, which the Applicant noted would be 6:30am until 10:00pm Monday through Saturday, as well as the size of the proposed classes, which would be 25-27 at peak times when classes were being taught. The Applicant also testified that no dumbbells or active workout equipment would be at the site.

7. The Board also asked about the availability of parking at the site, as the Proposed Use would appear to require a minimum of 55 parking spaces under the Zoning Ordinance. The

Applicant testified that the plans for the Proposed Use included providing 56 parking spaces over two adjoining lots. The Applicant agreed to enter into a cross-easement with the adjoining property (also presently owned by the Applicant) to preserve the right to use of the parking spaces in perpetuity.

8. The Applicant's counsel argued that the Proposed Use would be no more intrusive and equally appropriate for the surrounding neighborhood than the present use, and would likely not cause any significant change or impact to the surrounding community.

9. No one testified for or against the Application.

10. The Board finds that the matter was properly advertised pursuant to the Zoning Ordinance and the Pennsylvania Municipal Planning Code ("MPC").

III. Discussion:

The Applicant seeks the Special Exception in order to permit the Proposed Use pursuant to Section 7.3.B to allow the change in non-conforming use of the first floor of the building at the Property from office and warehouse to wellness center and related offices. See Zoning Ordinance Sections 7.3.B.

Section 7.3.B of the Zoning Ordinance permits a non-conforming use to be changed to another non-conforming use as a special exception by the Zoning Hearing Board when such non-conforming use is "equally appropriate or more appropriate to the district in which the property is located, and is no more detrimental than the existing non-conforming use." Id. Non-conforming uses are an anomaly in zoning law, as they permit a property owner rights that all others in the neighborhood are not permitted. This requires the Board to carefully and deliberately balance the competing interests of a property owner whose use rights pre-dates changes in the Zoning Ordinance with the interests of the rest of the community. Any change in non-conforming use must be equally as appropriate or more appropriate to the surrounding neighborhood in order to gain approval. See Zoning Ordinance at 7.3.B.

The Board has reviewed the Proposed Relief carefully in connection with the requirements of Sections 7.3.B as well as the MPC standards for granting the Proposed Relief. See MPC, at 53 P.S. §10910.2. The Board has been convinced that the Proposed Use, though still non-conforming, is equally appropriate for the surrounding neighborhood as the presently permitted use. Further, the Board is also persuaded by the testimony offered from the Applicant that the Proposed Relief will not cause a major increase in the number of cars seeking on-street parking, as it is generally small classes or one on one sessions, with parking (provided a cross easement is in place) that exceeds the requirements of the Zoning Ordinance. As a result, the Board is willing to approve the Proposed Relief subject to the requirement that the Applicant enter into a cross easement which permanently grants access to the parking adjacent to the Property so that at no point there are less than 56 parking spaces available for use by the Proposed Use (the “Condition”). Such Condition is required to be in place prior to the opening of the Proposed Use, and must remain in place at all times in order for the Proposed Use to continue at the site.

Therefore, the Board finds the Application meets the requirements of Zoning Ordinance Section 7.3.B that the Proposed Use is no less appropriate for the surrounding neighborhood. See id. As a result, the Board, upon thorough and deliberate review of the materials submitted and testimony offered, has determined that the Proposed Relief is proper, and hereby grants a the Special Exception pursuant to Zoning Ordinance Section 7.3.B subject to the Condition.

IV. Conclusions of Law:

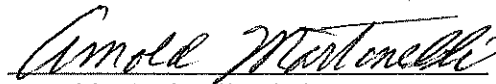
1. The matter was properly presented before the Board.
2. The matter was properly advertised and the hearing both timely and appropriately convened in accordance with the provisions of both the Zoning Ordinance and the MPC.


3. The Zoning Ordinance and the MPC both give the Board the necessary discretion to determine whether or not to grant the Proposed Relief as well as to qualify such grant of Proposed Relief subject to the Condition.


ORDER


The Board grants the Applicant's request for the Proposed Relief from Zoning Ordinance Sections 7.3.B to accommodate a change in non-conforming use for the first floor of the building. Such relief is granted subject to both the Condition and to the Applicant maintaining the Proposed Use in conformity with the information provided to the Board and all other regulations of the Borough.¹

CONSHOHOCKEN ZONING HEARING BOARD


Arnold Martinelli, Chairman


Richard Barton


Gregory F. Scharff


Jennifer Oehler

¹ Board member Vivian Angelucci was not present at the Hearing and did not vote on this matter.
4019595



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

ZONING NOTICE

August 16th, 2021, ZONING HEARING BOARD MEETING TO OCCUR VIA REMOTE MEANS

ZONING HEARING Z-2021-17

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on August 16th, 2021, at 7:00 p.m. prevailing time via remote means. The public is encouraged to participate as set forth below.

This meeting will be held using a Go-To-Meeting Platform. To the extent possible, members of Conshohocken Zoning Hearing Board and Borough staff/professionals will participate via both video and audio. (INSTRUCTIONS ON SECOND PAGE)

At this time, the Conshohocken Zoning Hearing Board will hear testimony and accept evidence on the following request.

PETITIONER: ACG, LLC.
1326 Arrowmink Rd., Villanova, PA 19085

PREMISES INVOLVED: 900 Fayette St., Conshohocken, PA 19428
Residential Office District

OWNER OF RECORD: CSOPOE, LLC.
1326 Arrowmink Rd., Villanova, PA 19085

The applicant is seeking an extension of relief previously granted by the Zoning Hearing Board in December 2020 from code sections §27-703.E(6)(a), §27-1205.F and §27-2002.

Persons who wish to become parties to the application must notify the Borough of their intent to ask for party status at least five (5) days prior to the scheduled hearing by emailing the attached entry of appearance form to zoning@conshohockenpa.gov. Said persons must be available to participate in the zoning hearing on the scheduled date and time. It is noted that submitting the attached entry of appearance form does not guarantee that you will be granted party status. The Zoning Hearing Board decides who may participate in the hearing before it as a party, subject to Section 908(3) of the Municipalities Planning Code (MPC). The MPC permits party status to any person "affected" by the application. Having taxpayer status alone is not enough to claim party status; however, a person whose property or business abuts the property that is the subject of the appeal is affected and should qualify as a party. Ultimately, the ZHB makes the party status determination after reviewing the request.

Thank you,
Zoning Hearing Board



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

ZONING HEARING REMOTE SESSION ACCESS INSTRUCTIONS

The public is encouraged to participate as follows:

Audio Feed Participation: You may dial-in to access the audio feed of the meeting. All participants (whether listening or providing comments) must use this method of audio participation, even those using Go-To-Meeting to access the video feed. To access audio, please use the below number and access code/ password information.

We ask that you please always keep your phones on mute, unless giving a public comment as set forth in the Public Comment section below.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/972846509>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

Access Code: 972-846-509

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/972846509>

If you have already downloaded the Go-To-Meeting application, the link will redirect you to the application itself. Please follow the instructions.

It is recommended that you download the application in advance of the meeting time. If you attempt to sign in prior to the start of the meeting, the Go-To-Meeting application will inform you that the meeting has not started. Please close the application and log back in at the time of the meeting (7:00 PM).

Public Comment: There will be a designated time on the agenda for public comment. Those with public comment shall state their name and address. Prior to the start of the meeting, you may submit written comments by e-mailing them to Zoning@conshohockenpa.gov. Similarly, during the meeting, you may submit written comments by e-mailing them to Zoning@conshohockenpa.gov.

Public comments submitted in this manner will be read by a member of Borough Administration during the public comment period. Because the actual time of the public comment period is determined by the pace of the meeting, please submit all comments as soon as possible, whether before or during the meeting. Written comments shall include the submitting person's name, address, and property in question.

The Conshohocken Zoning Hearing Board thanks you in advance for your cooperation during the remote meeting. If you encounter problems participating during the meeting, or have questions regarding the above prior to the meeting, please contact the Borough at zoning@conshohockenpa.gov.



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

Colleen Leonard, President
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Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

The Borough of Conshohocken Zoning Hearing Board Entry of Appearance as a Party

I/We _____

Request to be granted party status in Application Z-2021-17.

Applicant: 900 Fayette St., - ACG, LLC. - Extension 2021

Please print name:

Please print address:

Please print email:

Please Sign Below:

Please return form via mail or e-mail to the below:
(Entry must be received no later than August 11th, 2021)

MAIL:

Borough of Conshohocken
Attn: Bobbi Jo Myrsiades
400 Fayette St. - Suite 200
Conshohocken, PA 19428

E-MAIL:

zoning@conshohockenpa.gov

HUGHES, KALKBRENNER & OZOROWSKI, LLP

ATTORNEYS AT LAW

SUITE 205

1250 COMMONS

1250 GERMANTOWN PIKE

PLYMOUTH MEETING, PENNSYLVANIA 19462

EDWARD J. HUGHES
GEORGE J. OZOROWSKI

TELEPHONE (610) 279-6800
TELECOPIER (610) 279-9390
E-MAIL: ehughes@hkolaw.com

June 1, 2021

(VIA EMAIL - zoning@conshohockenpa.gov)

Borough of Conshohocken
400 Fayette Street, Suite 200
Conshohocken, PA 19428

**Re: 900 Fayette Street
Z-220-17**

Dear Sir or Madam:

Please accept this letter as a request to extend the zoning relief granted on December 14, 2020 pursuant to the Board's letter dated December 15, 2020. The Applicant is in the process of obtaining approvals for the project and due to the COVID-19 disruptions, processing of the approvals has been delayed. Applicant requests a twelve (12) month extension from June 15, 2021 until June 15, 2022.

Very truly yours,
HUGHES, KALKBRENNER & OZOROWSKI, LLP

/s/ Edward J. Hughes

By: _____
Edward J. Hughes, Esquire

EJH:drc
cc: ACG, LLC (via email)

HUGHES, KALKBRENNER & OZOROWSKI, LLP

ATTORNEYS AT LAW

SUITE 205

1250 COMMONS

1250 GERMANTOWN PIKE

PLYMOUTH MEETING, PENNSYLVANIA 19462

EDWARD J. HUGHES
GEORGE J. OZOROWSKI

TELEPHONE (610) 279-6800
TELECOPIER (610) 279-9390
E-MAIL: ehughes@hkolaw.com

July 1, 2021

(VIA EMAIL - zoning@conshohockenpa.gov)

Borough of Conshohocken
400 Fayette Street, Suite 200
Conshohocken, PA 19428

**Re: 900 Fayette Street
Z-220-17**

Dear Sir or Madam:

Please accept this Application and supporting documentation as a request to extend the zoning relief granted pursuant to the Decision of the Board dated January 28, 2021. The Applicant is in the process of obtaining approvals for the project and due to the COVID-19 disruptions and tenant issues, processing of the required approvals has been delayed. Applicant requests a twelve (12) month extension from July 28, 2021 until July 28, 2022. Also enclosed are this firm's checks in the amount of \$500.00 (filing fee) and \$1,500.00 (escrow).

Thank you for your assistance in this matter.

Very truly yours,
HUGHES, KALKBRENNER & OZOROWSKI, LLP

/s/ Edward J. Hughes

By: _____
Edward J. Hughes, Esquire

EJH:drc
Enclosure
cc: ACG, LLC (via email)



BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Zoning Application

Application: _____

Date Submitted: _____

Date Received: _____

1. Application is hereby made for:

Special Exception Variance

Appeal of the decision of the zoning officer

Conditional Use approval Interpretation of the Zoning Ordinance

Other Extension of Zoning Hearing Board Approval

2. Section of the Zoning Ordinance from which relief is requested:

Section 27-613

3. Address of the property, which is the subject of the application:

900 Fayette Street

4. Applicant's Name: **ACG, LLC**

Address: **1326 Arrowmink Road, Villanova, PA 19085**

Phone Number (daytime): **(610)639-0584**

E-mail Address: **ashleygovberg@gmail.com**

5. Applicant is (check one): Legal Owner Equitable Owner ; Tenant

6. Property Owner: **CSOPOE, LLC**

Address: **1326 Arrowmink Road, Villanova, PA 19085**

Phone Number: **(610)212-5544**

E-mail Address: **dannygovberg@gmail.com**

7. Lot Dimensions: **50 x 140 (7,000 SF)** Zoning District: **RO-Residential Office**

8. Has there been previous zoning relief requested in connection with this Property?

Yes No If yes, please describe.

(Z-2020-17) Special Exception for expansion of a nonconforming building, a variance to permit the increase of impervious lot coverage and a variance regarding off-street parking.

9. Please describe the present use of the property including any existing improvements and the dimensions of any structures on the property.

Delicatessen (conforming use), salon (nonconforming use) and three (3) residential apartments (nonconforming use).

10. Please describe the proposed use of the property.

See above.

11. Please describe proposal and improvements to the property in detail.

Applicant seeks an extension of time with regard to obtaining any and all permits for the proposed use. Applicant seeks a one (1) year extension.

12. Please describe the reasons the Applicant believes that the requested relief should be granted.

Zoning Code permits the Zoning Hearing Board to grant extensions of time necessary to obtain any and all permits.

13. If a Variance is being requested, please describe the following:

N/A.

a. The unique characteristics of the property: _____

b. How the Zoning Ordinance unreasonably restricts development of the property:

c. How the proposal is consistent with the character of the surrounding neighborhood. _____

d. Why the requested relief is the minimum required to reasonably use the property; and why the proposal could not be less than what is proposed.

14. The following section should be completed if the applicant is contesting the determination of the zoning officer.

a. Please indicate the section of the zoning ordinance that is the subject of the zoning officer's decision (attach any written correspondence relating to the determination).

N/A.

b. Please explain in detail the reasons why you disagree with the zoning officer's determination.

15. If the Applicant is requesting any other type of relief, please complete the following section.

a. Type of relief that is being requested by the applicant.

Extension of Zoning Hearing Board Approval (Section 27-613). Applicant is in the process of obtaining approvals for the project and requires an extension of time in order to do so.

b. Please indicate the section of the Zoning Ordinance related to the relief being requested.

c. Please describe in detail the reasons why the requested relief should be granted.

16. If the applicant is being represented by an attorney, please provide the following information.

a. Attorney's Name: **Edward J. Hughes, Esquire**

b. Address: **1250 Germantown Pike, Suite 205, Plymouth Meeting, PA 19462**

c. Phone Number: **(610) 279-6800**

d. E-mail Address: **ehughes@hkolaw.com**

I/we hereby certify that to the best of my knowledge, all of the above statements contained in this Zoning Application and any papers or plans submitted with this application to the Borough of Conshohocken are true and correct.

By: [Signature], Attorney for Applicant
Applicant - Edward J. Hughes

By: [Signature], Attorney for Owner
Legal Owner - Edward J. Hughes

June 9, 2021
Date

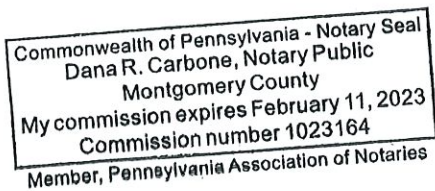
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 15th day of July, 2021.

[Signature: Dana R. Carbone]
Notary Public

(Seal)





BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Decision

(For Borough Use Only)

Application Granted

Application Denied

MOTION:

CONDITIONS:

BY ORDER OF THE ZONING HEARING BOARD

	Yes	No
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

DATE OF ORDER: _____

HUGHES, KALKBRENNER & OZOROWSKI, LLP
ATTORNEYS AT LAW
SUITE 205
1250 COMMONS
1250 GERMANTOWN PIKE
PLYMOUTH MEETING, PENNSYLVANIA 19462

EDWARD J. HUGHES
GEORGE J. OZOROWSKI

TELEPHONE (610) 279-6800
TELECOPIER (610) 279-9390
E-MAIL: ehughes@hkolaw.com

June 1, 2021

(VIA EMAIL - zoning@conshohockenpa.gov)

Borough of Conshohocken
400 Fayette Street, Suite 200
Conshohocken, PA 19428

**Re: 900 Fayette Street
Z-220-17**

Dear Sir or Madam:

Please accept this letter as a request to extend the zoning relief granted on December 14, 2020 pursuant to the Board's letter dated December 15, 2020. The Applicant is in the process of obtaining approvals for the project and due to the COVID-19 disruptions, processing of the approvals has been delayed. Applicant requests a twelve (12) month extension from June 15, 2021 until June 15, 2022.

Very truly yours,
HUGHES, KALKBRENNER & OZOROWSKI, LLP

/s/ Edward J. Hughes

By: _____
Edward J. Hughes, Esquire

EJH:drc
cc: ACG, LLC (via email)

BEFORE THE ZONING HEARING BOARD OF CONSHOHOCKEN

IN RE: APPLICATION OF ACG, LLC

REGARDING

900 FAYETTE STREET

APPLICATION Z-2020-17

DECISION OF THE BOARD

I. HISTORY

On or about November 12, 2020, AGC, LLC (hereinafter “Applicant”), filed the within Application seeking a special exception pursuant to the terms of Section 27-703.E(6)(a), for expansion of a non-conforming building, variances from Sections 27-1205.F, to permit an increase in impervious lot coverage, and 27-2002, to permit less off-street parking than required, of the Conshohocken Borough Zoning Ordinance of 2001 (together with all amendments thereto, the “Zoning Ordinance”), for the property located at 900 Fayette Street, Conshohocken, Pennsylvania (hereinafter called “Subject Property”). The Applicant proposes to add a one-story, 700 square foot, 14-foot by 50-foot addition to the rear of the existing, non-conforming building to house kitchen facilities for the deli operation on the Subject Property.

After notice was duly given and advertised, a hearing was held on said Application using a Go-To-Meeting platform, pursuant to state law, on December 14, 2020. At the hearing, the following Exhibits were introduced and admitted:

- P-1: Zoning Notice
- P-2: Zoning Determination
- P-3: Letter dated November 10, 2020
- P-4: Zoning Application
- P-5: Deed

- P-6: Board of Assessment Summary
- P-7: Tax Map
- P-8: Commercial Lease for the Subject Property
- P-9: Google Map Photographs
- P-10: Zoning Plan
- P-11: Site Renderings
- A-1: Curriculum Vitae of Kent Baird
- A-2: Deed
- A-3: Property Records and Tax Map
- A-4: Lease
- A-5: Google Aerial Photograph
- A-6: Google Street View Photograph
- A-7: Zoning Plan
- A-8: Proposed Addition
- A-9: Existing Floor Plan

I. FINDINGS OF FACT

1. The Subject Property is located at 900 Fayette Street, Conshohocken, Pennsylvania in the R-O Residential Office Zoning District.
2. The Subject Property is owned by CSOPOE, LLC (the “Owner”).
3. ACG, LLC leases the Subject Property from the Owner.
4. The Applicant is represented by Edward Hughes, Esquire.

5. The Zoning Hearing Board of the Borough of Conshohocken (the "Board") met all of the requirements of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code as to the requisite Legal Notice of the hearings.

6. The Applicant seeks a special exception from Section 27-703.E(6)(a) for expansion of the existing, non-conforming building.

7. The Applicant seeks a variance from Sections 27-1205.F to permit an increase in impervious lot coverage by 251 square feet or approximately 3.8 percent.

8. The Applicant seeks a variance from Section 27-2002 to permit less off-street parking than required.

9. Kent Baird was present and offered the following testimony on behalf of the Applicant:

- a. Kent Baird is a certified planner employed by Kimley-Horn and Associates, Inc.
- b. The Subject Property is located on the northwest corner of Fayette Street and 9th Avenue.
- c. The Subject Property is currently a non-conforming, mixed-use building known as Lenny's Deli.
- d. The Subject Property is a 7,000 square feet lot with a two-story building containing approximately 6,200 square feet of gross floor area.
- e. The uses currently in the building include a salon, three (3) residential apartments on the second (2nd) floor, the deli, and a storage area in the basement.

- f. The proposed expansion will extend the nonconforming building by 14 feet on the rear of the building.
- g. The side yard and front yard will not change.
- h. The proposed expansion will create an area for kitchen facilities, including a small office, restroom, kitchen area, storage area, and access to a walk-in freezer.
- i. The rear of the building and Subject Property will be reorganized to accommodate access, trash management, and a new walk-in freezer.
- j. The proposed new rear of the building will be 62.3 feet from the rear property line.
- k. The proposed walk-in box freezer will be 52 feet from the rear property line.
- l. The proposed dumpster area will be 48 feet from the rear property line.
- m. The proposed expansion is approximately an 11 or 12 percent increase over existing floor area.
- n. The impervious coverage of the Subject property is currently non-conforming.
- o. The current impervious coverage is 56.5 percent, and the proposed impervious coverage is 60.3 percent, which is equal to an additional 269 square feet.
- p. The property is currently non-conforming as to parking, having no on-site parking.

10. Ashley Govberg was present and offered the following testimony on behalf of the Applicant:

- a. Ashley Govberg is the owner of Lenny's Deli and the sole member of the Applicant, ACG, LLC.

- b. Ms. Govberg has owned the deli for approximately two (2) years.
 - c. Lenny's Deli is a tenant of the Subject Property.
 - d. The Owner is owned by Ms. Govberg's husband.
 - e. No in-store seating is proposed as part of the Application.
 - f. No changes are proposed for the other uses on the Subject Property.
 - g. Upgrades to the business are important to its continued operation.
 - h. Ms. Govberg has received no negative complaints from the neighborhood.
 - i. The deli operates from 10:00 am to 4:00 pm, Monday through Saturday.
11. No party status was granted.
12. No residents offered comments regarding the application.

II. DISCUSSION

Section 27-703.E(6)(a) of the Ordinance states:

Extension and/or expansion as permitted in § 27-703(E)(1) through (5) above, shall be permitted only by special exception in accordance with Part 6 of this Chapter, only to the extent that all new construction shall comply with the dimensional standards of the district in which the use is located or the district in which the use is permitted, whichever is more restrictive.

Section 27-1205.F of the Ordinances states:

The following standards shall apply to all permitted uses in the R-O District: ...

F. The maximum impervious coverage shall be 50% of the lot area.

Section 27-2002 of the Ordinance states:

Any building or structure erected, altered, or used, and any lot used or occupied for any of the following purposes shall be provided with the minimum number of parking spaces set forth below, together with adequate driveways and street access in compliance with the requirements of the Conshohocken Borough Subdivision and Land Development Ordinance [Chapter 22]. When a use is not specifically listed below, the requirements of the most similar use shall apply.

Use	Requirement
Dwelling unit, multifamily dwelling (studio, efficiency or one-bedroom units)	1 1/2 spaces per dwelling unit.
Dwelling unit:	
Elderly/disabled housing	1 space per dwelling unit.
Independent living	1 space per dwelling unit.
Personal care home	1 space per every 2 private living units.
Dwelling unit, all other types	2 spaces per dwelling unit.
Places of assembly, such as church or auditorium	1 space per 4 seats.
Retail stores	1 space per 150 square feet of gross floor area.
Shopping centers	1 space per 200 square feet of gross leasable area.
Business or administrative offices	1 space per 250 square feet of gross floor area.
Laboratory or industry	The larger of 1 space per employee or per 450 square feet of gross floor area.
Services:	
1. Doctor, dentist, or similar type, including out-patient clinics	7 spaces per doctor, dentist, or similar practitioner.
2. Barber, beautician, tailor, or similar type	3 spaces per barber, beautician or similar practitioner.
3. Plus	1 space per 2 employees not included in subsection (1) or (2) above.
Tourist home, rooming house, bed-and-breakfast	2 spaces, plus 1 space per rental unit.
Self-service laundry	1 space per 3 washers, dryers and/or dry cleaning machines.
Place of indoor amusements (not sports or exercise)	1 space per 100 square feet of gross floor area.
The following uses require 1 space per employee and/or volunteer on the largest shift or during peak periods, plus the number of spaces listed below:	
1. Library, museum or similar place	1 space per 800 square feet of floor area in public use.
2. Hotel, motel, or similar use	1 space per rental unit.
3. Motor vehicle repairs (body or mechanical)	3 spaces per service bay.
4. Vehicle sales	1 space per 500 square feet of indoor sales area, plus 1 space per 5,000 square feet of outdoor sales area.
5. Meeting, training, or classroom space as a primary use	1 space per 2 seats of total seating capacity.
Restaurants:	
1. Drive-in or fast-food	The larger of 1 1/2 spaces per table or booth, or 1 space per 50 square feet of gross floor area; minimum of 25 spaces.

Use	Requirement
2. All others	1 space per 50 square feet of gross floor area.
Indoor sports facility	1 1/2 spaces per person for maximum court and exercise equipment capacity.
Studio for dance, art, music or photography	1 space per 5 students, and/or 1 space per 300 square feet of gross floor area for nonstudent patrons.
Day-care center	1 space per 3 children at maximum capacity.
Bank, financial institution	6 spaces per teller window, plus 3 spaces per automatic teller machine.
Elementary or intermediate schools	1 3/4 spaces per classroom.
High schools	5 spaces per classroom.

In a request for a special exception, the Board is guided by Section 27-703(B), Section 703(E), and Section 27-611 of the Ordinance and the Pennsylvania Municipalities Planning Code (hereinafter called "MPC"). Section 27-703 provides the standards and criteria that the Board is to examine when deciding upon granting a special exception. Said standards and criteria are cited above.

In a request for a variance, the Board is guided by Section 910.2 of the Pennsylvania Municipalities Planning Code (hereinafter called "MPC"). An applicant for a variance has the burden of establishing that literal enforcement of the provisions of the Ordinance will result in an unnecessary hardship as that term is defined by law, including court decisions, and that the allowance of the variance will not be contrary to the public interest. Section 910.2 of the MPC permits the Board to grant a variance where it is alleged that the provisions of the Ordinance inflict unnecessary hardship upon the Applicant and when the Board can make certain prescribed findings where relevant in a given case.

The variances requested are dimensional in nature. When seeking a dimensional variance within a permitted use, the owner is asking only for a reasonable adjustment of the zoning regulations in order to utilize the property in a manner consistent with the applicable regulations.

Hertzberg v. Zoning Bd. of Adjustment of City of Pittsburgh, 721 A.2d 43, 47 (Pa. 1998). Thus, the grant of a dimensional variance is of lesser moment than the grant of a use variance, since the latter involves a proposal to use the property in a manner that is wholly outside the zoning regulation. Id.

III. CONCLUSIONS OF LAW

From the facts presented, it is the judgment of the Board that Applicant shall be granted the requested special exception and variances. The Applicant has proven an unnecessary hardship unique or peculiar to the property and that the variance is not contrary to the public interest. Accordingly, the Board is able to make the following relevant findings under Section 910.2 of the MPC:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the property, and that the unnecessary hardship is due to such condition, and not the circumstances or conditions generally created by the provisions of the Ordinance in the neighborhood or district in which the property is located;

2. That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Ordinance and that the authorization for a variance is therefore necessary to enable the reasonable use of the Subject Property;

3. That the variance will not alter the essential character of the neighborhood or district in which the Subject property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property, or be detrimental to the public welfare;

4. That the unnecessary hardship has not been created by the Applicant; and,

5. That the variance will represent the minimum variance that will afford relief and will represent the least modification possible under Sections 27-1205.F and 27-2002.

6. The proposed use of the Subject Property is equally appropriate or more appropriate than the current use in the Borough R-O Residential Office Zoning District;

7. The proposed use is not more detrimental than the existing nonconforming use;

8. That the proposed use will not alter the character of the neighborhood;

9. That the proposed use will not be detrimental to the public welfare; and,

10. The proposed use is suitable for the Subject Property.

ORDER

AND NOW, this 28th day of January, 2021, the Application of ACG, LLC seeking a special exception pursuant to the terms of Section 27-703.E(6)(a) and variances from Section 27-27-1205.F and 27-2002 of the Conshohocken Borough Zoning Ordinance of 2001 is **GRANTED** to permit the proposed building expansion as indicated in this Application at the Subject Property.

The Applicant is directed to apply to the Borough Zoning Officer to obtain any appropriate permits.

CONSHOHOCKEN ZONING HEARING BOARD

Date Personally Delivered:

Richard D. Barton

Or Date emailed:

Mark S. Danek

1/29/2021

Gregory Scharff

In accordance with :

1. Governor Wolf's March 6, 2020, proclamation of a disaster emergency under 35 Pa.C.S. §7301(c); and
2. Governor Wolf's Stay at Home Order of March 23, 2020; and

I, Alexander Glassman, the Solicitor of the Conshohocken Zoning Hearing Board, hereby certify that each member of said Board has read and approved this written opinion, which accurately reflects the actions and vote by said Board at its December 14, 2020 hearing in this matter. Said Board members have consented to their signatures to be affixed to this Decision as above.

Alexander M. Glassman

Alexander M. Glassman, Esquire



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Colleen Leonard, President
Jane Flanagan, Vice-President
Robert Stokley, Senior Member
Anita Barton, Member
James Griffin, Member
Tina Sokolowski, Member
Karen Tutino, Member

MEMORANDUM

Stephanie Cecco
Borough Manager

Date: July 30, 2021

To: Stephanie Cecco, Brittany Rogers

From: Eric P. Johnson, P.E.

Re: 900 Fayette Street Extension Request - Zoning Determination

History of the Site:

900 Fayette Street is a 2-story mixed use building at the northwest corner of Fayette Street and 9th Avenue located in the Residential Office zoning district. The building on the property is existing nonconforming for building setbacks and impervious coverage. The following uses are located within the building: The first floor contains a delicatessen (conforming restaurant use) and a beauty salon (nonconforming use); the second floor contains three (3) residential dwelling units (nonconforming use). No off-street parking is provided on the property.

In connection with a propose building expansion, in December 2020 the Zoning Hearing Board granted a special exception per §27-703.E(6)(a) for the expansion of a non-conforming building; a variance from §27-1205.F to permit an increase of impervious lot coverage; and a variance from §27-2002 requiring off-street parking.

Per §27-613 of the Zoning Ordinance, the zoning relief granted expires if the applicant does not obtain any and all required permits within the specified timeframe. The relief granted by the Zoning Hearing Board on December 14, 2021 expired on June 15, 2021.

Current Request: The applicant, ACG, LLC, is requesting an extension of the granted zoning relief for an additional twelve (12) months until June 15, 2022. The request for an extension was received on June 1, 2021, prior to the expiration of the zoning relief.

Zoning Determination: The applicant has stated they are in the process of obtaining the required permits and approvals for the building expansion and cited covid related delays. An extension of the previously granted relief would be required to allow the applicant additional time to obtain all required permits.



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

ZONING NOTICE

August 16th, 2021, ZONING HEARING BOARD MEETING TO OCCUR VIA REMOTE MEANS

ZONING HEARING Z-2021-16

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on August 16th, 2021, at 7:00 p.m. prevailing time via remote means. The public is encouraged to participate as set forth below.

This meeting will be held using a Go-To-Meeting Platform. To the extent possible, members of Conshohocken Zoning Hearing Board and Borough staff/professionals will participate via both video and audio. (INSTRUCTIONS ON SECOND PAGE)

At this time, the Conshohocken Zoning Hearing Board will hear testimony and accept evidence on the following request.

PETITIONER: Mary B. Kiernan
331 W. 7th Ave., Conshohocken, PA 19428

PREMISES INVOLVED: 331 W. 7th Ave., Conshohocken, PA 19428
Borough Residential 1 District

OWNER OF RECORD: Mary B. Kiernan
331 W. 7th Ave., Conshohocken, PA 19428

The applicant is seeking a variance from Borough Code Section §27-830 to permit a deck attached to the second floor of the dwelling.

Persons who wish to become parties to the application must notify the Borough of their intent to ask for party status at least five (5) days prior to the scheduled hearing by emailing the attached entry of appearance form to zoning@conshohockenpa.gov. Said persons must be available to participate in the zoning hearing on the scheduled date and time. It is noted that submitting the attached entry of appearance form does not guarantee that you will be granted party status. The Zoning Hearing Board decides who may participate in the hearing before it as a party, subject to Section 908(3) of the Municipalities Planning Code (MPC). The MPC permits party status to any person "affected" by the application. Having taxpayer status alone is not enough to claim party status; however, a person whose property or business abuts the property that is the subject of the appeal is affected and should qualify as a party. Ultimately, the ZHB makes the party status determination after reviewing the request.

Thank you,
Zoning Hearing Board



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

ZONING HEARING REMOTE SESSION ACCESS INSTRUCTIONS

The public is encouraged to participate as follows:

Audio Feed Participation: You may dial-in to access the audio feed of the meeting. All participants (whether listening or providing comments) must use this method of audio participation, even those using Go-To-Meeting to access the video feed. To access audio, please use the below number and access code/ password information.

We ask that you please always keep your phones on mute, unless giving a public comment as set forth in the Public Comment section below.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/972846509>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

Access Code: 972-846-509

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/972846509>

If you have already downloaded the Go-To-Meeting application, the link will redirect you to the application itself. Please follow the instructions.

It is recommended that you download the application in advance of the meeting time. If you attempt to sign in prior to the start of the meeting, the Go-To-Meeting application will inform you that the meeting has not started. Please close the application and log back in at the time of the meeting (7:00 PM).

Public Comment: There will be a designated time on the agenda for public comment. Those with public comment shall state their name and address. Prior to the start of the meeting, you may submit written comments by e-mailing them to Zoning@conshohockenpa.gov. Similarly, during the meeting, you may submit written comments by e-mailing them to Zoning@conshohockenpa.gov.

Public comments submitted in this manner will be read by a member of Borough Administration during the public comment period. Because the actual time of the public comment period is determined by the pace of the meeting, please submit all comments as soon as possible, whether before or during the meeting. Written comments shall include the submitting person's name, address, and property in question.

The Conshohocken Zoning Hearing Board thanks you in advance for your cooperation during the remote meeting. If you encounter problems participating during the meeting, or have questions regarding the above prior to the meeting, please contact the Borough at zoning@conshohockenpa.gov.



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

The Borough of Conshohocken Zoning Hearing Board Entry of Appearance as a Party

I/We _____

Request to be granted party status in Application Z-2021-16.

Applicant: 331 W. 7th Ave., Mary B. Kiernan - Variance

Please print name:

Please print address:

Please print email:

Please Sign Below:

Please return form via mail or e-mail to the below:
(Entry must be received no later than August 11th, 2021)

MAIL:

Borough of Conshohocken
Attn: Bobbi Jo Myrsiades
400 Fayette St. – Suite 200
Conshohocken, PA 19428

E-MAIL:

zoning@conshohockenpa.gov



BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Zoning Application

Application: _____

Date Submitted: _____

Date Received: _____

1. Application is hereby made for:

Special Exception Variance

Appeal of the decision of the zoning officer

Conditional Use approval Interpretation of the Zoning Ordinance

Other _____

2. Section of the Zoning Ordinance from which relief is requested:

3. Address of the property, which is the subject of the application:

4. Applicant's Name: _____

Address: _____

Phone Number (daytime): _____

E-mail Address: _____

5. Applicant is (check one): Legal Owner ; Equitable Owner ; Tenant .

6. Property Owner: _____

Address: _____

Phone Number: _____

E-mail Address: _____

7. Lot Dimensions: _____ Zoning District: _____

8. Has there been previous zoning relief requested in connection with this Property?

Yes No If yes, please describe.

9. Please describe the present use of the property including any existing improvements and the dimensions of any structures on the property.

10. Please describe the proposed use of the property.

11. Please describe proposal and improvements to the property in detail.

12. Please describe the reasons the Applicant believes that the requested relief should be granted.

13. If a Variance is being requested, please describe the following:

a. The unique characteristics of the property: _____

b. How the Zoning Ordinance unreasonably restricts development of the property:

c. How the proposal is consistent with the character of the surrounding neighborhood. _____

d. Why the requested relief is the minimum required to reasonably use the property; and why the proposal could not be less than what is proposed.

14. The following section should be completed if the applicant is contesting the determination of the zoning officer.

a. Please indicate the section of the zoning ordinance that is the subject of the zoning officer's decision (attach any written correspondence relating to the determination).

b. Please explain in detail the reasons why you disagree with the zoning officer's determination.

15. If the Applicant is requesting any other type of relief, please complete the following section.

a. Type of relief that is being requested by the applicant.

b. Please indicate the section of the Zoning Ordinance related to the relief being requested.

c. Please describe in detail the reasons why the requested relief should be granted.

16. If the applicant is being represented by an attorney, please provide the following information.

a. Attorney's Name: _____

b. Address: _____

c. Phone Number: _____

d. E-mail Address: _____

I/we hereby certify that to the best of my knowledge, all of the above statements contained in this Zoning Application and any papers or plans submitted with this application to the Borough of Conshohocken are true and correct.

Applicant

Legal Owner

Date

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

As subscribed and sworn to before me this _____ day of
_____, 20____.

Notary Public

(Seal)



BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Decision

(For Borough Use Only)

Application Granted

Application Denied

MOTION:

CONDITIONS:

BY ORDER OF THE ZONING HEARING BOARD

	Yes	No
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

DATE OF ORDER: _____



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Senior Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

MEMORANDUM

Stephanie Cecco
Borough Manager

Date: August 5, 2021
To: Stephanie Cecco, Brittany Rogers
From: Eric P. Johnson, P.E.
Re: 331 W. 7th Ave - Zoning Determination

History of the Site:

331 W. 7th Avenue is a 4,200 square-foot lot located in the Borough Residential 1 (BR-1) Zoning District and is developed with a single-family detached dwelling with a first-floor deck, along with a garage.

Current Request:

The applicant proposes to construct a 12-foot x 12-foot deck attached to the second floor of the dwelling. The proposed deck would be located over top of the existing first floor deck.

Zoning Determination:

Per §27-830, decks are permitted to be constructed at or to the rear of a dwelling and may be constructed only at ground level or first floor of a dwelling. The applicant proposes to construct a deck attached to the 2nd story of the dwelling which is explicitly prohibited by the Borough zoning code. A variance granted by the Zoning Hearing Board would be required for the proposed deck.

DATE	BY	REVISIONS
DWN	JRB	1/6/21

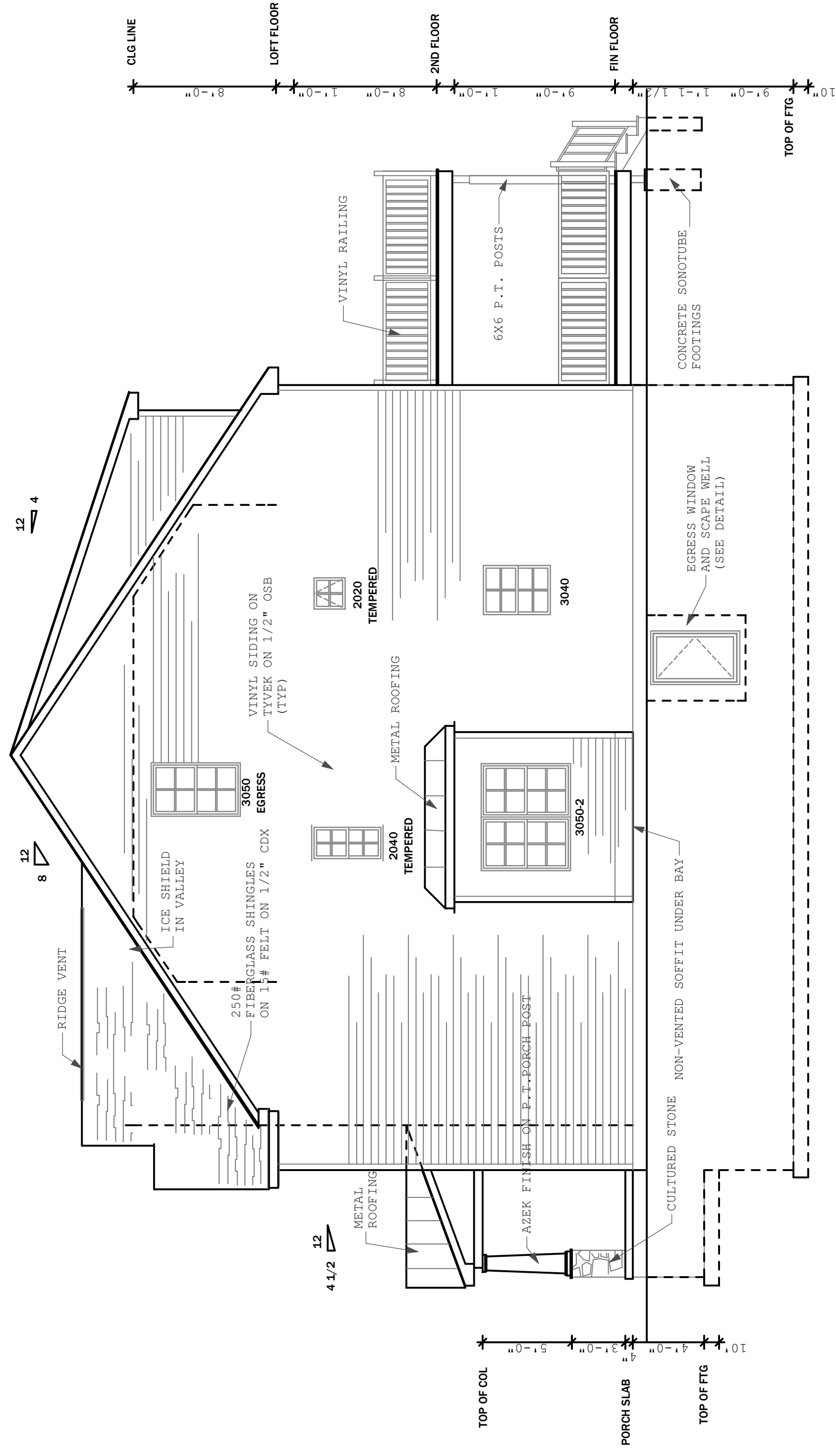
J.R. BETTS & ASSOCIATES
ARCHITECTS & PLANNERS
 661 W. GERMAN TOWN PIKE, SUITE 215
 PLYMOUTH MEETING, PA 19462
 610-279-3131

SHEET TITLE

PROPOSED TWO STORY DECK
DJB PROPERTIES
 331 W. 7TH AVENUE, LOT 1
 CONSHOCKEN, PA

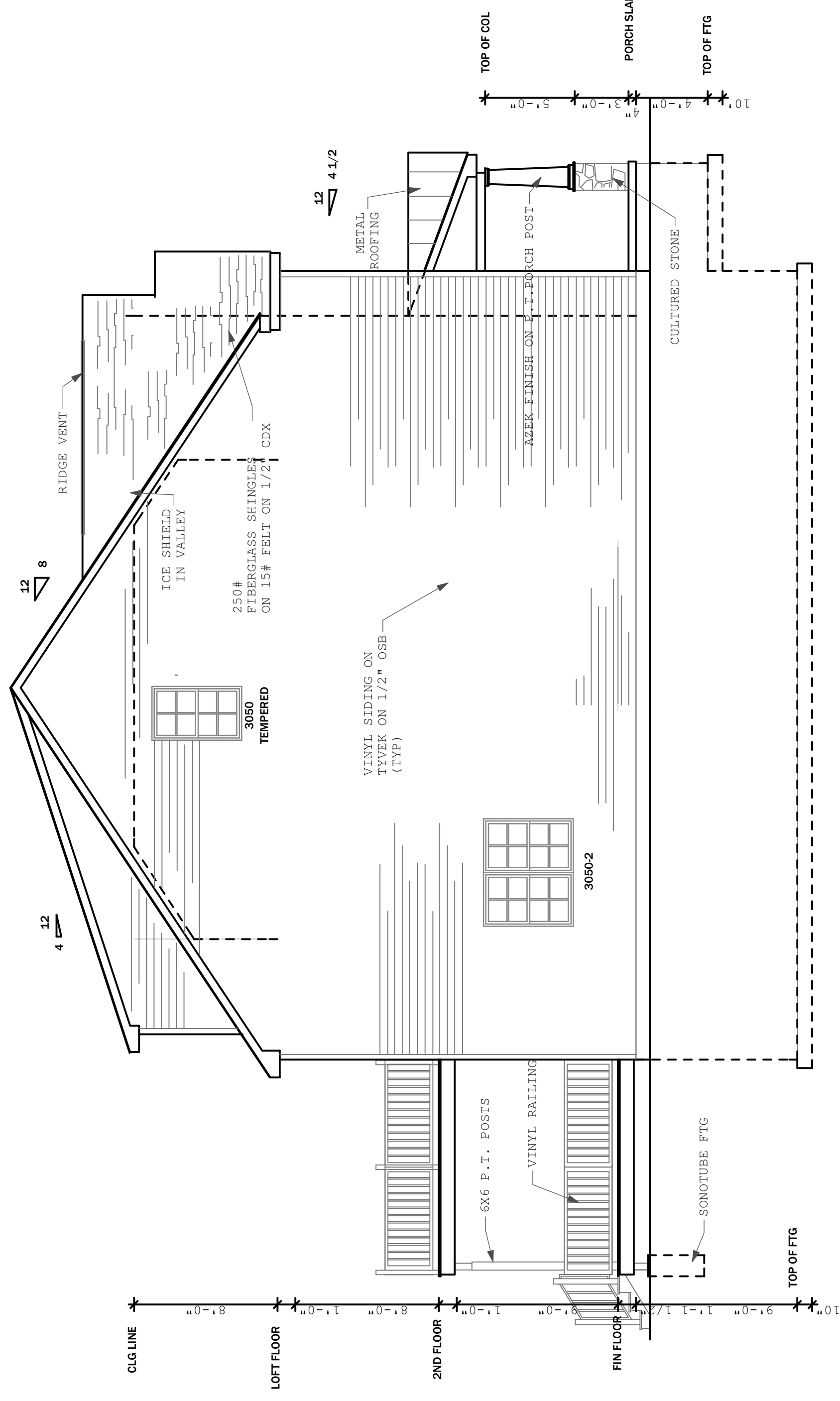
.DRAWING NO

A1



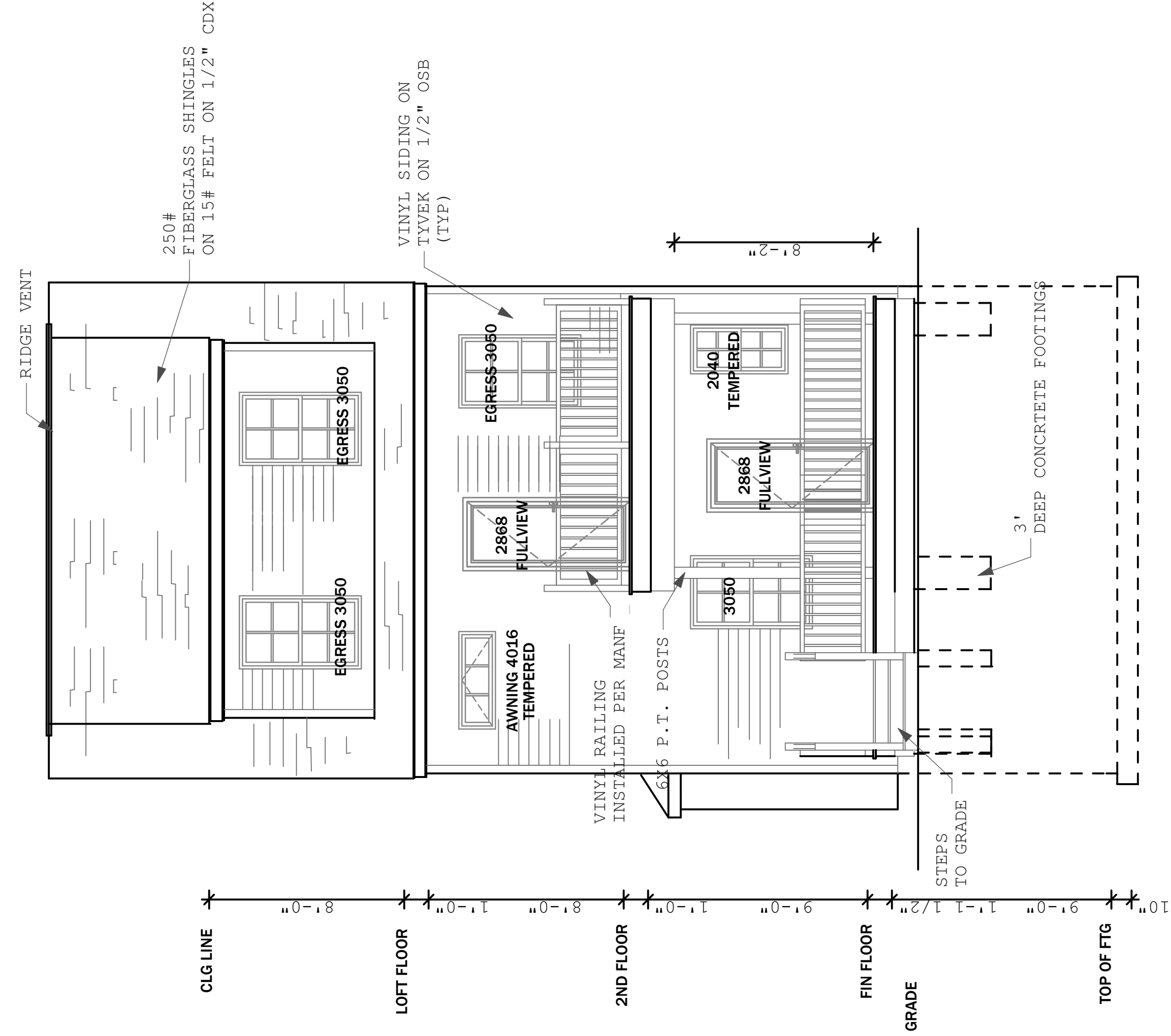
RIGHT SIDE ELEVATION

SCALE 3/16" = 1'-0"



LEFT SIDE ELEVATION

SCALE 3/16" = 1'-0"



REAR ELEVATION

SCALE 1/4" = 1'-0"

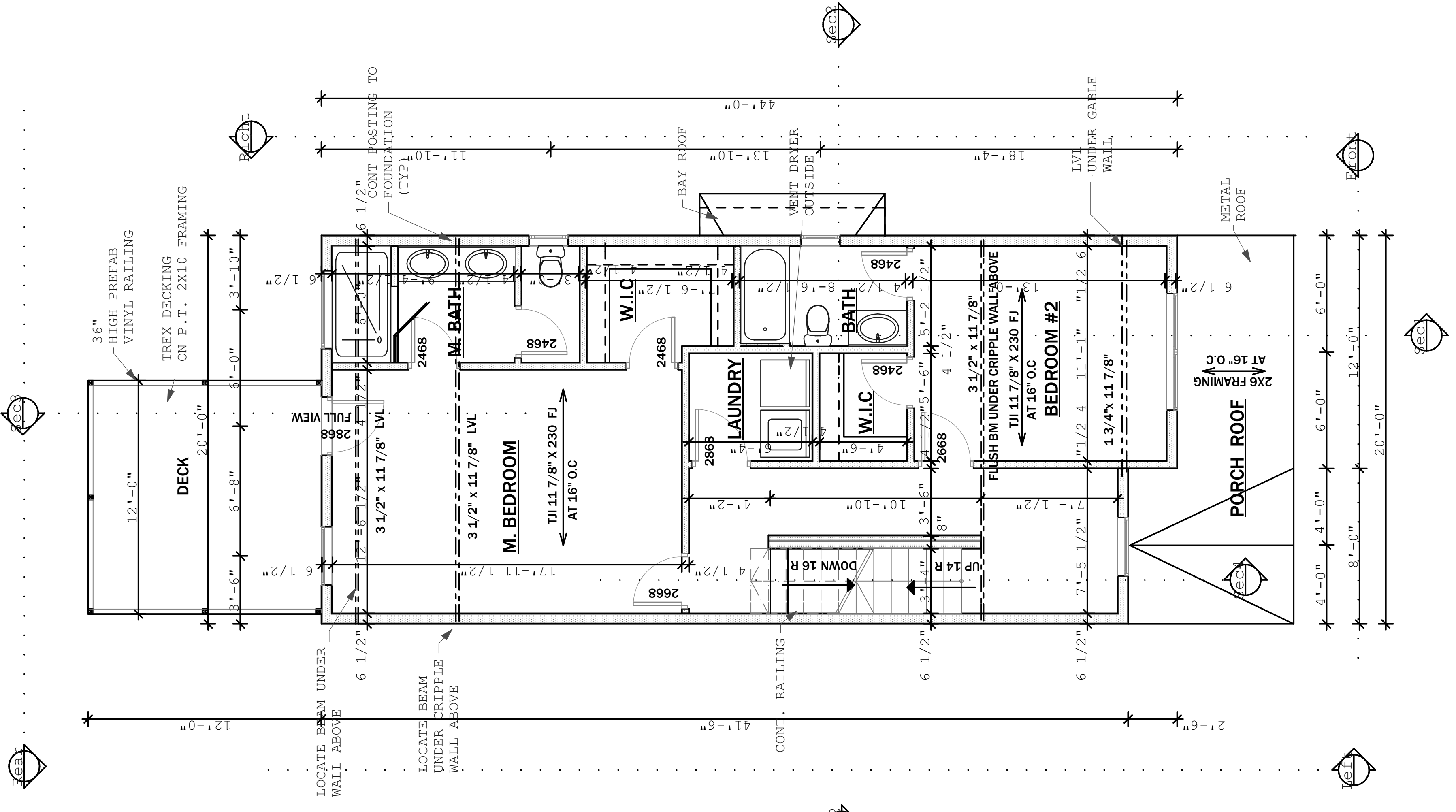
DECK NOTES

- All construction shall conform to the IRC 2015 Residential Building Code, PAUCC as amended
- All concrete shall be a minimum strength of 3000 psi at 28 days
- All wood decks and steps shall have pressure treated structural elements
- Decking and railings shall be pressure treated or vinyl products as selected by owner
- Provide blading on spans over eight feet
- IRC 2015 Code:
 - Use Group - R3
 - Construction Class - VB (5B)
 - Deck live load 60 psf, 10 psf dead load
 - Assumed soil bearing capacity 3000 psf
- All balusters and hand rails on stairs balconies and walkways shall comply with IRC2015 with regards to heights, spacing, mounting and interruptions. Maximum rise to be 7 3/4". Minimum tread 10" Minimum nosing 3/4"

DATE	REVISIONS
DWN	1/6/21
JRB	

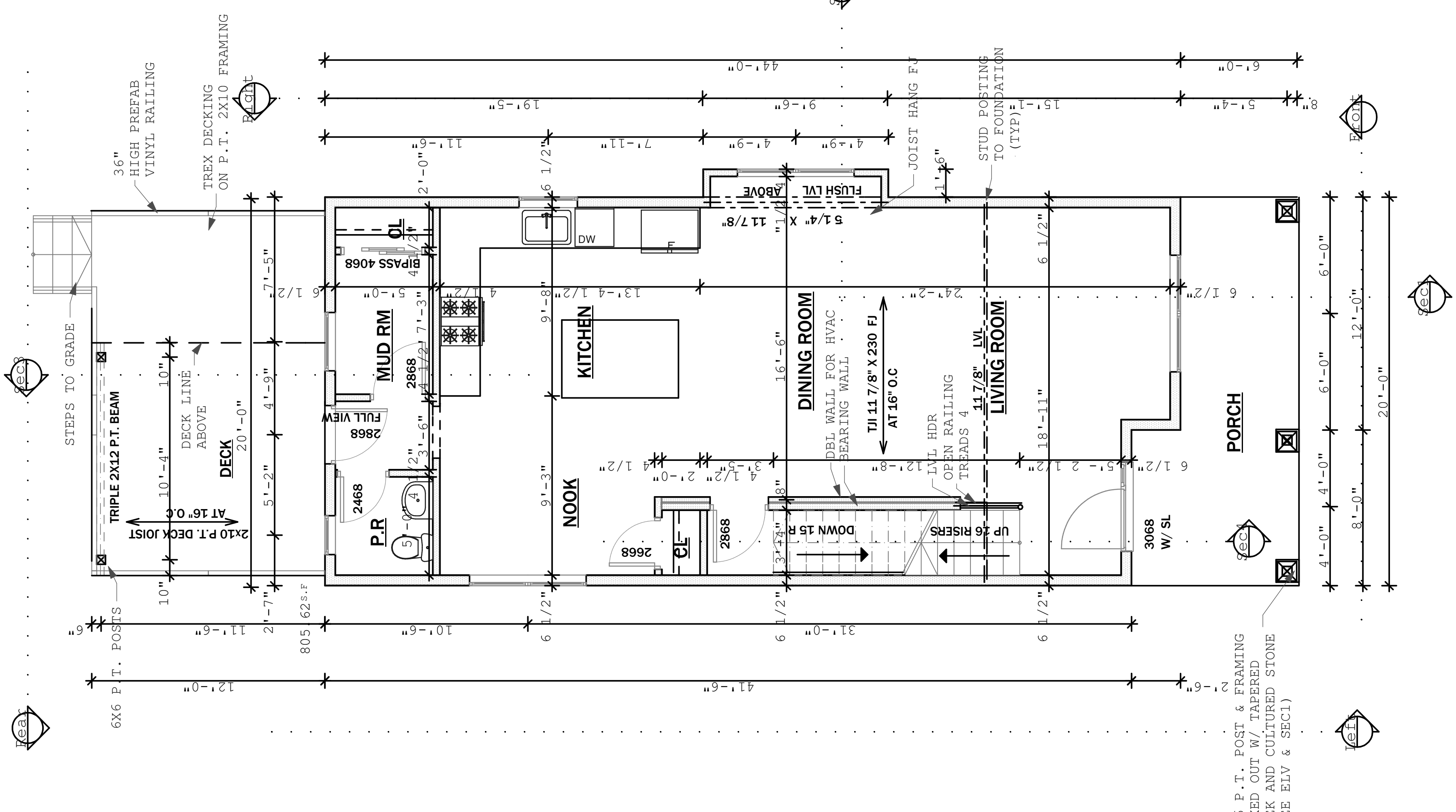
SECOND FLOOR PLAN

SCALE 1/4" = 1'-0"



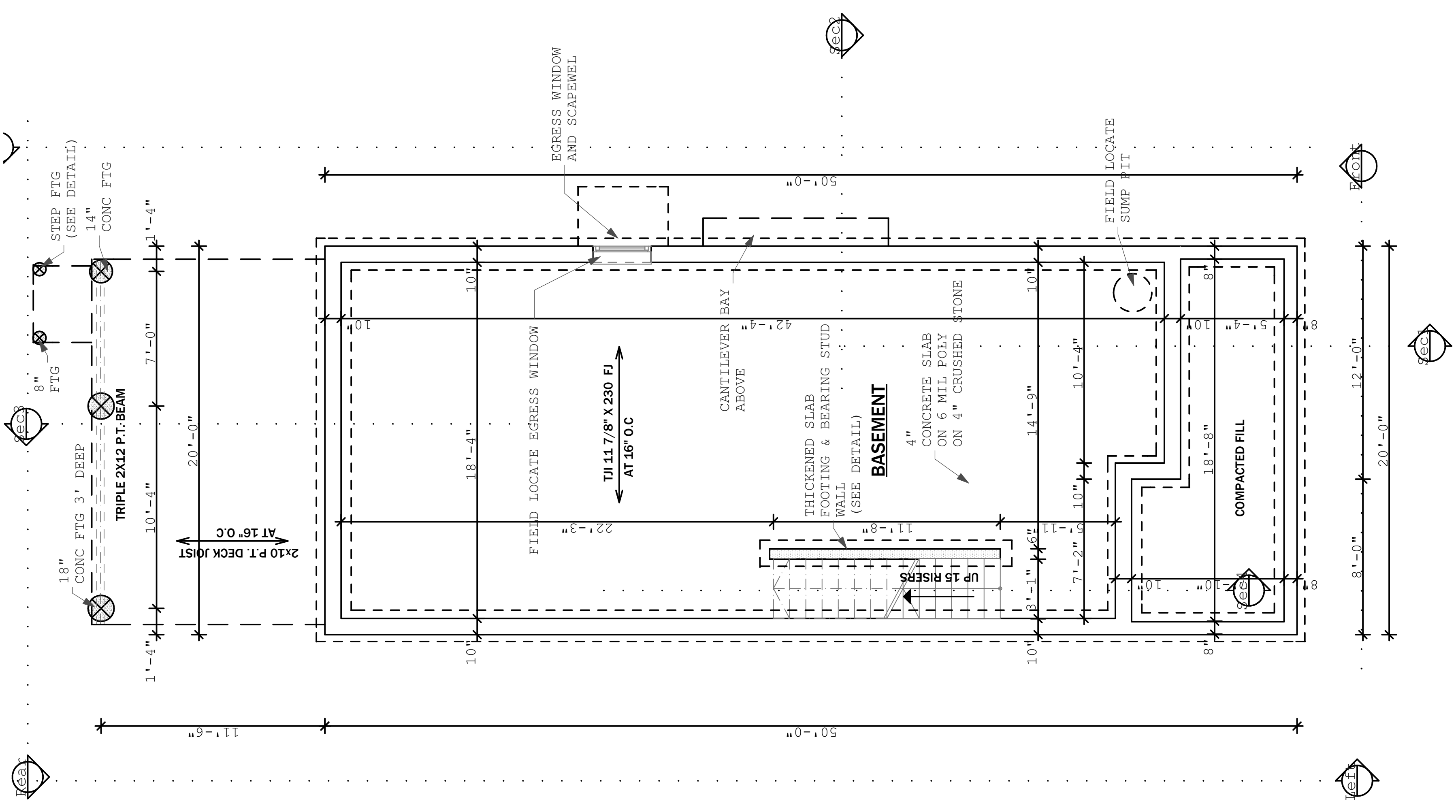
FIRST FLOOR PLAN

SCALE 1/4" = 1'-0"



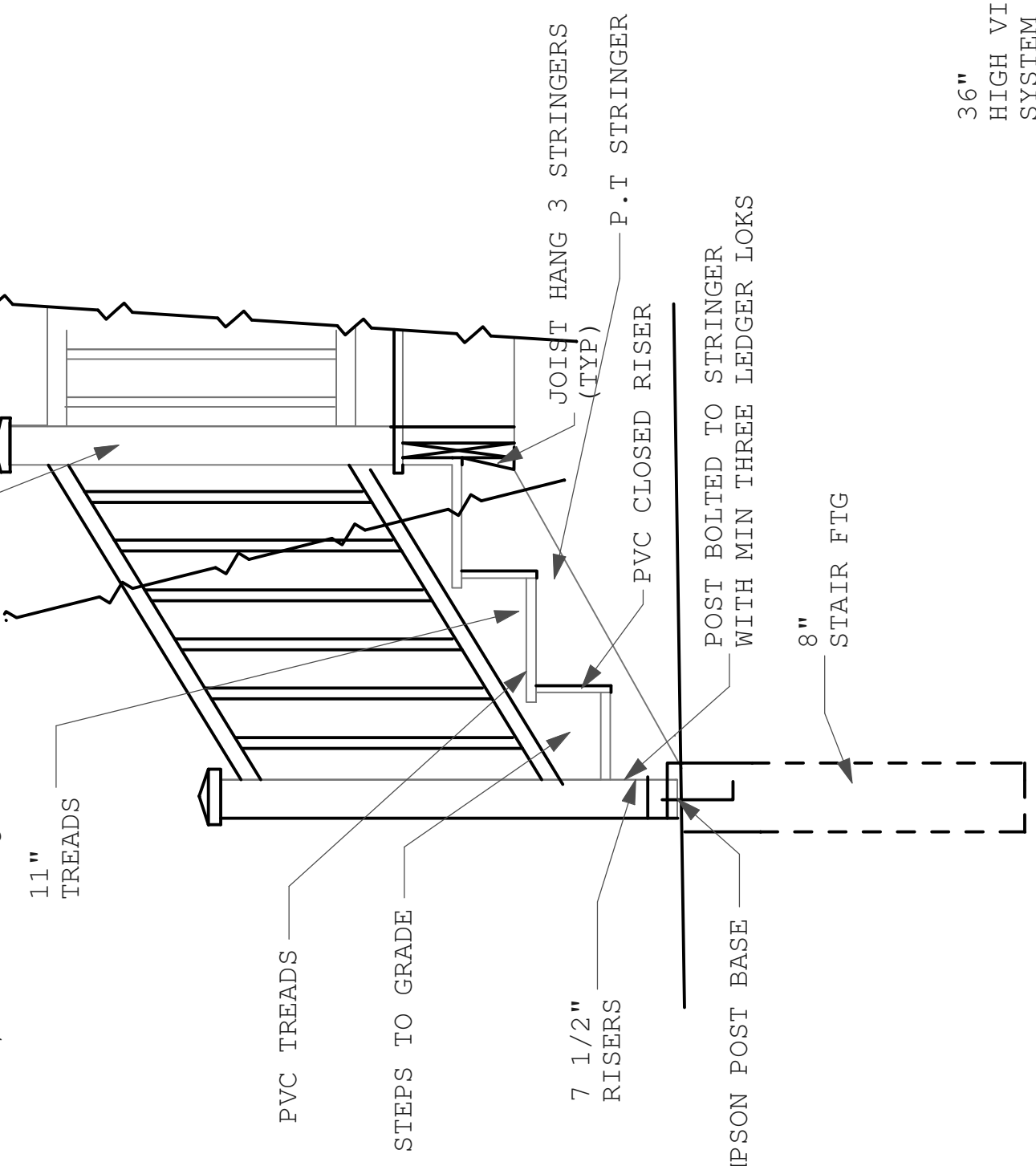
FOUNDATION PLAN

SCALE 1/4" = 1'-0"



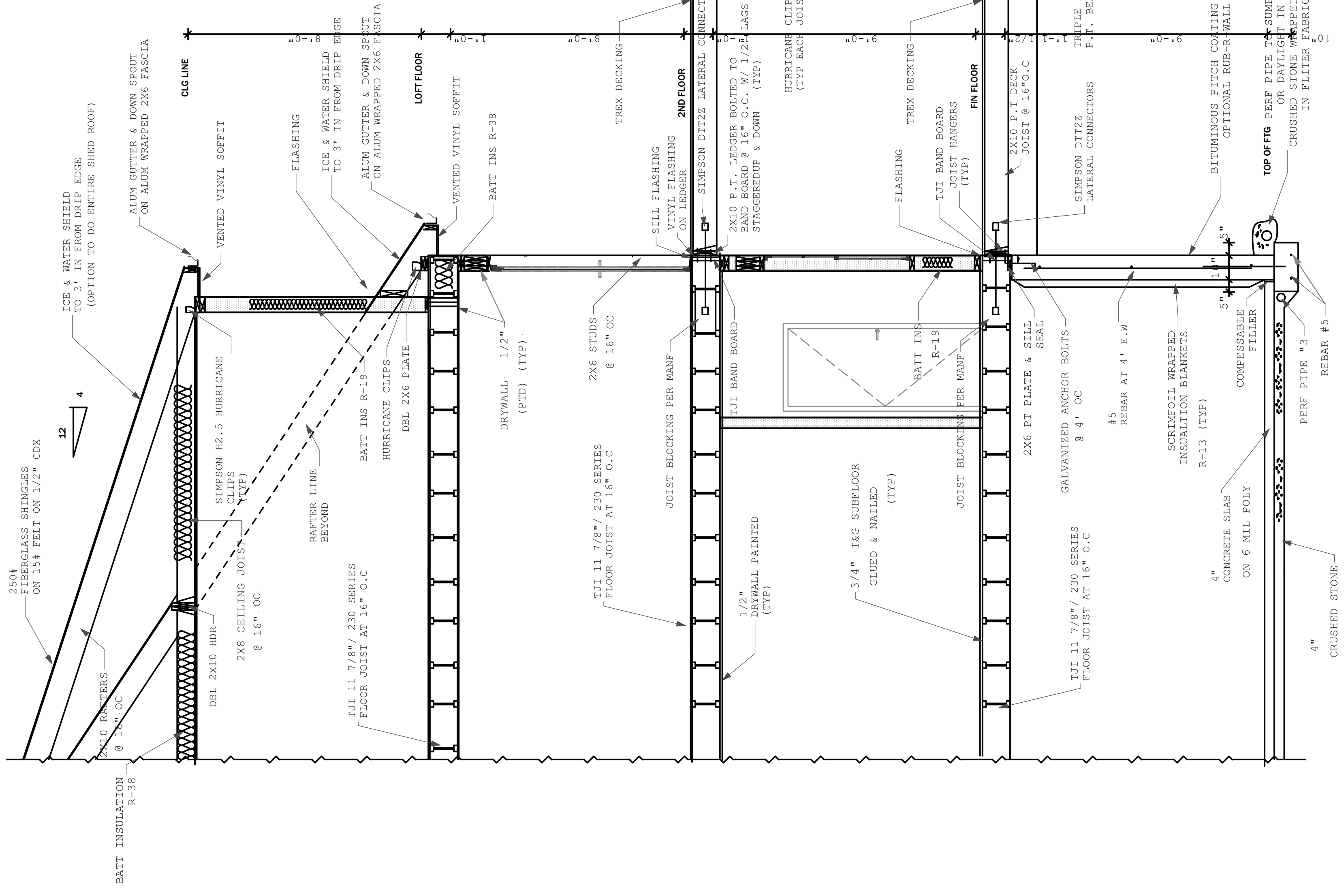
36"

HIGH CEDAR BALUSTRADE
W/ PICKETS @ 4" SPACING



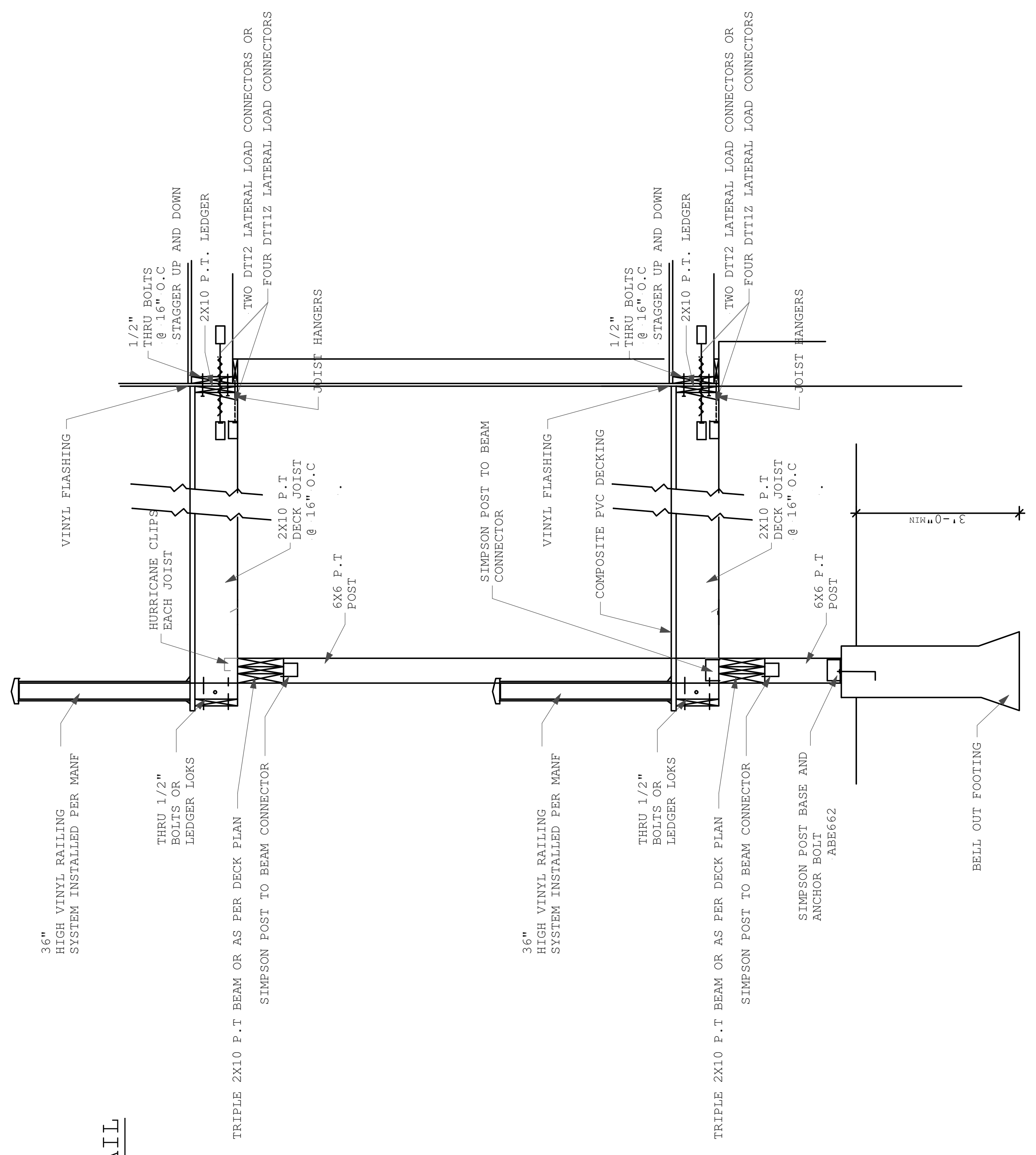
DECK STAIR DETAIL

SCALE 3/4" = 1'-0"



SECTION DETAIL 3

SCALE 1/2" = 1'-0"



DECK DETAILS

SCALE 3/4" = 1'-0"

DATE	REVISIONS
1/6/21	JRB
DWN	

J.R. BETTS & ASSOCIATES
 ARCHITECTS & PLANNERS
 661 W. GERMAN TOWN PIKE, SUITE 215
 PLYMOUTH MEETING, PA 19462
 610-279-3131

SHEET TITLE

PROPOSED TWO STORY DECK
DJB PROPERTIES
 331 W. 7TH AVENUE, LOT 1
 CONSHOHOCKEN, PA

.DRAWING NO

A3



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

ZONING NOTICE

July 19th, 2021, ZONING HEARING BOARD MEETING TO OCCUR VIA REMOTE MEANS

ZONING HEARING Z-2021-13

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on July 19th, 2021, at 7:00 p.m. prevailing time via remote means. The public is encouraged to participate as set forth below.

This meeting will be held using a Go-To-Meeting Platform. To the extent possible, members of Conshohocken Zoning Hearing Board and Borough staff/professionals will participate via both video and audio. (INSTRUCTIONS ON SECOND PAGE)

At this time, the Conshohocken Zoning Hearing Board will hear testimony and accept evidence on the following request.

PETITIONER: Millennium Waterfront Assoc., II, LP
2701 Renaissance Blvd. – 4th Fl. – King of Prussia, PA 19406

PREMISES INVOLVED: 200 Block Washington St, Conshohocken, PA 19428
Specially Planned District 2

OWNER OF RECORD: Same as Above

The applicant is seeking an extension of relief originally granted by the Zoning Hearing Board in 2014 and 2015 from §27-1509.2; -1504.D.5; -1705; -1503; -1505.B.2; and -1504.F.2 in connection with a proposed commercial development.

Persons who wish to become parties to the application must notify the Borough of their intent to ask for party status at least five (5) days prior to the scheduled hearing by emailing the attached entry of appearance form to zoning@conshohockenpa.gov. Said persons must be available to participate in the zoning hearing on the scheduled date and time. It is noted that submitting the attached entry of appearance form does not guarantee that you will be granted party status. The Zoning Hearing Board decides who may participate in the hearing before it as a party, subject to Section 908(3) of the Municipalities Planning Code (MPC). The MPC permits party status to any person “affected” by the application. Having taxpayer status alone is not enough to claim party status; however, a person whose property or business abuts the property that is the subject of the appeal is affected and should qualify as a party. Ultimately, the ZHB makes the party status determination after reviewing the request.

Thank you,
Zoning Hearing Board



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

Colleen Leonard, President
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Robert Stokley, Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

ZONING HEARING REMOTE SESSION ACCESS INSTRUCTIONS

The public is encouraged to participate as follows:

Audio Feed Participation: You may dial-in to access the audio feed of the meeting. All participants (whether listening or providing comments) must use this method of audio participation, even those using Go-To-Meeting to access the video feed. To access audio, please use the below number and access code/ password information.

We ask that you please always keep your phones on mute, unless giving a public comment as set forth in the Public Comment section below.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/972846509>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

Access Code: 972-846-509

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/972846509>

If you have already downloaded the Go-To-Meeting application, the link will redirect you to the application itself. Please follow the instructions.

It is recommended that you download the application in advance of the meeting time. If you attempt to sign in prior to the start of the meeting, the Go-To-Meeting application will inform you that the meeting has not started. Please close the application and log back in at the time of the meeting (7:00 PM).

Public Comment: There will be a designated time on the agenda for public comment. Those with public comment shall state their name and address. Prior to the start of the meeting, you may submit written comments by e-mailing them to Zoning@conshohockenpa.gov. Similarly, during the meeting, you may submit written comments by e-mailing them to Zoning@conshohockenpa.gov.

Public comments submitted in this manner will be read by a member of Borough Administration during the public comment period. Because the actual time of the public comment period is determined by the pace of the meeting, please submit all comments as soon as possible, whether before or during the meeting. Written comments shall include the submitting person's name, address, and property in question.

The Conshohocken Zoning Hearing Board thanks you in advance for your cooperation during the remote meeting. If you encounter problems participating during the meeting, or have questions regarding the above prior to the meeting, please contact the Borough at zoning@conshohockenpa.gov.



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

Colleen Leonard, President
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Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

The Borough of Conshohocken Zoning Hearing Board Entry of Appearance as a Party

I/We _____

Request to be granted party status in Application Z-2021-13.

Applicant: 200 Blk Wash. St. – Millennium Waterfront Assoc. – Zoning Extension

Please print name:

Please print address:

Please print email:

Please Sign Below:

Please return form via mail or e-mail to the below:
(Entry must be received no later than July 14th, 2021)

MAIL:

Borough of Conshohocken
Attn: Bobbi Jo Myrsiades
400 Fayette St. – Suite 200
Conshohocken, PA 19428

E-MAIL:

zoning@conshohockenpa.gov

BEFORE THE ZONING HEARING BOARD OF CONSHOHOCKEN
IN RE: APPLICATION OF
MILLENNIUM WATERFRONT ASSOCIATES, LP
REGARDING
200 BLOCK OF WASHINGTON STREET
APPLICATION Z-2014-04; Z-2015-04
DECISION OF THE BOARD

I. HISTORY

On or about November 26, 2018, Millennium Waterfront Associates, LP (hereinafter “Applicant”) filed the within request for an extension of zoning relief granted in 2014 and 2015 from the terms of 27-1509.2- Building Bulk, 27-1504.D.5- Orientation of a Garage, 27-1705- Flood Proofing of Amenities in the Flood Way, 27-1503- Height, 27-1505.B.2- Minimum Building Setback from a Private or Internal Driveway and 27-1504.F.2- Impervious Coverage of the Conshohocken Borough Zoning Ordinance of 2001 (together with all amendments thereto, the “Zoning Ordinance”) for a property located at the 200 Block of Washington Street, Conshohocken, Pennsylvania (hereinafter called “Subject Property”). Applicant’s request for extension was submitted prior to the expiration of said relief. Said relief was set to expire on January 30, 2019. This hearing was continued numerous times based upon agreements of the parties and the COVID-19 pandemic. After notice was duly given and advertised, a hearing was held on said request using a Webex platform, pursuant to state law, on June 15, 2020 and continued to July 20, 2020. At the hearing on July 20, 2020, the following Exhibits were introduced and admitted:

P-9 – Letter dated 6/7/2020

P-10 – Letter dated 7/20/2020

P-11 – Site Plan

FINDINGS OF FACT

1. The Subject Property is located at the 200 Block of Washington Street, Conshohocken, Pennsylvania.

2. The Subject Property is owned by Millennium Waterfront Associates, LP.
3. The Applicant is represented by Edmund J. Campbell, Jr., Esquire.
4. Morgan Properties, who owns Millennium II and Millennium III, requested and was granted party status and was represented by Attorney Matt McHugh, Esquire.
5. The Applicant requests an extension of previously granted zoning relief granted in 2014 and 2015 with regard to the proposed development of the Subject Property.
6. A continuance was granted from the June 15, 2020 Zoning Hearing Board meeting to July 20, 2020. Applicant was asked to provide sketch plans and a synopsis of the relief requested; Applicant provided the documents prior to the July 20, 2020 meeting.
7. The Subject Property contains existing buildings called Millennium II and Millennium III.
8. At the time the initial relief was granted by the Zoning Hearing Board, Applicant's proposed development, referred to as Millennium IV, proposed to be connected to the two existing buildings.
9. Since the Applicant no longer controls Millennium II and Millennium III, Applicant's proposed development will no longer be connected to those existing buildings.
10. Attorney Campbell described Applicant's request as an extension of the 2014 and 2015 zoning relief excluding the relief granted under Section 1509.2, which previously allowed the building to be 540 ft. in length.

II. DISCUSSION

Section 27-613 of the Zoning Ordinance states:

“Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain any and all permits within six months of the date of authorization thereof.”

In reviewing Section 613, the Zoning Hearing Board asserts that while zoning relief expires within six months, the Board also has the power to grant extensions of previously granted relief if said requests are submitted prior to the expiration of the six month, or subsequent extensions.

The Protestants disagree with this assessment and cite three (3) cases, *Chetmynd Associates v. Township of Radnor*, 21 Pa.Cmwlth. 493 (1975), *Lucia v. Zoning Hearing Board of the Township of Upper St. Clair*, 63 Pa.Cmwlth. 272 (1981), and *Omnivest v. Stewartstown Borough Zoning Hearing Board*, 163 Pa.Cmwlth. 415 (1994). The Board has reviewed these cases, but does not believe they are analogous to the request before the Board as explained below. In *Chetmynd Associates*, the applicant did not move to extend the six (6) month permitting deadline and the original approval expired in its entirety. In *Lucia*, the applicant again did not make a timely request for extension and was instead challenging the expiration of the conditional use permit on the grounds that the applicable code section had a written notice of expiration requirement. Finally, in *Omnivest*, the Commonwealth Court determined it was not an abuse of discretion to deny a second application following the granting of a variance which expired after six (6) months with no attempt to obtain an extension of relief by the applicant.

The situation before the Board regarding Applicant's request differs from the fact patterns of the provided case law. Applicant submitted a request for extension prior to the expiration of the granted zoning relief, whereas in the provided case law, requests were made after the relief expired. While a hearing was not held on Applicant's request until July 2020, the hearing was continued due to agreements of the parties and the COVID-19 pandemic.

III. CONCLUSIONS OF LAW

From the facts presented and pursuant to the Zoning Ordinance, it is the judgment of the Board that the Applicant shall be granted the requested extension of the previous granted relief for one (1) year.

ORDER

AND NOW, this 31st day of August 2020, the request of Millennium Waterfront Associates, LP, seeking an extension of relief previously granted in 2014 and 2015, from Section 27-27-1504.D.5, 27-1705, 27-1503, 27-1505.B.2, and 27-1504.F.2 of the Zoning Ordinance is hereby GRANTED the relief is extended for one (1) year.

The Applicant is directed to apply to the Borough Zoning Officer to obtain any appropriate permits.

CONSHOHOCKEN ZONING HEARING BOARD

Date Personally Delivered:

Richard D. Barton

Or Date emailed:

Mark S. Danek

9/3/20

Gregory Scharff

In accordance with :

- 1) Governor Wolf's March 6, 2020, proclamation of a disaster emergency under 35 Pa.C.S. §7301(c); and
- 2) Governor Wolf's Stay at Home Order of March 23, 2020; and

I, Alexander Glassman, the Solicitor of the Conshohocken Zoning Hearing Board, hereby certify that each member of said Board has read and approved this written opinion, which accurately reflects the actions and vote by said Board at its July 20, 2020, hearing in this matter. Said Board members have consented to their signatures to be affixed to this Decision as above.

Alexander M. Glassman

Alexander M. Glassman, Esquire

CAMPBELL **CR** ROCCO
L A W L L C

Edmund J. Campbell
Direct Dial: (610) 992-5885
Email: ecampbell@campbellroccolaw.com

May 21, 2021

VIA U.S. FIRST CLASS MAIL

Borough of Conshohocken
400 Fayette Street
Suite 200
Conshohocken, PA 19428
Attn: Bobbi Jo Myrsiades

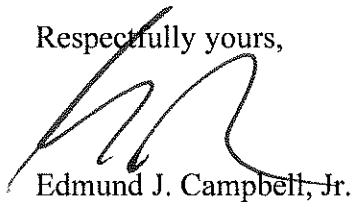
RE: Millennium Waterfront Associates, LP
Z-2014-04
Z-2015-04

Dear Ms. Myrsiades,

Millennium Waterfront Associates II, LP (“MWA”) is the owner of certain units of the Millennium Condominium (“Millennium”), and the successor to Washington Street Associates IV, L.P. Please accept the enclosed Zoning Application as a request on behalf of MWA to extend the above referenced zoning approvals.

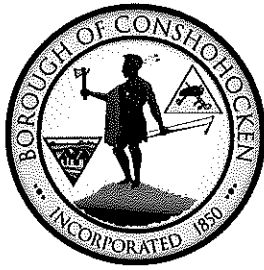
Thank you in advance for your time and attention to his matter.

Respectfully yours,



Edmund J. Campbell, Jr.

EJC/har
cc: Richard Heany (via e-mail)



BOROUGH OF CONSHOHOCKEN
 400 Fayette Street, Suite 200, Conshohocken, PA 19428
 Phone (610) 828-1092 Fax (610) 828-0920

Zoning Application

Application:	<u>2-20021-175</u>
Date Submitted:	<u>5-24-21</u>
Date Received:	<u>6-24-21</u>

1. Application is hereby made for:

Special Exception Variance

Appeal of the decision of the zoning officer

Conditional Use approval Interpretation of the Zoning Ordinance

Other Request Extension of Zoning Relief

- §27-1509.2 – Variance for building bulk
- §27-1604.D.5 – Variance for orientation of the parking garage
- §27-1705 – Variance for floodproofing of amenities in the floodway
- §27-1503 – Variance for building height
- §27-1505.B.2 – Variance for minimum setback from internal roadways
- §27-1504.F.2 – Variance for impervious coverage

2. Section of the Zoning Ordinance from which relief is requested:

3. Address of the property, which is the subject of the application:

200 Block of Washington Street Conshohocken, PA 19428

4. Applicant's Name: Millennium Waterfront Associates II LP et al c/o Edmund J. Campbell, Jr. Esquire

Address: 2701 Renaissance Boulevard, Fourth Floor, King of Prussia, PA 19406

Phone Number (daytime): 610.337.5585

E-mail Address: ecampbell@campbellroccolaw.com

5. Applicant is (check one): Legal Owner ; Equitable Owner ; Tenant

6. Property Owner: See attached site map.

Address: 2701 Renaissance Boulevard, Fourth Floor, King of Prussia, PA 19406

Phone Number: 610.337.5585

E-mail Address: ecampbell@campbellroccolaw.com

7. Lot Dimensions: See attached map. Zoning District: SP-2

8. Has there been previous zoning relief requested in connection with this Property?

Yes No If yes, please describe.

See attached Zoning Hearing Board decision.

9. Please describe the present use of the property including any existing improvements and the dimensions of any structures on the property.

Commercial Condominium

10. Please describe the ~~proposed~~ use of the property.

Office buildings with parking structure

11. Please describe proposal and improvements to the property in detail.

See attached Addendum I.

12. Please describe the reasons the Applicant believes that the requested relief should be granted.

See attached Addendum II.

13. If a Variance is being requested, please describe the following: See attached Addenda.

a. The unique characteristics of the property: _____

b. How the Zoning Ordinance unreasonably restricts development of the property:

c. How the proposal is consistent with the character of the surrounding neighborhood. _____

d. Why the requested relief is the minimum required to reasonably use the property; and why the proposal could not be less than what is proposed.

14. The following section should be completed if the applicant is contesting the determination of the zoning officer.

a. Please indicate the section of the zoning ordinance that is the subject of the zoning officer's decision (attach any written correspondence relating to the determination).

b. Please explain in detail the reasons why you disagree with the zoning officer's determination.

15. If the Applicant is requesting any other type of relief, please complete the following section.

a. Type of relief that is being requested by the applicant. • §27-1509.2 – Variance for building bulk
Extension of relief granted in PZ-2014-04 and 2015-04 • §27-1504.D.5 – Variance for orientation of the parking garage
• §27-1705 – Variance for floodproofing of amenities in the floodway
• §27-1503 – Variance for building height
• §27-1505.B.2 – Variance for minimum setback from internal roadways
• §27-1504.F.2 – Variance for impervious coverage

b. Please indicate the section of the Zoning Ordinance related to the relief being requested.

See above.

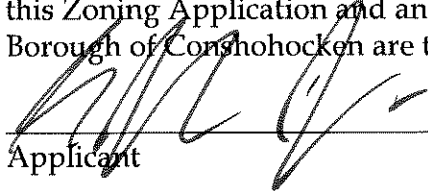
c. Please describe in detail the reasons why the requested relief should be granted.

See Addendum II.

16. If the applicant is being represented by an attorney, please provide the following information.

a. Attorney's Name: Edmund J. Campbell, Jr. Esquire
b. Address: 2701 Renaissance Boulevard, Fourth Floor, King of Prussia, PA 19406
c. Phone Number: 610.337.5585
d. E-mail Address: ecampbell@campbellroccolaw.com

I/we hereby certify that to the best of my knowledge, all of the above statements contained in this Zoning Application and any papers or plans submitted with this application to the Borough of Conshohocken are true and correct.


Applicant

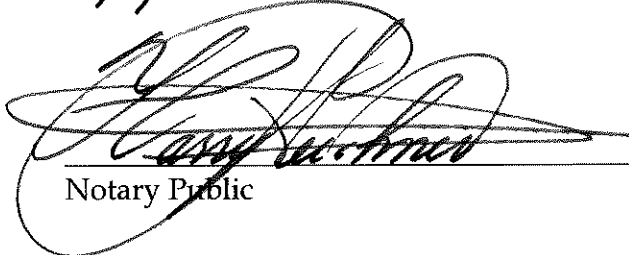
Millennium Waterfront Associates II LP et al
Legal Owner

MAY 21, 2021
Date

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 21st day of
MAY, 2021.


Notary Public

Commonwealth of Pennsylvania - Notary Seal
Harry A. Reichner, Notary Public
Philadelphia County
My commission expires November 13, 2022
Commission number 1194882
Member, Pennsylvania Association of Notaries

(Seal)



BOROUGH OF CONSHOHOCKEN
 400 Fayette Street, Suite 200, Conshohocken, PA 19428
 Phone (610) 828-1092 Fax (610) 828-0920

Decision

(For Borough Use Only)

Application Granted

Application Denied

MOTION:

CONDITIONS:

BY ORDER OF THE ZONING HEARING BOARD

	Yes	No
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

DATE OF ORDER: _____

ADDENDUM I

See attached.



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

MAYOR

Yaniv Aronson

BOROUGH COUNCIL

Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Senior Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Stephanie Cecco
Borough Manager

July 21, 2020

Edmund J. Campbell, Jr., Esq.
Campbell Rocco Law, LLC
2701 Renaissance Blvd., 4th Floor
King of Prussia, PA 19406

Re: PZ-2014-04 and 2015-04: 200 Block of Washington Street Conshohocken, PA 19428

Dear Mr. Campbell,

The Conshohocken Zoning Hearing Board at its July 20, 2020 meeting approved an extension of the zoning relief originally granted in 2014 and 2015 for the referenced project. The following relief was extended for one (1) year through July 20, 2021:

- §27-1509.2 – Variance for building bulk
- §27-1504.D.5 – Variance for orientation of the parking garage
- §27-1705 – Variance for floodproofing of amenities in the floodway
- §27-1503 – Variance for building height
- §27-1505.B.2 – Variance for minimum setback from internal roadways
- §27-1504.F.2 – Variance for impervious coverage

Zoning relief will expire should any required permits not be obtained within the outlined time period. Compliance with all local, state, and federal laws and regulations is still required along with all representations and conditions of the original relief granted.

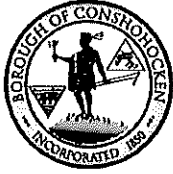
If you have any questions or concerns, please feel free to contact the undersigned.

Sincerely,

Eric P. Johnson, PE
Zoning Officer
PENNONI ASSOCIATES INC.

EPJ/

cc: Stephanie Cecco, Borough Manager
Ray Sokolowski, Executive Director of Operations
Michael Peters, Esq., Borough Solicitor
Alex Glassman, Esq., Zoning Hearing Board Solicitor
Matt McHugh, Esq.
Zoning Hearing Board



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

MAYOR

Yaniv Aronson

BOROUGH COUNCIL

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Anita Barton, Member
James Griffin, Member
Tina Sokolowski, Member
Karen Tutino, Member

Stephanie Cecco
Borough Manager

ZONING NOTICE

ZONING EXTENSION HEARING PZ-2014-04; Z-2015-04

NOTICE IS HEREBY given that the Conshohocken Zoning Hearing Board will conduct a public hearing on Thursday, January 17, 2019 at 7:00 p.m. prevailing time at the Conshohocken Borough Hall, 400 Fayette Street, Conshohocken, PA. At this time, the Conshohocken Zoning Hearing Board will hear testimony and accept evidence on the following request for an extension of zoning relief:

PETITIONER: Millennium Waterfront Associates, LP
c/o O'Neill Property Group
2701 Renaissance Blvd., 4th Floor
King of Prussia, PA 19406

PREMISES INVOLVED: 200 Block of Washington Street, Behind
225 and 227 Washington Street
Specially Planned 2 Zoning District

OWNER OF RECORD: Same as Petitioner

The Petitioner is requesting an extension of variances granted in 2014 and 2015 from the following sections of the Conshohocken Zoning Ordinance: 27-1509 B – Building Bulk, 27-1504 D. 5 – Orientation of a Garage, 27-1705 – Flood Proofing of Amenities in the Flood Way, 27-1503 – Height, 27-1505 B. 2 – Minimum Building Setback from a Private or Internal Driveway, and 27-1504 F. 2 – Impervious Coverage.

The Petitioner proposes to construct an office building, a parking garage, and public amenities along the Schuylkill River.

Interested parties are invited to participate in the hearing. Anyone requiring special accommodations to attend this hearing should contact Conshohocken Borough Administration Office at 610-828-1092 as soon as possible to make arrangements.

Borough of Conshohocken
Zoning Hearing Board

CAMPBELL **CR** ROCCO
L A W L L C

Edmund J. Campbell
Direct Dial: (610) 992-5885
Email: ecampbell@campbellroccolaw.com

November 26, 2018

VIA ELECTRONIC AND FIRST CLASS MAIL

Christine Stetler
1 West First Avenue
Suite 200
Conshohocken, PA 19428

RE: Millennium Waterfront Associates, L.P.
Z-2014-04
Z-2015-04

Dear Ms. Stetler,

Millennium Waterfront Associates, L.P. ("MWA") is the owner of certain units of the Millennium Condominium ("Millennium"), and the successor to Washington Street Associates IV, L.P. Please accept this letter as a request on behalf of MWA to extend the above referenced zoning approvals through December 31, 2019.

Thank you in advance for your time and attention to his matter.

Respectfully yours,


Edmund J. Campbell, Jr.

EJC/aw

cc: Richard Heany



BOROUGH OF CONSHOHOCKEN

MEMORANDUM

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Colleen Leonard, President
Jane Flanagan, Vice-President
Robert Stokloy, Senior Member
Anita Barton, Member
James Griffin, Member
Tina Sokolowski, Member
Karen Tutino, Member

Stephanie Cecco
Borough Manager

Date: December 12, 2018

To: S. Cecco, B. Rogers, Zoning Hearing Board, Zoning Board Solicitor

From: C. Stetler

Re: 200 Block of Washington Street, Millennium Block A, Millennium IV
Request for Extension of Zoning Relief Granted in 2014 and 2015
Request Summary

History of the Site and Current Request:

Zoning relief remains in effect for six (6) months following the Zoning Hearing Board's approval. Petitioners are required to draw permits for their specific project within that time. However, complex projects such as that proposed on the 200 Block of Washington Street (Millennium IV) often take longer to go through the approval process and secure project financing. For that reason, Petitioners often request an extension of time to draw construction permits for a project.

With regard to the 200 Block of Washington Street, zoning relief was granted in 2014 and 2015. A one (1) year extension of the relief granted was approved January 30, 2018. This approval will expire in January 2019. A second extension of relief granted through December 31, 2019 has been requested.

In 2016, an amendment to the height requirement in the Specially Planned - 1 and 2 Zoning Districts was approved. The amendment permitted a height in those districts of 230 feet with Conditional Use approval by Conshohocken Borough Council. In June, 2017, the Developer of the site requested Conditional Use approval for a height of up to 230 feet. Hearings on the Conditional Use application have been continued since its submission through October, 15, 2018, at which time the application was withdrawn.

Because zoning relief for the project has not been completed, the project has not proceeded through the Land Development process. The overall project has not been approved by Borough Council, and therefore no permits have been secured.

At the present time, it is not known if the Developer will submit a new application for Conditional Use approval of a height increase for the office building and garage. It should be noted; that garages are not exempt from the height requirements of the Specially Planned - 2 Zoning District. Also, there is now indication if the size of the building will remain at 617,000 square feet, which is the remaining Floor Area Ratio allowable for Millennium Block A.

Following is a description of relief granted in 2014 and 2015 for the proposed project.

Z-2014-04: 200 Washington Street Block A. Decision May 5, 2014

Proposal: The Developer proposed a 300,000 square foot office building with a five (5) story parking garage, and public amenities including an amphitheater, public garden and improved public access. It should be noted that the design of the project was a direct result of the needs of the single tenant being sought to occupy the building.

Relief Requested and Granted:

1. §27-1509.2 Building Bulk: Relief was requested to increase the building bulk of the new proposed office building from 250 feet to 384 feet, and increasing the non-conforming building bulk of 227 Washington Street through connection to the proposed building, making the building bulk 543.8 feet. Variances were approved on condition that the connector between the existing building at 227 Washington Street and the new office building be used for the transient movement of employees only, and not for additional office space or gathering areas. Relief was approved for the building bulk of the proposed garage of 274.8 feet
2. §27-1504 D. 5: Interpretation and in the alternate a variance was requested regarding the proposed orientation of the parking garage parallel to the Schuylkill River. The Ordinance does not permit visible parking structures parallel to the river or between a principal building and the river. Despite arguments that there was intervening land between the proposed parking garage and the actual river bank, the Zoning Board granted a variance to orienting the parking garage parallel to the river, on condition that the structure be concealed in some way other than wire mesh so that it does not appear to be a parking structure when viewed from the river side of the building in the opinion of the Borough's Design Review Committee.
3. §27-1705: Utilization of the Flood Plain Conservation District: Relief was requested from conditional use requirements for development of amenities in the floodway. All proposed buildings related to the project were located in the floodway fringe, and no relief was requested from flood proofing requirements. However grading and amenities to be constructed in conjunction with the project were located in the floodway. Relief was granted for the following activities in the floodway:
 - a. An amphitheater with a plaza, walkway and paved parking areas;
 - b. Paved walkways, sidewalks, parking areas, plazas, courtyards and meeting areas; and
 - c. Grading, re-grading, disturbance of earth, removal and deposit of topsoil and construction of retaining walls.
4. §27-1503 Height: Building height is limited to eighty-five (85) feet, and may be increased to 250 feet by conditional use. The project does not meet the requirements for conditional use approval and therefore a variance was requested. Relief was granted for a building height not to exceed ninety (90) feet. The need for a variance was due to slope at the site and the fact that the elevation of the building had not been finalized at that time.

Z-2015-04: 200 Block of Washington Street Block A. Decision September 29, 2015

Proposal: The Developer proposed a 420,000 square foot office building, a garage of twelve (12) to thirteen (13) stories. Amenities to be constructed remained the same. It should be noted that the changes to the project were the result of requests from the single tenant proposed to occupy the building. Also of note was the Borough of Conshohocken's support for the relief being requested.

Relief Requested and Granted:

1. §27-1509 2 Building Bulk: The proposed building bulk was 400 lineal feet, which was sixteen (16) feet longer than the 384 lineal fee approved in 2014. There was no discussion regarding any changes in the bulk of the garage, which was granted relief in 2014. Note: Garages are not exempt from building bulk requirements.

2. §27-1503 Height: The proposed height of the building was 135 feet, which was a significant increase (45 feet) over the five (5) foot increase granted in 2014. Garage height also was increased, and was considered to be roughly the same as the proposed office building. The variance was granted.
3. §27-1504 D. 5 Interpretation of the Orientation of the Garage Parallel to the Schuylkill River: The parking garage associated with the project continued to be oriented parallel to the river. There was no change in consideration of the garage's orientation or change in the prior approval or condition of approval.
4. §27-1505 B.2 Minimum Building Setback from a Private or Internal Drive: The distance of the parking garage from the drive leading to the garage is less than twenty-five (25) feet. The variance was granted.
5. §37-1504 F. 2. Impervious Coverage: The Developer proposed eighty percent (80%) impervious coverage on the lot, where seventy percent (70%) is permitted. The variance was granted.

2015 variances approved were granted without conditions.



BOROUGH OF CONSHOHOCKEN

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Stephanie Cecco
Borough Manager

Conshohocken Zoning Hearing Board

Tuesday, January 30, 2018 ~7:00 p.m.
Conshohocken Borough Hall ~400 Fayette Street
Conshohocken, PA 19428

Extension of 2014 and 2015 Zoning Relief Granted for the 200 Block of
Washington Street – Millennium Block A.

Present: Richard Barton, Chairman – Zoning Hearing Board, Board Members: Gregory F. Scharff, Janis B. Vacca, PE, Mark S. Danek Esq., Russell Cardamone; Zoning Board Solicitors Michael P. Clarke, Esq., Alexander Glassman, Esq.; Edmund J. Campbell, Jr., Esq. – Attorney for the Applicant; Christine M. Stefler, Zoning Officer,

The meeting was called to order by Mr. Richard Barton, Chairman of the Conshohocken Zoning Hearing Board. Mr. Barton explained that there was a request to extend the zoning relief granted in 2014 and 2015 for a proposed project on the 200 Block of Washington Street known as Millennium Block A.

Mr. Edmund J. Campbell, Jr., Attorney for the property owners, described the zoning relief granted in both 2014 and 2015 which included: building bulk, building height, orientation of the proposed garage, development in the floodway fringe, development of public amenities in the floodway, and grading. Conditions related to the relief granted were that the garage be "skinned" on the exterior to reduce the appearance of a garage, that the proposed design be reviewed and approved by the Borough's Design Review Committee; and that the connection between the proposed building and Millennium III (227 Washington Street) be used for pedestrian traffic only and not for additional office or meeting space.

Mr. Campbell explained that the Developer is seeking to attract a single tenant for the proposed project which is a Fortune 50 company. He was not at liberty to identify the tenant being sought. The proposed tenant still is evaluating its needs and has narrowed the list of potential sites for its headquarters. The selection of a site by the tenant has delayed the implementation of the project.

The public in attendance at the meeting were given the opportunity to ask questions or make statements regarding the extension request. There were no questions or statements from the public.

Russell Cardamone commented that this Developer has consistently returned to the Zoning Hearing Board requesting additional relief to accommodate the proposed project.

Question was raised by the Board as to what the garage would look like. Mr. Campbell explained that, at present, there is no final design for the garage.

Mr. Barton asked when the original relief for the project expired. Relief expired as of July 1, 2016.

An extension of relief previously grant was requested until December 31, 2018.

MOTION: THAT THE REQUEST FOR THE EXTENSION OF RELIEF GRANTED IN 2014 AND 2015 BE GRANTED THROUGH DECEMBER 31, 2018. (Vacca/Danek)

Vacca yes

Scharff yes

Danek yes

Cardamone no

Barton yes

BEFORE THE ZONING HEARING BOARD OF CONSHOHOCKEN

**IN RE: APPLICATION OF
WASHINGTON STREET ASSOCIATES, IV, L.P.**

REGARDING

200 BLOCK of WASHINGTON STREET- MILLENIUM BLOCK A

DECISION OF THE BOARD

I. History of the Case:

By application and addendum dated February 26, 2014 and admitted as Exhibit P-2 (collectively, the "Application"), Washington Street Associates, IV, L.P. (the "Applicant") is seeking zoning relief from the Zoning Hearing Board (the "Board"), in the nature of variances (each a "Variance" and collectively, the "Variances") from the following sections of the Conshohocken Borough Zoning Ordinance of 2001 (together with all amendments thereto, the "Zoning Ordinance"): (i) the § 27-1509.2 requirement that buildings be no more than 250 feet in length or 350 feet in length, provided certain conditions are satisfied; (ii) the § 27-1504.D.5 requirement that parking structures not be fronting parallel to the Schuylkill River or be located between the primary structure and the Schuylkill River; (iii) the § 27-1705 requirement restricting the permissible uses of property located in the floodway; and (iv) the § 27-1503 requirement that buildings be no taller than 85 feet in height.¹ The Variances relate to the Applicant's land development plan (the "Project") for property located on the 200 block of Washington Street, Conshohocken (collectively, the "Property"). The Applicant is requesting that it be

¹ The Applicant originally also requested relief under Section 27-1511.8 with respect to parking areas; however, the Borough determined that Section 27-1511.8 applies only to residential uses and would be inapplicable in this case.

permitted to construct a 300,000 square foot office building in two (2) connected structures, an associated parking structure and several outdoor amenities (collectively, the "Proposed Use").

The Zoning Ordinance permits the Board to grant a variance when failure to do so would "inflict unnecessary hardship" upon an applicant. See id. at § 27-611.1.A.

A public hearing was held before the Board on the evening of April 7, 2014, at 7:30 p.m. prevailing time at the Borough Hall in Conshohocken, Pennsylvania. The initial hearing was continued, with the continuation heard on May 5, 2014 at 7:30 p.m. prevailing time at the Borough Hall in Conshohocken, Pennsylvania. At the final conclusion of the continuation, the Board discussed the remaining issues and rendered a decision. Due notice was given for the public hearing.

After the final conclusion of the hearing, the Board found as follows:

II. Findings of Fact:

1. The Applicant is Washington Street Associates, IV, L.P., and the Applicant is also the owner of the Property. The Applicant was represented by Edmond J. Campbell, Jr., Esquire ("Campbell") at the hearing, and its principal witnesses were Brian O'Neill ("O'Neill") and Michael Engel, the engineer on the Project ("Engel").

2. The property involved is the 200 block of Washington Street Conshohocken, Pennsylvania. The Property is presently zoned Specially Planned District-2 ("SP-2").

3. At the initial hearing, the Applicant provided a computerized digital rendering of the Project and O'Neill described each of the different models to the Board. As illustrated by the computerized digital renderings and the testimony of O'Neill, the

Applicant described the Project as the next sequence in its waterfront development, and indicated that some of its design choices were based upon the needs of a targeted tenant (the "Tenant").

4. O'Neill stated that if the Tenant were to choose this location for its offices, it would bring 1,000 jobs to Conshohocken. The Tenant envisioned a space with fewer floors and more employees on each floor to encourage collaborative work. The Tenant also specifically requested a large congregational space to host speeches to all of its employees. O'Neill indicated that in response to this request, the Applicant was proposing an outdoor amphitheater that would provide seating for all employees during these speeches, and would also be open to the public in the evenings. In addition to the planned amphitheater, the Applicant also proposed to add a public garden and increased public access to the existing trail system along the riverfront.

5. O'Neill next described the proposed office buildings themselves, designated as B-1 and B-2, respectively, on the site plan admitted as Exhibit P-3 (and detailed in Findings of Fact #s 9 and 10, below), as being constructed of all glass, including an employee "life center" on the top floor which includes amenities such as an outdoor garden, gym, a coffee shop and meeting rooms. B-1 and B-2 are connected via a glass "connector" and the parking structure is also connected to the existing M-3 building, as identified on Exhibit P-3, via a second glass "connector" (each, a "Connector," and collectively, the "Connectors").

6. Campbell next asked O'Neill to confirm that the Proposed Use is suitable for the area. O'Neill indicated that the Proposed Use was the original plan submitted for the Property, dating back to 1996 or 1997. Campbell asked O'Neill whether the

Proposed Use would change or detract from the use of the neighboring property. O'Neill stated that it would not detract but safeguard the neighboring uses.

7. The Board then posed the following questions to O'Neill:

a) The Chairman of the Board, Richard Barton (the "Chairman")

asked whether the Connectors were structural parts of the buildings. O'Neill responded that the Connectors would be structural in that people could walk back and forth through the Connectors. O'Neill also indicated that the Connectors would be climate-controlled.

b) Vivian Angelucci ("Angelucci") next asked whether the

Connectors would just be used as walkways. O'Neill indicated that they were meant to be winter gardens, such that they may have tables and chairs, but that a tenant could use the space for seating or a conference room.

c) Russ Cardamone ("Cardamone") next asked whether the gray area

depicted on Exhibit P-3, would be part of the proposed buildings. Campbell indicated that Engel would testify as to the specific dimensions of the buildings.

8. The Chairman then asked for questions from the audience. There were no questions.

9. At the request of Campbell, Engel, using a red pen, outlined the

dimensions of the buildings on Exhibit P-3. Engel also cross-hatched the glass Connector that connects B-1 and B-2 to indicate where it would be located. Exhibit P-3 shows B-1 and B-2 connected via the proposed glass Connector as well as a second glass Connector connecting B-2 and M-3, the existing building.

10. Engel further testified regarding the specific dimensions of M-3. He indicated that M-3 is approximately 360 feet long, which includes 335 feet in building

bulk and a bump out, which adds twenty-five (25) additional feet. The proposed Connector would add an additional 35 feet. B-2, from the glass Connector to the Schuylkill River (the "River"), Engel indicated, is 120 feet. The Connector between B-2 and M-3 is an additional fifty (50) feet in length. Engel testified that the proposed B-1 would be 213 feet in length. Engel concluded the dimensional discussion by indicating that if the proposed B-1 and B-2 were constructed with the glass Connectors, the total length would be 520 feet. B-1 through B-2 constitutes 389.4 feet, approximately. Engel added these calculations to Exhibit P-3.

11. As a result of these calculations, Campbell indicated that the Applicant was seeking a variance from Section 1509.2 of the Code relating to building bulk. Section 1509.2 limits building bulk in the SP-2 district to 250 feet, and by meeting certain conditions, 350 feet. Both B-1 and B-2, however, would exceed 350 feet in length. The conditions required to permit 350 feet in building length include: (1) a change in elevations every fifty (50) feet, (2) five percent (5%) of open space added for every fifty (50) feet of increased building length, and (3) no visible parking structure that is fronting parallel to the River and is located between a primary structure and the River.

a) As for the first condition to exceed 250 feet in building length, Engel testified that the façade on the existing M-3 will not change as the building already exists. He did indicate, however, that all new construction from the end of M-3 to the end of B-2 would include changes in the architectural façade in excess of every fifty (50) feet, including a slight arc to the building frontage.

b) The second requirement to exceed 250 feet in building length is that five percent (5%) open space be added for each additional fifty (50) feet in building

length. Engel indicated that there would be two (2) open space components of the Proposed Use. The open space would include the 100 foot strip of open space along the River that is owned by the Borough, as well as the proposed amphitheater which would also be available to the public. When the actual land development plans are prepared, Engel indicated, he would be able to quantify the amount of additional open space, but he was confident that it exceeds the requisite five percent (5%).

c) With respect to the conditions regarding the parking structure, Engel stated that the proposed parking structure would not be located between any buildings on the Property and the River. Campbell asked Engel whether the terms "fronting," "parallel," or "visible" were defined in the Code. Engel indicated that they were not. Campbell also asked Engel to address the undulating nature of the River, and Engel indicated that the River has an arc and a structure could only be parallel to the River if the structure matched the exact arc of the River. The parking structure, Engel stated, does not front the River because an adjacent property owner has land located between the location of the proposed parking structure and the River, and the 100 foot strip of land owned by the Borough would also be between the parking structure and the River. Engel stated that in his opinion, the conditions for the extension of building length to 350 feet were met.

12. Campbell next asked Engel to testify with respect to uses in the floodway. Engel confirmed that the Property is located in the floodplain of the River. Engel defined the floodplain as the combination of the floodway and the floodway fringe. He indicated that all of the proposed buildings would be located in the floodway fringe and that some amenities would be located in the floodway. Engel stated that development of the

Property is limited in that the Property is bordered by the River and the railroad tracks. Due to the fact that the Property is located within the floodplain, all habitable space must be located at least eighteen (18) inches above the flood height, and therefore, Engel indicated, parking was the most logical use of the first floor of the structures on the site. Engel also testified that the construction in the floodplain would be consistent with the standards set by the Army Corps of Engineers.

13. Campbell indicated he had additional questions for Engel regarding parking. Campbell asked about the number of parking decks in the proposed parking structure. Engel stated there would be five (5) parking decks above the surface parking level. Engel indicated that each parking level would be about twelve (12) feet high. Engel also stated that it was too early in the planning process to indicate the exact number of parking spaces to be provided, but he anticipates about 900 parking spaces in the structure.

14. Campbell raised the point that in addition to the conditions imposed by Section 27-1509.C of the Code with respect to parking structures, the Applicant is also seeking relief from restrictions on parking structures with respect to construction in the floodway under Section 27-1705 of the Code. Section 27-1705 identifies certain uses permissible in the floodway by conditional use. However, Campbell stated that on the advice of the Borough, conditional use in the floodway required the prior approval of the Pennsylvania Department of Environmental Protection ("DEP") as well as the Borough Engineer. Engel testified, however, that DEP approval was contingent upon municipal approval because the key storm water permit needed in order to get approval from the Borough would be a permit from the DEP. Due to the conflicting requirements, the

Applicant, Campbell summarized, was requesting the Variance from the conditional use requirements of Section 27-1705. Campbell also reviewed the requested uses in the floodway with Engel, including: an amphitheater, plaza, walkway, paved parking area, trash and utility facilities, sewer facilities, storm water facilities, sidewalks, courtyards and meeting areas, grading and regarding of land, disturbance of earth, removal of topsoil, construction of retaining walls, deposit of topsoil, parking facilities and structures, utility transmission lines, fencing during construction.

15. Campbell next asked Engel to address the requested height variance. The maximum height permitted under Section 27-1503 is eighty-five (85) feet. The Applicant requested a Variance in the amount of five (5) feet because the height of B-1 and B-2 had not yet been determined due to the slope on the site.

16. Campbell concluded Engel's testimony by posing questions similar to those posed to O'Neill. Engel indicated that the Property was suitable for the Proposed Use and that it was a permissible use. Engel also confirmed that public facilities such as water and sewer are available to the site. Engel also stated that the Applicant had agreed to finance a portion of the Borough's global traffic study, a summary of which was admitted as Exhibit P-6. The global traffic study anticipates additional office space on the Property of about 225,000 square feet, and indicates that the proposed Project was consistent with the global traffic study.

17. The Chairman then asked Zoning Officer Christine Stetler ("Stetler") when the Project would be before the Planning Commission. Stetler indicated that there has been no submission to the Planning Commission, so May or June would be earliest possible timing before the Planning Commission. The Chairman also posed a technical

question to Engel asking Engel to delineate the floodway boundary on Exhibit P-3, and Engel confirmed that none of the proposed buildings would be constructed in the floodway. The Chairman then opened the hearing up to questions from the remainder of the Board:

a) Cardamone asked whether any structure could be built between the proposed parking structure and the River. Engel responded that an existing parking lot was located along the River on the adjacent property owner's land and that there were woods between the two properties. He indicated that buildings would not be built in the floodway. Cardamone also asked Engel to confirm that the Applicant's position was that the proposed parking structure was not parallel to the River. Engel confirmed and indicated that it was separated from the River by a mature stand of trees, which served as a natural buffer. Engel also confirmed that parking on the first level of B1 and B2 would permit flood waters to flow through the area. Cardamone also asked about parking for M2 and M3. Engel indicated that some existing parking for these buildings would be removed, but that exact numbers had not been finalized.

b) Angelucci asked about the height of the buildings. O'Neill indicated that they would be less than ninety-five (95) feet. The Chairman indicated that the request in Exhibit P-2 was for the Variance to permit height to ninety (90) feet. O'Neill indicated that 90 feet would be sufficient to accommodate the Proposed Use.

c) Gregory Scharff ("Scharff") asked about the scale of the proposed buildings, with respect to the existing neighboring Londonbury complex. O'Neill confirmed that the projected height of B-1 and B-2 would be equal to the height of

Londonbury. Scharff also asked about the height of the proposed parking structure, which Engel stated would be sixty (60) feet.

d) Janis Vacca ("Vacca") asked to confirm the cumulative length of B-1, B-2 and the Connector, which Campbell indicated would be 520 feet and that the distance from B-1 Connector to B-2 would be 384 feet. Campbell also confirmed that the request for relief is with respect to the length of both buildings on both sides, stating that the Applicant recognized that if it were to connect B-2 and the Connector to M-3, there would be a single building going the length of 520 feet and that the proposed B-1 to B-2 Connector would be 34 feet in excess of the permissible building bulk. Vacca also raised a procedural question as to whether the Applicant was asking the Board to grant a variance from the Code's requirement that the Applicant obtain conditional use approval for the planned construction in the floodway. Campbell indicated that it was the Applicant's position that it met the standards of Section 27-1509 for the expansion of building bulk, but that the Applicant was requesting the Variance due to the hardship associated with the Property. Campbell reminded the Board that the Code does not define "visible," "fronting" or "parallel." O'Neill added that the proposed parking structure could not be considered fronting because of the neighboring landowner's property, as illustrated by an additional plan of the property, which was marked as Exhibit P-7. The Applicant also used a Google aerial photo, which was admitted as Exhibit P-8, to illustrate the location of the property line. Stetler confirmed that the wooded area between the neighbor's property and the Property was a remnant of the Schuylkill Canal and that it constituted preserved open space. Vacca stated that in her opinion, the intent of the Code was to avoid having a parking structure visible along the

River. O'Neill stated that the Applicant was not trying to split hairs, but to adequately address the requests of the Tenant for the space. O'Neill also commented on the proposed length of the buildings with reference to the historic factory structures in Conshohocken that were interconnected via walkways and connectors, which the Project was designed to imitate. Vacca asked whether it would be possible to rotate the parking structure ninety degrees (90°). Campbell indicated that the rotation would place the parking structure closer to Washington Street. Vacca also suggested an L-shape, but O'Neill indicated an L-shape would prevent the grid design of the Project.

e) The Chairman next commented that the B-1 and B-2 Connector structure would result in 384 feet in building length. He stated the issue becomes that these buildings, unlike M-2 and M-3 are closer to the River. M-2 and M-3 are 360 feet in length, but Stetler stated that these buildings were constructed in 2000, prior to the current building bulk requirements. Stetler confirmed, however, that building bulk relief would be necessary in the present case because the request was to expand on what was originally permitted. The Chairman continued this discussion with reference to the requested relief from conditional use. The Chairman expressed concern regarding floodplain issues and overstepping the role of Borough Council. He also stated the Board would need expert review by the Borough Engineer on technical information. Specifically, the Chairman cited page 3 of the Applicant's addendum to the Application, including items 1 through 10. Campbell indicated that items 1 through 10 include buildings and reiterated that the Applicant's plans do not include buildings in the floodway. The Chairman suggested items in the floodway that require conditional use approval should have conditional use approval with the benefit of review by the Borough

Engineer. Engel responded indicating the contradiction that the DEP is requiring zoning approval. O'Neill indicated that this issue has caused a dispute. Nasatir stated that he was not aware of this issue and offered to discuss the issue with the Borough Solicitor. The Chairman indicated that at a minimum, he would like the Borough Engineer to weigh in on the improvements in the floodway.

f) Stetler asked whether the public access ways to the River would be recorded so that the Borough is protected in terms of access to the River. Campbell indicated that the Applicant was agreeable.

18. The Chairman opened the hearing up to questions from the audience. No questions were asked. Stetler commented that the floor area ratio and impervious coverage would need to be evaluated with respect to other buildings situated on Millennium Block A. Campbell indicated that the Applicant had obtained preliminary review on that topic. The Chairman also asked for statements from the audience. There were no public statements.

19. The Chairman indicated his preference to continue the hearing to allow the Borough Engineer to weigh in on the technicalities of the proposal. Cardamone also requested that the Applicant provide a plan with the building dimensions at the next hearing as well as a Google map photo showing the trees separating the Property and the River. O'Neill agreed to provide both. The Chairman also requested that the Borough Engineer be available at the next hearing. The Board voted to continue the hearing.

20. The hearing was continued on May 5, 2014. The Applicant submitted correspondence from both Remington, Vernick and Beach Engineers ("RVB"), the Borough Engineer, and Engel's engineering firm, Right Angle Engineering ("RAE"),

with respect to the floodway issue. Plans for review by the Borough Engineer were submitted to RVB under cover letter dated April 23, 2014, the plans being admitted as Continuation Exhibit P-7 and the accompanying cover letter as Continuation Exhibit P-8. A response letter from RVB regarding the floodplain use review dated April 29, 2014 was admitted as Continuation Exhibit P-8A. The RAE response letter dated May 3, 2014 accompanying revised plans from RAE was admitted as Continuation Exhibit P-9. The revised plans submitted with the May 3, 2014 letter, which include the building dimensions, were separately admitted as Continuation Exhibit P-12. An additional review letter dated as of May 5, 2014 from RVB was admitted as Continuation Exhibit P-10. Campbell also submitted a Google map image of the site, with the proposed development superimposed, which was admitted as Continuation Exhibit P-11. Per the request of the Board, James Watson ("Watson") of RVB was also present to respond to questioning.

21. Campbell opened the Applicant's presentation by reviewing Continuation Exhibit P-11. Campbell indicated that the Google image showed that the parking structure was not clearly visible from the other side of the Schuylkill River through the foliage. O'Neill also commented that his team had developed a "skin," including colors and LED lighting, for the parking structure so that it does not have to look like a parking structure. The Chairman asked about the landscaped area between the development and the River visible on Continuation Exhibit P-11. O'Neill indicated that the landscaped property is not part of the Property and may actually have been dedicated to the Borough by the neighboring property owner. Campbell added that the fact that the landscaped

area is between the Property and the River means that the parking structure does not front the River.

22. In support of this notion, Campbell cited the language of Section 1504.D.5 with respect to "No lot shall be developed with a parking structure fronting parallel to the Schuylkill River, nor shall a parking structure be located on any lot area between the primary structure and the Schuylkill River." The Chairman asked the Applicant to clarify with respect to the "primary structure." O'Neill indicated that the primary structure in this case was the proposed office buildings. Campbell also cited Section 1509.2.C, reciting "The lot shall not be developed with a visible parking structure fronting parallel to the Schuylkill River, nor shall a stand-alone parking structure be located in any lot area between the primary structure and the Schuylkill River." Campbell indicated that the Applicant believed the Project complied with Section 1509.2.C because the lot is separated from the River by the neighboring property and the structure would be camouflaged. Stetler commented that the camouflage should be a condition to any relief granted with respect to the parking structure. Cardamone commented his belief that the parking structure would still be fronting and parallel to the River. Angelucci voiced agreement with Cardamone's comments. O'Neill responded by comparing the Property to a beach house in that a beach house located a block from the beach would not be considered beach front. Vacca asked how many stories were intended for the parking structure. O'Neill indicated there would be five (5) stories, and that the structure would be camouflaged with wire mesh and LED lighting. Vacca voiced her concern that the LED lighting would make the structure more visible. O'Neill indicated that the lights highlight the screen, not the garage and result in a luminescent glow on the screen.

Vacca asked whether the LED screen would be on at all times. O'Neill indicated that during the day, light would reflect from the screen disguising the parking structure and then at night, the lights would help disguise the interior lights of the parking structure.

23. The Chairman requested questions from the public on the parking structure, and there were no questions. O'Neill provided an image of the LED lighting from the internet. The image was admitted as Continuation Exhibit P-13. Vacca asked if the planned wire mesh system would be similar to the Murano parking structure in downtown Philadelphia. O'Neill indicated the proposed would be similar, but that technology had improved and described it as a metal wall with holes in it which is lit up at night so that the parking structure profile does not show from the parking structure lights. O'Neill also provided a picture of the utility building at the University of Pennsylvania, which was admitted as Continuation Exhibit P-14, to show the metal screening which is similarly lit up at night. O'Neill indicated his intention to use more color than used in the University of Pennsylvania project.

24. Campbell stated that the Applicant was also seeking relief from the building bulk requirements. Referring to Continuation Exhibit P-12, Campbell indicated that the distance from the Washington Street side of M-3 all the way to the front of B-2 would be approximately 520 feet. M-3, itself, is 334.3 feet and the Connector between M-3 and B-2 would result in 62.1 feet, while the Connector to the front of B-2 would be 138.4 feet, for a total of 543.8 feet. The Chairman asked specifically about the function of the 62.1 feet Connector between M-3 and B-2. O'Neill described the area as a connection between the two (2) office buildings in similar style to the historic factories in Conshohocken. Campbell added that the ground floors of B-1, B-2 and M-3 would be

parking, so there would be connectivity there. O'Neill confirmed that the Connector would be a true structural element and would permit someone to walk the full 543.8 feet, and that it would be designed as a winter garden with a glass exterior. Campbell also referenced Continuation Exhibit P-12 to highlight the subtle arc on the front façade of the building, which had been designed to echo the proposed amphitheater.

25. The Chairman opened the discussion up to questions from the Board and Stetler:

a) Cardamone asked whether a pedestrian bridge had been considered, rather than the Connector which would include meeting and office space. O'Neill indicated that the reason a bridge would not work is that the Tenant needs the ability to collaborate, but that the Applicant would be willing to narrow the Connector so that it was more like a bridge than additional meeting space.

b) Vacca asked whether the existing Londonbury complex would block the building bulk view of the Property from the Schuylkill Expressway. O'Neill indicated that only Londonbury would be visible from the Expressway. He added that the Applicant's intent was to replicate the historic buildings in Conshohocken. Vacca also asked about the façade of M-3. O'Neill indicated that the existing façade is red brick. O'Neill confirmed that B-1 and B-2 would not be red brick, but that there would be red brick in the courtyard of the new buildings.

c) The Chairman asked whether relief would also be necessary for building bulk with respect to the proposed parking structure. Campbell indicated that the length of the parking structure was proposed to be 274.8 feet, which would require a variance. O'Neill indicated the size of the parking structure was directly related to the

Proposed Use, and that the parking structure includes thirty to fifty (30-50) spaces for the public trail system on the Property.

d) Stetler asked whether the public parking would accommodate the parking being eliminated between the two Millennium buildings. Campbell indicated that some parking would be lost with the Project, but that parking would still conform to the Code. O'Neill indicated that the Tenant requested visitor parking at each entrance. Stetler also asked about the existing public access to the River between the Millennium buildings. Campbell indicated that the public access between M-2 and M-3 is somewhat limited due to the slope there. Campbell stated public access points exist from Washington Street along Millennium 2 to a sidewalk that goes down to the River, as well as a sidewalk along Ash Street and a sidewalk along Poplar. O'Neill added that there would be a bridge and an archway between the parking garage and the buildings that would be visible from Washington Street.

26. The Chairman requested questions from the public with respect to the requested building bulk relief. There were no questions.

27. Next, Campbell highlighted the boundary lines of the floodplain and the floodway on Continuation Exhibit P-12. Campbell stated that since the original hearing, the relief requested for construction in the floodway had narrowed from ten (10) categories of use to two (2). Pointing to the comments on Continuation Exhibit P-10, Campbell asked if Watson could testify with respect to his review. Watson stated that the Borough Engineer's comments were adequately addressed in the revised plans received in response to its letter dated April 29, 2014 (Continuation Exhibit P-8A). Watson stated that some requested items would be available at the time of the National Pollutant

Discharge Elimination System (NPDES) application. Campbell clarified that some of the changes requested by the Engineer could not be completed until complete site engineering had taken place. The Board had no questions for Watson. Campbell reiterated that the original request for construction in the floodway had changed, specifically that no portion of the parking structure is proposed in the floodway, but strictly in the floodplain. Campbell confirmed that the relief being requested for construction in the floodway was limited to grading and the disturbance of earth relating to the walkway and one half of one parking space along Poplar Street. The Chairman asked and Campbell confirmed that the amphitheater, plaza, paved walkways, sidewalks and parking areas, grading and regarding of land were still being proposed in the floodway.

28. The Chairman asked for questions from the public regarding construction in the floodway:

a) Jane Garbacz ("Garbacz"), 149 Sutcliffe Lane, asked how much of the floodway would be paved. Campbell indicated that a small sidewalk is proposed in the public plaza.

b) Stetler also commented, asking whether the grading and regarding would raise the flood elevation. Campbell stated that it would not. Stetler indicated the Borough's preference to have Flood Elevation Certifications on file at the Borough, and not just with the Borough Engineer. Stetler also asked for hydrology reporting which showed the Project, as proposed, would comply with the FEMA flood insurance program. Campbell agreed.

29. Campbell briefly addressed the Applicant's requested relief with respect to height. He stated that the request for relief was due to the fact that the precise architecture of B-1 and B-2 was not yet complete, and that the slopes on the Property may impact the final height of the proposed buildings. There were no questions from the public or the Board regarding the height relief request.

30. The Chairman asked for statements from the public:

a) Garbacz voiced concerns over traffic congestion and environmental risks. She stressed the importance of the Floodplain Conservation District to the region, and the fact that the Borough does not have an emergency management plan in place to relocate flood victims. She also cited contaminated soil along the brownfield sites of the Conshohocken riverfront. Garbacz stated that the requested relief was to please an incoming Tenant, but at the expense of the residents of Conshohocken. She also referenced the capacity of the Conshohocken Waste Water Treatment Plant.

b) There were no other statements from the public and O'Neill indicated he wished to respond. O'Neill stated that the Conshohocken sewer facility is operating at fifty percent (50%) of capacity currently. Secondly, he indicated that the properties the Applicant purchased had zero access to the River and the Applicant introduced the 100 foot strip to create public access. Lastly, O'Neill stated that the Property has five (5) points of entry to the riverfront.

31. The Chairman asked for questions from the Board:

a) Cardamone asked what the elevations would look like, specifically with respect to the Connector on the rear side of the proposed buildings, and asked whether the rear Connector could be revised in conformity with the front Connector, as

more of a bridge than a meeting space. O'Neill indicated that the rear Connector would actually be smaller in size. O'Neill agreed that the Connector could be just a connection space, although he indicated it would need to be fourteen (14) feet wide.

b) Vacca asked whether the riverside of the parking structure could be opaque, not with the wire mesh, but opaque so as it is not visible as a parking structure. O'Neill indicated this could be done. Vacca indicated her preference that an opaque parking structure would be more in line with the Code in that the ordinance prohibits a parking structure parallel to the River. The Chairman suggested that the Borough Design Review Committee ("DRC") review the plans to make the parking structure opaque and that any relief granted be contingent upon DRC approval, which is ultimately subject to the approval of Borough Council. Stetler also commented that the Project will be required to go before the DRC because it is to be located on the waterfront. The Chairman asked if the parking structure could be rotated such that it would be narrower along the River. O'Neill indicated that there are tenants in buildings M-2 and M-3, and they would be blocked if the parking structure was rotated. He also added that the rotation would encroach on existing parking.

32. Stephen Forster ("Forster"), a consultant for the Applicant, presented an image showing the rear of the proposed building with the architectural center which was admitted as Continuation Exhibit P-15. A second image, admitted as Continuation Exhibit P-16, showed the same building with a view from the riverside.

33. The Board finds that the matter was properly advertised pursuant to the Zoning Ordinance and the Pennsylvania Municipal Planning Code ("MPC").

III. Discussion

As detailed above, the Proposed Relief that the Applicant wishes to obtain is comprised of the Variances in order to permit the development of the Project, all in accordance with the plans submitted by the Applicant and the testimony offered at the hearing. The Proposed Relief would (i) permit the Project to include buildings in excess of 350 feet in length; (ii) construct a visible parking structure fronting parallel to the Schuylkill River; (iii) utilize portions of the Property in the floodway without first obtaining conditional use approval; and (iv) construct buildings in excess of the eighty-five (85) feet height limit. The Applicant believes that the requested Variances constitute the minimal relief necessary to complete the Project.

Section 27-611 of the Zoning Ordinance permits the Board to grant a variance when the "Zoning Ordinance inflicts unnecessary hardship upon the Applicant." See id. at 27-611(1)(A). Unnecessary hardship is to be determined to be present when the Board determines, as applicable, that:

- a) there are unique physical circumstances or conditions to the property;
- b) there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and thus the Variance is necessary to enable reasonable use of the property;
- c) the unnecessary hardship has not been created by the Applicant;
- d) the granting of the Variance, if authorized, would not alter the essential character of the neighborhood; and

- e) the granting of the Variance, if authorized will represent the minimum variance to afford the relief and represent the least modification possible to the regulation in issue.

Id. at § 27-611. See also MPC, at 53 P.S. §10910.2.

Some of the requested Variances, including from Section 27-1503, in particular, are of a dimensional nature. In such situations, the Supreme Court of Pennsylvania has found, "the owner is asking only for a reasonable adjustment of the zoning regulations in order to utilize the property in a manner consistent with the applicable regulations." See Hertzberg v. Zoning Board of Adjustment of City of Pittsburgh, 721 A.2d 43, 47 (Pa. 1998). Thus, the Pennsylvania Supreme Court has stated, the level "of proof required to establish unnecessary hardship is indeed lesser." See id. at 48.

The Board has reviewed the Proposed Relief carefully in connection with the requirements of Section 27-611 as well as the MPC standards for granting the Proposed Relief. See MPC, at 53 P.S. §10910.2.

The Board has noted the heavy volume of testimony and exhibits entered into evidence on this matter.

With respect to the Variance requested under Section 27-1509.2 in connection with building bulk, the Board considered the use of the proposed Connector space between buildings M-3 and B-2 and of the Connector between buildings B-1 and B-2. With respect to the new construction buildings, B-1 and B-2, the proposal would result in a total building bulk of 384 feet or thirty-four (34) feet in excess of the 350 permissible feet in building length. The Board considered the thirty-four (34) feet to be a de minimus variance, and unanimously agreed to grant the Variance. With respect to the larger

Connector between the existing building, M-3 and the new building, B-2, the Board expressed the intent that the Connector be as narrow as possible and used solely as a walkway. The Board unanimously agreed to grant the Variance with respect to the proposed Connector between buildings M-3 and B-2, on the condition that the area of the space in that Connector only be used for the transient movement of employees, with no office space or gathering areas (the "Building Bulk Condition").

The Applicant is also seeking relief related to building bulk with respect to the proposed parking structure. The proposed parking structure would have a length of 274.9 feet, which exceeds the 250 foot limit of Section 27-1509.2. The Board, with Cardamone opposing, agreed to grant the Variance to permit the parking structure to exceed the 250 foot maximum up to a 275 foot length.

With respect to the parking structure, the Applicant also sought a Variance under Section 1504.D.5 and Section 27-1509.2.C in connection with the prohibition on the erection of a visible parking structure that is fronting and parallel to the River. The Board agreed, with Cardamone opposing, to grant the Variance to permit the parking structure to be visible, located parallel to and fronting the Schuylkill River, on the condition that the structure be concealed by some method other than wire mesh such that the parking structure does not appear to be a parking structure when viewed from the riverside, in the opinion of the Borough Design Review Commission, which is ultimately subject to the approval of Borough Council (the "DRC Condition," and collectively, together with the Building Bulk Condition, the "Conditions").

The Board also considered the Applicant's request for relief with respect to uses in the floodway. The proposed uses in the floodway include the proposed amphitheater,

plaza, the paved parking area, paved walkways and other meeting areas, grading and regarding of land, disturbance of earth, removal or deposit of topsoil and the construction of retaining walls, as identified as items 1, 6 and 7 in Exhibit P-2. The Board unanimously agreed to grant the Variance to permit the following uses in the floodway: (1) an amphitheater, plaza, walkway, paved parking areas; (6) paved walkways, sidewalks, parking areas, plazas, courtyards, meeting areas; and (7) grading and regarding of land, disturbance of earth, removal and or deposit of topsoil, construction of retaining walls.

The Board also considered the Applicant's request for relief from the building height requirements of Section 27-1503. The Board noted that the Applicant has requested an allowance of an additional five (5) feet in building height to accommodate the slope in the Property, but that no structure would exceed ninety (90) feet in height. The majority of the Board believes that granting the requested Variance is both prudent and appropriate in relieving an undue hardship upon the Applicant, and further believes that the dimensional relief requested is a "reasonable adjustment of the zoning regulations in order to utilize the property in an manner consistent with the applicable regulations" as required under the Hertzberg decision. See Hertzberg, 721 A.2d at 47, 48. The Board, with Cardamone opposing, agreed to grant the Variance.

IV. Conclusions of Law

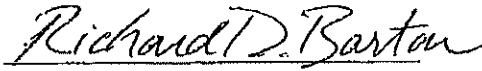
1. The matter was properly presented before the Board.
2. The matter was properly advertised and the hearings both timely and appropriately convened in accordance with the provisions of both the Zoning Ordinance and the MPC.

3. The Zoning Ordinance and the MPC both give the Board the necessary discretion to determine whether or not to grant the Proposed Relief, as well as to subject same to the Conditions.

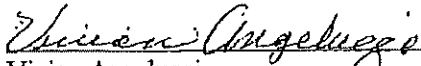
ORDER

The Board grants the Applicant's request for the Proposed Relief from the following Sections of the Zoning Ordinance: 27-1509.2, subject to the Building Bulk Condition; 27-1504.D subject to the DRC Condition; 27-1705 limited to Items 1, 6 and 7 of Exhibit P-2, respectively; and 27-1503. Such relief is granted subject to the Applicant maintaining the Proposed Use in conformity with the information provided to the Board as well as all other regulations of the Borough.


CONSHOHOCKEN ZONING HEARING BOARD²



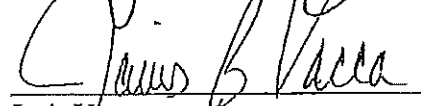
Richard D. Barton, Chairman



Vivian Angelucci



Russ Cardamone



Janis Vacca

² Gregory Scharff did not attend the continuation hearing, and therefore, did not take part in the decision.

BEFORE THE ZONING HEARING BOARD OF CONSHOHOCKEN
IN RE: APPLICATION OF WASHINGTON STREET ASSOCIATES IV, L.P. AND
MILLENNIUM WATERFRONT ASSOCIATES, L.P.
REGARDING PROPERTY LOCATED AT THE
200 BLOCK OF WASHINGTON STREET- MILLENNIUM BLOCK A
DECISION OF THE BOARD

I. HISTORY

On or about June 8, 2015, Washington Street Associates IV, L.P. and Millennium Waterfront Associates, L.P., (hereinafter called "Appellants"), filed the within Appeal for five variances and/or interpretations of the terms of Sections 27-1509.2, 27-1504(D), 27-1503, 27-1505(B)(2) and 27-1504(F) of the Conshohocken Borough Zoning Ordinance of 2001 (together with all amendments thereto, the "Zoning Ordinance"), seeking permission to construct a 420,000 square foot office building which is 400 lineal feet, 135 feet high, having impervious coverage of 80% and having internal setbacks between the building and curb of less than 25 feet at the property located at the 200 Block of Washington Street, Conshohocken, Pennsylvania (hereinafter called "Subject Property"). The applicant also further proposes orientation of a parking structure fronting parallel to the Schuylkill River.

After notice was duly given and advertised, two hearing were held on said Appeal at Borough Hall on July 6, 2015 and September 29, 2015.¹

At the hearing, the following Exhibits were introduced and admitted:

P-1 – Public Notice of the Case.

P-2 – Zoning Application.

A-1 – Zoning Application and Addendum.

¹ The July 6, 2015 hearing was continued until August 3, 2015. At the August 3, 2015 hearing the Appellants requested a continuance, which was granted. There was no testimony heard at this date.

A-2- Letter of Amendment to Zoning Application.

A-3- Resume for Dale T. Stesko R.A.

A-4- Resume for Michael Minervini, P.E.

A-5- Executed Deed for Units E,F,G,H and J.

A-6- Overall Site Plan.

A-7- Millennium Corporate Center Front Elevations.

A-8- Millennium Corporate Center Rear Elevations.

A-9- Prototypes of Parking Garage Exterior.

Applicants' Supplemental Exhibits

A-1- Resume for Thomas E. Hall, AIA.

A-2- Pixar Photo Study.

A-3- Black and White Profiles of Proposed Building.

A-4- Roof Top Images.

A-5- Garage Exterior Image.

II. FINDINGS OF FACT

1. The Subject Property is located at the 200 Block of Washington Street and is owned by Washington Street Associates IV, L.P.

2. The Subject Property is located in the Specialty Planned Two Zoning District ("SP-2").

3. The Appellants have a business address of 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406.

4. The Subject Property previously filed for variances by Application and addendum on February 26, 2014.

5. The previously requested variances were granted by the Zoning Hearing Board after hearings took place on April 7, 2014 and May 5, 2014.

6. The Appellants filed this application essentially requesting to amend the previously granted relief.

7. The Appellants were represented by Edmond J. Campbell, Jr., Esquire.

8. Mike Savona, Esquire, solicitor to the Borough of Conshohocken (hereinafter "Borough"), represented the Borough at the September 29, 2015 hearing date. At said hearing, Mr. Savona stated that Borough Council supports the proposed application.

9. Mr. Campbell stated that the Appellants have a potential tenant for the Subject Property who is requiring additional modifications of the Subject Property, which is why the Appellants filed a new application even though it was granted relief last year.

10. The Subject Property, if the proposed relief is granted, would be leased to a single tenant who is looking to consolidate their operations in a single building in Conshohocken.

11. The zoning code permits development of FAR at a ratio of 1.5. Block A is about 750,000 square feet. Pursuant to the ratio, the zoning code would allow development of 1,125,000 square feet. There is currently between 500,000 and 550,000 square feet on the site, which leaves approximately 650,000 square feet left that can be potentially built upon.

12. The Appellants cannot develop the allowable 650,000 square feet without the requested variances. Even if the variances are granted, the Appellants are only seeking to build 420,000 square feet, so the site is not being developed to the fullest as allowed by the FAR ratio.

13. Because the Subject Property is located adjacent to the river, that presents economic challenges to developing the site since it needs to be elevated out of the floodplain, which is a unique characteristic of the Subject Property.

14. The proposed plan would have about 75% to 76% impervious coverage while the Zoning Ordinance allows 70% by right.

15. The proposed plan included an internal driveway that would provide access to the proposed parking structure. Because the internal driveway would come within the setbacks within the Zoning Ordinance, the Appellants are seeking relief to allow this internal driveway.

16. At the hearing on July 6, 2015, Mr. Campbell called Mr. Dale Stesko to testify. The Board accepted Mr. Stesko as an expert in architecture. Mr. Stesko testified to the following:

- a. He is an architect who is licensed in Pennsylvania.
- b. He is primarily employed by O'Neill Properties but also does work for Valley Forge Planning.
- c. The development would be approximately five acres. To the north and south the boundaries would be Millennium II and III on the Washington Street side. The Schuylkill river is the boundary opposite Washington Street. The western boundary would be Ash Street.
- d. The site is in the flood plain.
- e. The applicant is requesting variances for building height, building bulk, impervious coverage and setbacks from internal drives. However, the Applicant is not changing the footprint of the building from what was approved by the Board last year.
- f. The office building would have eight levels plus a penthouse.
- g. If the variance for the parking garage height was granted to allow a garage which would be 135 feet high, that would equate to 12 or 13 floors and would provide approximately 1,500 cars. This would accommodate the parking need for the 420,000 square foot office building on the site.

- h. It is not possible to develop another 600,000 square feet of office or residential use on the site within the 85-foot height limitation that's provided in the code.
 - i. Because of the surroundings, the only way to capture the available FAR is to go higher, which would also require more parking.
 - j. The Applicant would be willing to design the parking garage in order to mask the façade that faces the river.
 - k. As a professional architect, he cannot come up with any design that would allow a roadway to get vehicles into a building for the purposes of parking unless it actually meets the building. As such, the Applicant is requesting relief for the internal driveways.
 - l. The Subject Property is suitable for the proposed office development.
 - m. The Subject Property would be in the best interest of the public welfare and the Borough.
 - n. There is adequate sewer and water to serve the property.
 - o. The variances are the minimum needed to accomplish the proposed development.
17. After a few questions from the Board Members, mostly related to how this application is different from the previous application that was granted relief, and why the Applicant is asking for more relief, Mr. Campbell asked to continue the hearing. This request was granted.
18. The next hearing when testimony was heard occurred on September 29, 2015.
19. Mr. Campbell called Mr. Brian O'Neill to testify. Mr. O'Neill testified as follows:
- a. New office buildings are being designed to have a series of central spaces designed to attract collaboration amongst employees.

- b. The proposed lobby would extend all the way to the back of the building where there is a proposed amphitheater. There would also be a restaurant in the lobby as a part of the proposed active internal streetscape.
- c. The roof of the building will be about 50,000 square feet and would include spaces that would be utilized by the potential tenant.
- d. City Tap House restaurant is a potential tenant who may utilize a portion of the roof space. This would be in addition to the restaurant in the lobby.
- e. When compared to all of the building in the Borough, the proposed office building would not be the largest building in the Borough. Additionally, the proposed Equis building is taller than the Applicant's proposed building.
- f. 400 Four Falls, Five Tower Bridge and the Marriott are all taller in height than the proposed office building.
- g. This application was filed due to the specific requests of a specific tenant who would be utilizing the entire office building.
- h. The way the parking garage is designed, if needed, the proposed garage could have a floor added in very little time.
- i. He has owned and developed property in the Borough for over 30 years.
- j. The proposed building would be roughly 33% larger than the relief that was granted by the Board previously.
- k. The proposed tenant is requesting enough parking for five spaces per thousand square feet. At a maximum, the total amount of cars would be 2,100.
- l. The proposed tenant currently occupies close to 400,000 square feet at their current location.

20. Mr. Campbell then called Mr. Hall to testify. Mr. Hall testified as follows:

- a. He is an architect licensed in Pennsylvania and 11 other states.
- b. His firm particularly focuses on designing office buildings and had designed millions of square feet since 1988.
- c. He designed the exhibits which show all of the buildings heights in the Borough, and to a reasonable degree of architectural certainty, using information provided by Google Maps, the exhibits accurately reflect the building sizes in the Borough.
- d. The requirement for garages, due to ventilation reasons, is to be 50% open.

21. No members of the public spoke out against the Application.

III. DISCUSSION

Section 27-1509.2 states, "In the SP-2 District, a maximum building profile, as seen from end-to-end from any side or elevation, and measured perpendicular to such side or elevation, shall not exceed 250 linear feet in total horizontal length on any floor or floors. Council may permit an increase in the maximum building profile to 350 linear feet by conditional use approval, subject to the following specific conditions:

- A. There shall be adequate architectural controls in the form of breaks in the facade, so no more than 50 feet of the building is a consistent facade;
- B. For every additional 50 feet of building length, there shall be an additional 5% of open space provided on the lot or parcel; and
- C. The lot shall not be developed with a visible parking structure fronting parallel to the Schuylkill River, nor shall a stand-alone parking structure be located on any lot area between the primary structure and the Schuylkill River."

Section 27-1504(D) states "Riverfront Access and Open Space in SP-2 District.

(1) Purpose: the intent of the riverfront access and open space provision is to provide year-round opportunities for outdoor recreation within this district, provide visual relief within the built environment and facilitate circulation for pedestrians to and throughout these districts.

(2) Area: a minimum of 15% of each lot within this district shall be provided and maintained as open space. Slopes along roadways and the riverbank may be included as part of the required open space if such areas are landscaped and designed to fulfill the intent of this Section. Open space shall be restricted from further subdivision and development by a restriction in a deed and/or by a conservation easement.

(3) So long as the landowner is immune from liability pursuant to the Recreational Use of Land and Water Act, 68 P.S. 477-1 et seq.:

(a) For every development within the SP-2 District, there shall be twenty-four-hour daily emergency (i.e., fire and police) and dawn to dusk public access between Washington Street and the riverfront trail. Required public access must be provided via an easement or public right-of-way, recorded on the land development plans.

(b) There shall also be twenty-four-hour daily public access for walking, fishing, and sitting at the riverfront area between the extension of Ash Street and the eastern boundary of the SP Districts at the riverfront via a walkable surface installed at the top of the riverbank as developed.

(c) There shall be public access Monday through Friday from 6:00 p.m. until dusk and weekends and holidays from dawn until dusk for walking, fishing, and sitting in a designated riverfront strip from Fayette Street to the eastern boundary of the SP Districts at the riverfront via a walkable surface installed at the top of the riverbank as developed.

(4) Transfer of open space between lots within the SP-2 District shall be permitted by the Borough Council with conditional use approval subject to the following specific standards:

(a) Lots for which the transfer is proposed must be contiguous.

(b) All lots must be part of a common, unified and single land development application.

(c) The aggregate of all open space area must be equal to 15% of the total aggregate lot area of those lots contained in the common, unified and single land development application.

(d) For lots with frontage on the Schuylkill River, the open space must be provided along the riverfront area.

(e) Open space must be preserved in perpetuity through a conservation easement or transferred in fee simple to the Borough, as may be required by the Borough.

(5) No lot shall be developed with a parking structure fronting parallel to the Schuylkill River, nor shall a parking structure be located on any lot area between the primary structure and the Schuylkill River.”

Section 27-1503 states, “...

1. The highest elevation of any building shall be 85 feet. For buildings with flat roofs, building height is measured from grade to the top of the building wall, excluding parapets of not more than eight feet. For buildings with pitched roofs, building height is measured from grade to the midpoint of the slope. The height excludes aerials, communication towers, or the like, as well as elevators, machine rooms, cooling towers, and their enclosing walls.

2. Notwithstanding any other provision of this Part, building height may be increased to 250 feet by conditional use, provided that the following conditions are met:

A. The location of the proposed building is within close proximity to the Fayette Street Bridge, as depicted on the map of the Fayette Street Bridge Development Area;

- B. The maximum impervious surface coverage on the lot shall be not more than 60%;
- C. A minimum of 15% of the lot shall be devoted to green space, excluding all impervious areas;
- D. Not more than 5% of the required parking shall be permitted in surface parking areas on the lot;
- E. The design of the proposed building must be submitted to the Borough Design Review Committee for review and approval prior to conditional use approval;
- F. The plan must include riverfront access deeded to the Borough in perpetuity providing unrestricted public access to the riverfront areas in perpetuity;
- G. For properties situated on the riverfront, the plan must meet the provisions of § 27-1610; and
- H. Maximum floor area ratio of 2.5 for all uses, excluding parking garages, may be permitted.”

Section 27-1505(B)(2) states, “The minimum building setback shall be 15 feet from ultimate roadway right-of-way, and 25 feet from the curbline of any private or internal drive.”

Section 27-1504(F) states, “Impervious Coverage.

- (1) In the SP-1 District, not more than 70% of the area of any lot in the district shall be covered by impervious surface.
- (2) Notwithstanding any other provisions of this Part, in the SP-2 District, not more than 70% of the area of any lot in the district shall be covered by impervious surface.”

In a request for a variance, the Board is guided by Section 27-611 of the Ordinance and Section 910.2 of the Pennsylvania Municipalities Planning Code (hereinafter called “MPC”). An applicant for a variance has the burden of establishing that a literal enforcement of the provisions of the Ordinance will result in an unnecessary hardship as that term is defined by law, including court decisions, and that the allowance of the variance will not be contrary to the public interest.

Section 27-611 of the Ordinance and Section 910.2 of the MPC permit the Board to grant a variance where it is alleged that the provisions of the Ordinance inflict unnecessary hardship upon the Appellant and when the Board can make certain prescribed findings where relevant in a given case.

The requested variances and/or interpretations are of a dimensional nature. In such situations, the Supreme Court of Pennsylvania has found, "the owner is asking only for a reasonable adjustment of the zoning regulations in order to utilize the property in a manner consistent with the applicable regulations." See Hertzberg v. Zoning Board of Adjustment of City of Pittsburgh, 721 A.2d 43, 47 (Pa. 1998). Thus, the Pennsylvania Supreme Court has stated, the level "of proof required to establish unnecessary hardship is indeed lesser." See id. at 48.

As the testimony and evidence presented to the Board in this case has shown, the Project attempts to accommodate both a positive use of the Property with minimal relief being requested.

As a result of all the above, the Application meets the requirements of "unnecessary hardship" required under the MPC. See id. The majority of the Board, upon thorough and deliberate review of the materials submitted and testimony offered, has determined that the proposed Variances are appropriate in consideration of the unique characteristics of the Property.

The requested variance will not adversely affect the public interest.

IV. CONCLUSIONS OF LAW

From the facts presented, it is the judgment of the Board that Appellants have proven an unnecessary hardship unique or peculiar to the property and that the variance is not contrary to the public interest. Accordingly, the Board is able to make the following relevant findings under Section 910.2 of the MPC:

1. That there are unique physical circumstances or conditions, including irregularities, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the property, and that the unnecessary hardship is due to such condition, and not the circumstances or conditions generally created by the provisions of the Ordinance in the neighborhood or district in which the property is located;

2. That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Ordinance and that the authorization for a variance is therefore necessary to enable the reasonable use of the Subject Property;

3. That the variance will not alter the essential character of the neighborhood or district in which the Subject property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property, or be detrimental to the public welfare;

4. That the unnecessary hardship has not been created by the Appellants; and,

5. That the variance will represent the minimum variance that will afford relief and will represent the least modification possible under Section 27-611.


ORDER

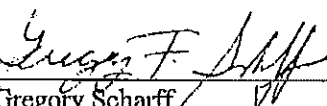
AND NOW, this 27th day of September 2015, the Appeal Washington Street Associates IV, L.P. and Millennium Waterfront Associates, L.P., seeking variances from Sections 27-1509.2, 27-1504(D), 27-1503, 27-1505(B)(2) and 27-1504(F), to construct a 420,000 square foot office building which is 400 lineal feet, 135 feet high, having impervious coverage of 80% and having internal setbacks between the building and curb of less than 25 feet in addition to the constructing a parking structure which would front parallel to the Schuylkill River is GRANTED.

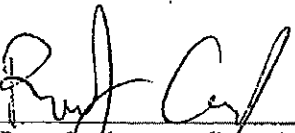
The Appellants are directed to apply to the Borough Zoning Officer/Building Inspector to obtain any appropriate permits.

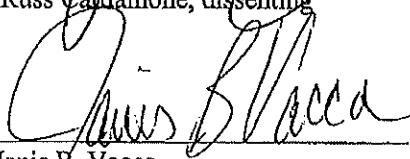
CONSHOHOCKEN ZONING HEARING BOARD


Richard Barton, Chairman


Mark Danek


Gregory Scharff


Russ Caudamone, dissenting


Janis B. Vacca

ADDENDUM II

See attached.

Following is a description of relief granted in 2014 and 2015 for the proposed project.

Z-2014-04: 200 Washington Street Block A. Decision May 5, 2014

Proposal: The Developer proposed a 300,000 square foot office building with a five (5) story parking garage, and public amenities including an amphitheater, public garden and improved public access. It should be noted that the design of the project was a direct result of the needs of the single tenant being sought to occupy the building.

Relief Requested and Granted:

1. §27-1509.2 Building Bulk: Relief was requested to increase the building bulk of the new proposed office building from 250 feet to 384 feet, and increasing the non-conforming building bulk of 227 Washington Street through connection to the proposed building, making the building bulk 543.8 feet. Variances were approved on condition that the connector between the existing building at 227 Washington Street and the new office building be used for the transient movement of employees only, and not for additional office space or gathering areas. Relief was approved for the building bulk of the proposed garage of 274.8 feet
2. §27-1504 D. 5: Interpretation and in the alternate a variance was requested regarding the proposed orientation of the parking garage parallel to the Schuylkill River. The Ordinance does not permit visible parking structures parallel to the river or between a principal building and the river. Despite arguments that there was intervening land between the proposed parking garage and the actual river bank, the Zoning Board granted a variance to orienting the parking garage parallel to the river, on condition that the structure be concealed in some way other than wire mesh so that it does not appear to be a parking structure when viewed from the river side of the building in the opinion of the Borough's Design Review Committee.
3. §27-1705: Utilization of the Flood Plain Conservation District: Relief was requested from conditional use requirements for development of amenities in the floodway. All proposed buildings related to the project were located in the floodway fringe, and no relief was requested from flood proofing requirements. However grading and amenities to be constructed in conjunction with the project were located in the floodway. Relief was granted for the following activities in the floodway:
 - a. An amphitheater with a plaza, walkway and paved parking areas;
 - b. Paved walkways, sidewalks, parking areas, plazas, courtyards and meeting areas; and
 - c. Grading, re-grading, disturbance of earth, removal and deposit of topsoil and construction of retaining walls.
4. §27-1503 Height: Building height is limited to eighty-five (85) feet, and may be increased to 250 feet by conditional use. The project does not meet the requirements for conditional use approval and therefore a variance was requested. Relief was granted for a building height not to exceed ninety (90) feet. The need for a variance was due to slope at the site and the fact that the elevation of the building had not been finalized at that time.

Z-2015-04: 200 Block of Washington Street Block A. Decision September 29, 2015

Proposal: The Developer proposed a 420,000 square foot office building, a garage of twelve (12) to thirteen (13) stories. Amenities to be constructed remained the same. It should be noted that the changes to the project were the result of requests from the single tenant proposed to occupy the building. Also of note was the Borough of Conshohocken's support for the relief being requested.

Relief Requested and Granted:

1. §27-1509 2 Building Bulk: The proposed building bulk was 400 lineal feet, which was sixteen (16) feet longer than the 384 lineal fee approved in 2014. There was no discussion regarding any changes in the bulk of the garage, which was granted relief in 2014. Note: Garages are not exempt from building bulk requirements.

2. §27-1503 Height: The proposed height of the building was 135 feet, which was a significant increase (45 feet) over the five (5) foot increase granted in 2014. Garage height also was increased, and was considered to be roughly the same as the proposed office building. The variance was granted.
3. §27-1504 D. 5 Interpretation of the Orientation of the Garage Parallel to the Schuylkill River: The parking garage associated with the project continued to be oriented parallel to the river. There was no change in consideration of the garage's orientation or change in the prior approval or condition of approval.
4. §27-1505 B.2 Minimum Building Setback from a Private or Internal Drive: The distance of the parking garage from the drive leading to the garage is less than twenty-five (25) feet. The variance was granted.
5. §37-1504 F. 2. Impervious Coverage: The Developer proposed eighty percent (80%) impervious coverage on the lot, where seventy percent (70%) is permitted. The variance was granted.

2015 variances approved were granted without conditions.

SITE MAP

See attached.

050000024007
05018 001 Schuylkill River Trail

050011860006
05018 016

Washington Street

0500118569
05018 027

050011850001
05018 011

050011856946
05018 024

050011856001
05018 011

050011856955
05018 023

050011856136
05018 031

050011852005
05018 008

050011856001
05018 011

CONDO I

CONDO A

CONDO B

Poplar Street

05

050011856109
05018 028

050011856118
05018 029

050011856127
05018 030

050011856937
05018 025

050011856145
05018 032

CONDO E

CONDO F

CONDO G

CONDO H

CONDO J

050000026005
05017 036

050011888104
05018 022

AS OF 5/14/21

C = COMMON ELEMENT

- MILLENNIUM WATERFRONT ASSOCIATES II LP
- MILLENNIUM OFFICE OWNER II LLC
- MILLENNIUM III OFFICE OWNER LLC
- TPT MILLENNIUM LLC



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

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Karen Tutino, Member

Stephanie Cecco
Borough Manager

July 21, 2020

Edmund J. Campbell, Jr., Esq.
Campbell Rocco Law, LLC
2701 Renaissance Blvd., 4th Floor
King of Prussia, PA 19406

Re: PZ-2014-04 and 2015-04: 200 Block of Washington Street Conshohocken, PA 19428

Dear Mr. Campbell,

The Conshohocken Zoning Hearing Board at its July 20, 2020 meeting approved an extension of the zoning relief originally granted in 2014 and 2015 for the referenced project. The following relief was extended for one (1) year through July 20, 2021:

- §27-1509.2 – Variance for building bulk
- §27-1504.D.5 – Variance for orientation of the parking garage
- §27-1705 – Variance for floodproofing of amenities in the floodway
- §27-1503 – Variance for building height
- §27-1505.B.2 – Variance for minimum setback from internal roadways
- §27-1504.F.2 – Variance for impervious coverage

Zoning relief will expire should any required permits not be obtained within the outlined time period. Compliance with all local, state, and federal laws and regulations is still required along with all representations and conditions of the original relief granted.

If you have any questions or concerns, please feel free to contact the undersigned.

Sincerely,

Eric P. Johnson, PE
Zoning Officer
PENNONI ASSOCIATES INC.

EPJ/

cc: Stephanie Cecco, Borough Manager
Ray Sokolowski, Executive Director of Operations
Michael Peters, Esq., Borough Solicitor
Alex Glassman, Esq., Zoning Hearing Board Solicitor
Matt McHugh, Esq.
Zoning Hearing Board



BOROUGH OF CONSHOHOCKEN

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Karen Tutino, Member

MEMORANDUM

Stephanie Cecco
Borough Manager

Date: July 9, 2021
To: Stephanie Cecco, Brittany Rogers
From: Eric P. Johnson, P.E.
Re: 200 Block Washington Street Extension Request - Zoning Determination

History of the Site:

The subject property is bounded by Washington Street to the north, the Schuylkill River waterfront to the south, Poplar Street to the east, and Ash Street to the west. The property is located in the SP-2 – Specially Planned Zoning District Two and is located in the Floodplain Conservation District and Floodway and Zone AE Special Flood Hazard Area as defined by the FEMA Flood Insurance Rate Map (FIRM).

In connection with a proposed development of a commercial office building, parking garage, and site amenities, the applicant was granted the following relief by the Zoning Hearing Board in 2014 (Z-2014-04) and in 2015 (Z-2015-04):

- §27-1509.2 – Variance for building bulk
- §27-1504.D.5 – Variance for orientation of the parking garage
- §27-1705 – Variance for floodproofing of amenities in the floodway
- §27-1503 – Variance for building height
- §27-1505.B.2 – Variance for minimum setback from internal roadways
- §27-1504.F.2 – Variance for impervious coverage

The expiration date of the granted relief has been extended multiple times. The applicant was most recently before the Zoning Hearing Board in July 2020 at which time the following relief was extended until July 20, 2021:

- §27-1504.D.5 – Variance for orientation of the parking garage
- §27-1705 – Variance for floodproofing of amenities in the floodway
- §27-1503 – Variance for building height
- §27-1505.B.2 – Variance for minimum setback from internal roadways
- §27-1504.F.2 – Variance for impervious coverage

Current Request:

The applicant, Millennium Waterfront Associates LP, is requesting an extension of the previously granted zoning relief for an additional twelve (12) months until July 20, 2022.

Zoning Determination:

Per §27-613 of the Zoning Ordinance, the zoning relief granted expires if the applicant does not obtain any and all required permits within the specified timeframe. The zoning relief originally granted by the Zoning Hearing Board in 2014 (Z-2014-04) and in 2015 (Z-2015-04) has been extended multiple times with the most recent extension granted in July 2020. The applicant currently has no land development or permit applications submitted to the Borough, and no indication has been made to the Borough that the project is progressing towards obtaining all required approvals and permits. Therefore, it is recommended that the Zoning Hearing Board deny the request for another extension of time on the subject relief.



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

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Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

ZONING NOTICE

June 21st, 2021 ZONING HEARING BOARD MEETING TO OCCUR VIA REMOTE MEANS

ZONING HEARING(S) Z-2021-09, Z-2021-11, and Z-2021-12

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on June 21st, 2021 at 7:00 p.m. prevailing time via remote means. The public is encouraged to participate as set forth below. This meeting will be held using a Go-To-Meeting Platform. To the extent possible, members of Conshohocken Zoning Hearing Board and Borough staff/professionals will participate via both video and audio. (INSTRUCTIONS ON SECOND PAGE)

At this time, the Conshohocken Zoning Hearing Board will hear testimony and accept evidence on the following request.

PETITIONER: CGEM, LLC, Mun Chung, Member
6142 Creekside Dr. Flourtown, PA 19031

PREMISES INVOLVED: 701 Fayette St., Conshohocken, PA 19428
Borough Commercial

OWNER OF RECORD: CGEM, LLC

In connection with a proposed mixed-use redevelopment of the subject property, the applicant is seeking variances and special exceptions for building setbacks, impervious coverage, and off-street parking from the following code section: §27-1303.C, D, and F; §27-2002; §27-2006; §27-2009.

PETITIONER: 3 Blind Pigs, LLC.
404 Pennsylvania Ave., Ft. Washington, PA 19034

PREMISES INVOLVED: 101 E. 7th Ave., Conshohocken, PA 19428
Borough Residential 1

OWNER OF RECORD: 3 Blind Pigs, LLC.

The applicant is seeking variances from §27-703.D and E(6); and §27-811.B and C to permit the installation of a roof structure over the existing patio.

PETITIONER: Kimberly Gider
115 Ava Ct., Plymouth Meeting, PA 19462

PREMISES INVOLVED: 824 Fayette St., Conshohocken, PA 19428
Residential Office Zoning District

OWNER OF RECORD: Jeffrey and Betty Stanley

The applicant is seeking a Special Exception, per §27-703.B(1), to permit the change of an existing non-conforming use. The applicant seeks to convert the existing first floor retail space from a restaurant to a beauty salon.



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

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Robert Stokley, Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

ZONING HEARING REMOTE SESSION ACCESS INSTRUCTIONS

The public is encouraged to participate as follows:

Audio Feed Participation: You may dial-in to access the audio feed of the meeting. All participants (whether listening or providing comments) must use this method of audio participation, even those using Go-To-Meeting to access the video feed. To access audio, please use the below number and access code/ password information.

We ask that you please always keep your phones on mute, unless giving a public comment as set forth in the Public Comment section below.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/972846509>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

Access Code: 972-846-509

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/972846509>

If you have already downloaded the Go-To-Meeting application, the link will redirect you to the application itself. Please follow the instructions.

It is recommended that you download the application in advance of the meeting time. If you attempt to sign in prior to the start of the meeting, the Go-To-Meeting application will inform you that the meeting has not started. Please close the application and log back in at the time of the meeting (7:00 PM).

Public Comment: There will be a designated time on the agenda for public comment. Those with public comment shall state their name and address. Prior to the start of the meeting, you may submit written comments by e-mailing them to Bmyrsiades@conshohockenpa.gov. Similarly, during the meeting, you may submit written comments by e-mailing them to bmyrsiades@conshohockenpa.gov.

Public comments submitted in this manner will be read by a member of Borough Administration during the public comment period. Because the actual time of the public comment period is determined by the pace of the meeting, please submit all comments as soon as possible, whether before or during the meeting. Written comments shall include the submitting person's name, address, and property in question.

The Conshohocken Zoning Hearing Board thanks you in advance for your cooperation during the remote meeting. If you encounter problems participating during the meeting, or have questions regarding the above prior to the meeting, please contact the Borough at bmyrsiades@conshohockenpa.gov.



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

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Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

The Borough of Conshohocken Zoning Hearing Board Entry of Appearance as a Party

Persons who wish to become parties to the application must notify the Borough of their intent to ask for party status at least five (5) days prior to the scheduled hearing by emailing the attached entry of appearance form to zoning@conshohockenpa.gov. Said persons must be available to participate in the zoning hearing on the scheduled date and time. It is noted that submitting the attached entry of appearance form does not guarantee that you will be granted party status. The Zoning Hearing Board decides who may participate in the hearing before it as a party, subject to Section 908(3) of the Municipalities Planning Code (MPC). The MPC permits party status to any person "affected" by the application. Having taxpayer status alone is not enough to claim party status; however, a person whose property or business abuts the property that is the subject of the appeal is affected and should qualify as a party. Ultimately, the ZHB makes the party status determination after reviewing the request.

I/We _____

Request to be granted party status in Application: (Check One)

- Applicant: 701 Fayette St.- CGEM, LLC - Zoning Variance/Special Exception - Z-2021-09
- Applicant: 3 Blind Pigs, LLC. - 101 E. 7th Ave. - Zoning Variance - Z-2021-11
- Applicant: 824 Fayette St. - Kimberly Gider - Special Exception - Z-2021-12

Please print name:

Please print address:

Please print email:

Please Sign Below:

Please return form via mail or e-mail to the below:
(Entry must be received no later than June 16th, 2021)

MAIL:

Borough of Conshohocken
Attn: Bobbi Jo Myrsiades
400 Fayette St. - Suite 200
Conshohocken, PA 19428

EMAIL: zoning@conshohockenpa.gov



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
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Tina Sokolowski, Vice-President
Robert Stokley, Senior Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

MEMORANDUM

Stephanie Cecco
Borough Manager

Date: June 14, 2021
To: Stephanie Cecco, Brittany Rogers
From: Eric P. Johnson, PE
Re: 701 Fayette Street – Zoning Determination

History of the Site:

701 Fayette Street is currently developed with an abandoned gas station and auto repair shop at the northeast corner of Fayette Street and E. 7th Avenue. The site is currently accessed by two full movement driveways from Fayette Street and one full movement driveway from E. 7th Avenue. A portion of an alley that serves the abutting residential properties encroaches on the northeast corner of the subject property. The property is located in the BC – Borough Commercial zoning district.

Current Request:

The applicant, CGEM, LLC., proposes to redevelop the property with a mixed-use development consisting of ground floor commercial/retail space and a total of ten (10) residential units split between the second and third floors. Each dwelling unit is proposed to have two (2) bedrooms. The applicant proposes to construct a 27-space parking lot to the rear of the building that is accessed from E. 7th Avenue.

In connection with a proposed mixed-use redevelopment, the applicant is seeking variances from §27-1303.C and D regarding front and side yard setbacks; a variance from §27-1303.F regarding maximum impervious coverage; a variance from §27-2002 regarding required off-street parking; and a special exception from §27-2006 and §27-2009 regarding the reduction of off-street parking for nonresidential uses.

Zoning Determination:

Per 27-1303.C, the front building setback shall be the public sidewalk or 15 feet from the curb line of the public street, whichever is greater; except when a building line has been established, then the front setback shall be the building line of the majority of the buildings on the block. The intent of the code is to establish a building line in close proximity to street frontage, creating an inviting shopping experience for pedestrians. Only one other building exists on the block and is toward the back of the lot, not meeting the intent of the code. The applicant is proposing to place the building at the back edge of the existing public sidewalk. The location of the building meets the intent of the code and does not require a variance.

Per §27-1303.D, for buildings situated on a corner, the side yard setback shall be the public sidewalk or 15 feet from the curb line of the public street, whichever is greater. In all other situations the minimum set back shall be 10 feet. The building is proposed to be located along the back of the E. 7th Avenue sidewalk and 15 feet behind the street curb line; and the northern building façade is proposed to be set back 10 feet from the property line. The location of the building meets the intent of the code and does not require a variance.

Per §27-1303.F, the maximum impervious coverage cannot be more than 85% of the lot area. The applicant has indicated that the proposed development could comply with the maximum permitted impervious coverage; however, the applicant intends to maintain the existing alley encroachment on the northeast corner of the property, increasing the impervious coverage to a noncompliant 88.9%. Therefore, a variance is required.

Per §27-2002, any building erected, altered, or used shall be provided with the required minimum number of off-street parking spaces, together with adequate driveways and street access. The proposed development includes 10 residential units, requiring 20 off-street parking spaces. Additionally, the development includes 5,155 square feet of commercial space on the ground floor. The applicant has indicated the commercial space is divided into 4 storefronts but has not provided details on the proposed mix of uses. The applicant has proposed the use of the shopping center requirement of 1 space per 200 square feet of gross leasable area, for a total requirement of 26 off-street spaces. The required parking rate of 1 space per 200 square feet of floor area falls within the required parking requirement for a mix of retail and office uses; however, if a more intensive use, such as a restaurant (1 space per 50 square feet) is proposed, the required amount of off-street parking would be higher. The applicant is proposing 27 off-street parking spaces as part of the proposed development, requiring a variance.

The applicant has provided a parking assessment in support of the request for a reduction of off-street parking, indicating that the 27 parking spaces would be shared between the residential units and commercial space. Off-street parking for residential uses is generally required to be reserved for the use of the residents. The applicant will need to provide additional detail regarding how the parking will be shared; particularly if one or more of the commercial uses will have evening hours of operation.

Per §27-2006, the required nonresidential off-street parking spaces on a site may be located elsewhere than on the same lot when authorized as a special exception by the Zoning Hearing Board, contingent on the conditions outlined in §27-2006.A-C being satisfied. Specifically, the applicant is required to provide an agreement and site plan with the owner of another property showing the joint use of the off-street parking spaces that will not be located on the subject property. The applicant is requesting to reduce the required amount of off-street parking spaces on the subject lot but has not provided the required documentation that the off-street parking will be located on another property. Note, that the increased number of on street parking along the property frontage cannot be counted toward the required off-street parking requirement.

Per §27-2009, in the case of mixed-use development, the amount of off-street parking required shall be determined by the sum of the requirements of the various uses computed separately in accordance with §27-2002, except where the applicant qualifies under §27-2006 or in the case of a shopping center. The applicant cited §27-2009 in connection with the requested special exception per §27-2006, however, the specific relief sought is not clear. The applicant will need to provide evidence regarding the applicability of the shopping center parking demand of 1 space per 200 square feet of leasable floor area compared to the sum total of all the proposed commercial uses.



MIXED USED CONSHOHOCKEN - OPTION 1 AT FAYETTE ROAD

SCALE: AS SHOWN

DATE: 02.27.2020

PROJECT # 19046

SK.7

**BEFORE THE ZONING HEARING BOARD
OF THE BOROUGH OF CONSHOHOCKEN**

**IN RE: 701 Fayette Street Zoning Application
Applicant Exhibit List**

Ex. 1 – Zoning Application

Ex. 2 - Deed

Ex. 3 – Architectural Renderings

Ex. 4 – Photos from April 5, 2021

Ex. 5 – Photos from April 7, 2021

Ex. 6 – Dynamic Traffic – Shared Parking Analysis

Ex. 6A – Curriculum Vitae of Justin Taylor, PE, PTOE, LEED AP

Ex. 7 – Site Plan

Ex. 8 – Site Plan with Satellite Image Overlay

Ex. 9 - Petitions



BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Zoning Application

Application: _____

Date Submitted: _____

Date Received: _____

1. Application is hereby made for:

Special Exception Variance

Appeal of the decision of the zoning officer

Conditional Use approval Interpretation of the Zoning Ordinance

Other _____

2. Section of the Zoning Ordinance from which relief is requested:

27-1303 - Permitted Use Dimensional Standards; 27-2002 - Off-Street Parking: Shopping Center/Residential Use.

3. Address of the property, which is the subject of the application:

701 Fayette Street

4. Applicant's Name: CGEM LLC, Mun Chung, Member

Address: 6142 Creekside Drive, Flourtown, PA 19031

Phone Number (daytime): 484-344-5429 (thru counsel)

E-mail Address: msd@daneklawfirm.com

5. Applicant is (check one): Legal Owner ; Equitable Owner ; Tenant

6. Property Owner: CGEM LLC

Address: 6142 Creekside Drive, Flourtown, PA 19031

Phone Number: 484-344-5429 (thru counsel)

E-mail Address: msd@daneklawfirm.com

7. Lot Dimensions: 120'x150' Zoning District: BC

8. Has there been previous zoning relief requested in connection with this Property?

Yes No If yes, please describe.

Unaware of any relief for the prior gas station.

9. Please describe the present use of the property including any existing improvements and the dimensions of any structures on the property.

Current use is an abandoned gas station.

10. Please describe the proposed use of the property.

Applicant proposes to construct a three story shopping center containing first floor commercial - retail space together with five (5) two (2) bedrooms on the second and third floors. The applicant proposes 27 on-site parking stalls together with five (5) new on-street stalls.

11. Please describe proposal and improvements to the property in detail.

See architect's renderings submitted herewith.

12. Please describe the reasons the Applicant believes that the requested relief should be granted.

Applicant proposes a substantial shopping center development at 701 Fayette Street. The lot has been a blight on Fayette Street for several years since the gas station use was abandoned. The proposal provides a necessary missing link along Fayette Street to continue the commercial corridor from the lower streets through to the upper streets.

Likewise, the proposed residential use provides much needed housing for residents that may not necessarily be ready to purchase.

13. If a Variance is being requested, please describe the following:

a. The unique characteristics of the property: The existing alleyway and unopened paper street at the laundrymat cut into the useable space at the site, thereby reducing the overall utilization of

b. How the Zoning Ordinance unreasonably restricts development of the property:

The Ordinance requires 46 stalls. 26 stalls for the shopping center use together with 20 stalls for the residential uses. Under current engineering guidelines, 27 stalls would only be required. See Dynamic Traffic Shared Parking Analysis submitted herewith. Thus, the Ordinance as written does not reflect current professional thinking on the parking demand in the main commercial corridor of a municipality. Likewise, the existing Ordinance places an unreasonable barrier to development that stands in contrast to the goals of the Borough's Comprehensive Plan to foster mixed-use development uses and varying housing types for

c. How the proposal is consistent with the character of the surrounding neighborhood. _____

The three story shopping center is consistent with the commercial neighborhood.

d. Why the requested relief is the minimum required to reasonably use the property; and why the proposal could not be less than what is proposed.

The proposal is the minimum relief needed since the Applicant's proposal meets the minimum number of parking stalls under a Shared Parking Analysis prepared by Dynamic Traffic. The Proposal could not be less since the three story structure maintains the building lines along Fayette Street. Likewise, even if the Applicant would reduce the footprint or stories, the Project would not have the same street presence or provide the missing link along the Fayette Street commercial corridor between the lower and upper streets.

14. The following section should be completed if the applicant is contesting the determination of the zoning officer.

a. Please indicate the section of the zoning ordinance that is the subject of the zoning officer's decision (attach any written correspondence relating to the determination).

b. Please explain in detail the reasons why you disagree with the zoning officer's determination.

15. If the Applicant is requesting any other type of relief, please complete the following section.

a. Type of relief that is being requested by the applicant.

b. Please indicate the section of the Zoning Ordinance related to the relief being requested.

c. Please describe in detail the reasons why the requested relief should be granted.

16. If the applicant is being represented by an attorney, please provide the following information.

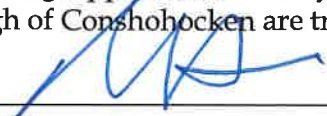
a. Attorney's Name: Mark S. Danek, Esq.

b. Address: 1255 Drummers Lane, Suite 105, Wayne, PA 19087

c. Phone Number: 484-344-5429

d. E-mail Address: msd@daneklawfirm.com

I/we hereby certify that to the best of my knowledge, all of the above statements contained in this Zoning Application and any papers or plans submitted with this application to the Borough of Conshohocken are true and correct.


Applicant

Mark S. Danek, Esq. on behalf of CGEM LLC

Legal Owner

April 16, 2021

Date

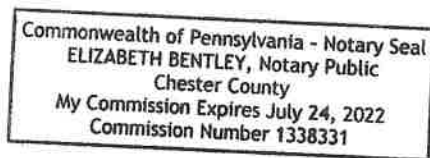
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 16th day of April, 2021.


Notary Public

(Seal)





BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Decision

(For Borough Use Only)

Application Granted

Application Denied

MOTION:

CONDITIONS:

BY ORDER OF THE ZONING HEARING BOARD

	Yes	No
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

DATE OF ORDER: _____

**BEFORE THE ZONING HEARING BOARD
OF THE BOROUGH OF CONSHOHOCKEN**

**IN RE: 701 Fayette Street Zoning Application – ADDENDUM
(As Amended April 26, 2021)**

This Addendum provides supplemental information not able to be typed into the application form.

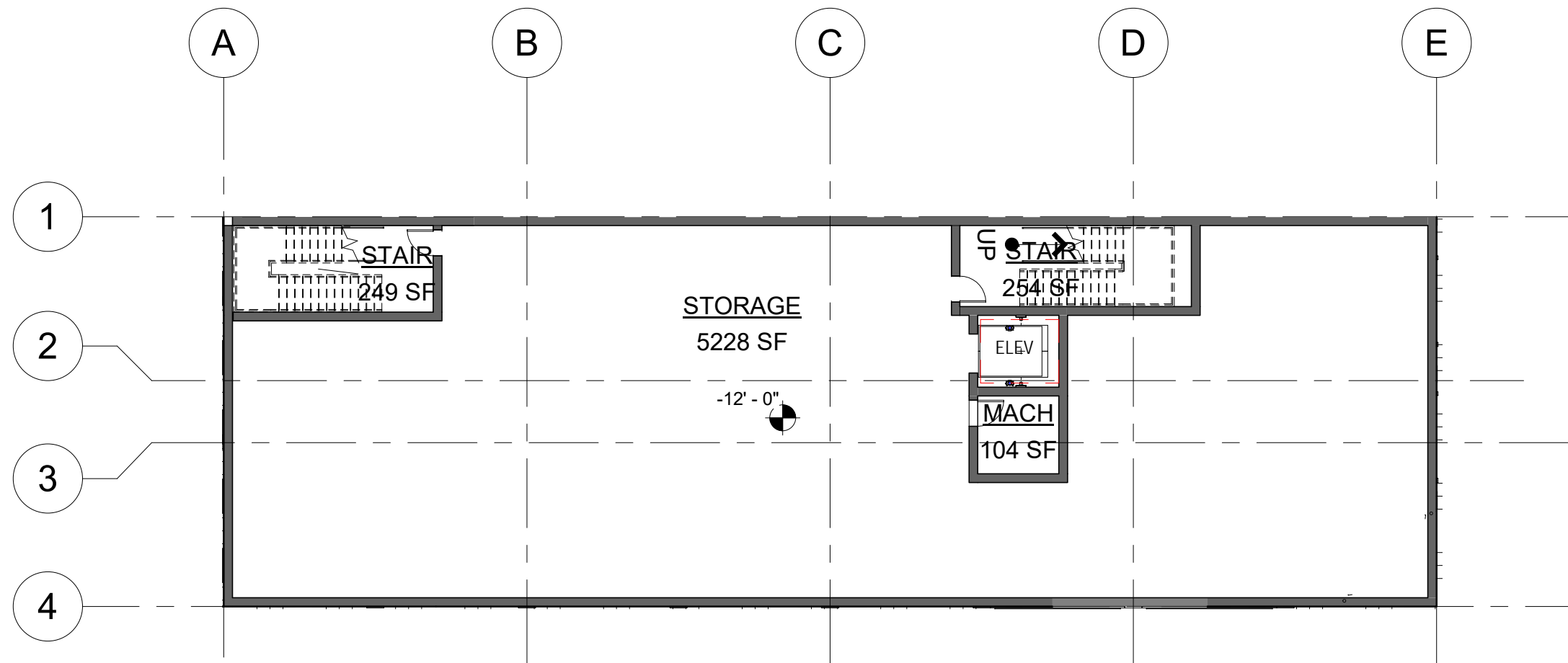
CGEM LLC (“CGEM”) proposes to construct a three story shopping center containing first floor commercial - retail space together with five (5) two (2) bedrooms on the second and third floors. Applicant proposes to provide twenty-seven (27) off-street parking stalls with an additional five (5) on-street parking stalls (due to the removal of existing curb cuts for the abandoned gas station use).

As part of the Application, CGEM seeks several dimensional variances from the Borough’s Zoning Ordinance (the “Code”).

1. §27-1303(C) – BC District Dimensional Standards. Applicant seeks a dimensional variance from the requirements of this section. The Code requires that the Building Front setback be the public sidewalk or fifteen feet (15’) from the curblines of the public street. Applicant proposes to locate the Building at the existing public sidewalk (believed to be twenty feet (20’) wide). Applicant believes that it meets the Code requirements, but is asking for an interpretation in an abundance of caution.
2. §27-1303(D) – BC District Dimensional Standards. Applicant seeks a dimensional variance from the requirements of this section. The Code requires that the Side Yard Setback for a corner lot be the public sidewalk or fifteen feet (15’) from the curblines of the public street. Applicant proposes to locate the Building at the existing sidewalk (believed to be fifteen feet (15’) wide). Applicant believes that it meets the Code requirements, but is asking for an interpretation in an abundance of caution.
3. §27-1303(F) – BC District Dimensional Standards. Applicant seeks a dimensional variance from the requirements of this section. The Code requires a maximum impervious coverage 85% of the lot area. Applicant proposes a maximum of 88.9% impervious coverage (if an existing paving area in the rear upper left of the Subject Property remains as an accommodation to the neighbors that currently use a paved area that encroaches onto the Subject Property). Applicant believes that it meets the Code requirements, but is asking for an interpretation in an abundance of caution.
4. §27-2002 – Off-Street Parking. Applicant seeks a dimensional variance from the requirements of this section. The Code requires a maximum of forty-six (46) stalls for the shopping center (26) /residential uses (20). Applicant

proposes to provide twenty-seven (27) off-street stalls, together with five (5) new on-street parking stalls due to the removal of existing curb cuts. Applicant submits concurrently herewith the Shared Parking Analysis of Dynamic Traffic which comes to the conclusion that the expected parking demand of the proposed shopping center/residential use is twenty-seven (27) stalls. By following current shared parking guidelines, Applicant easily meets the “real world” expected parking demand for the development.

As part of the Application, CGEM also seeks, in the alternative (or in addition), a Special Exception pursuant to §27-2006 and §27-2009, which allow the Zoning Hearing Board to reduce the overall number of off-street parking stalls needed. Thus, the Applicant requests a Special Exception (at the lower evidentiary threshold) to reduce the number of off-street parking stalls for the non-residential use down to 21 total stalls from the required 26 stalls for the shopping center use. And, Applicant requests a variance to further reduce the overall parking to meet the number of stalls as provided on-site. Applicant asserts that the foregoing is consistent with the Shared Parking Analysis submitted with the initial Application.



1 BASEMENT
1/16" = 1'-0"

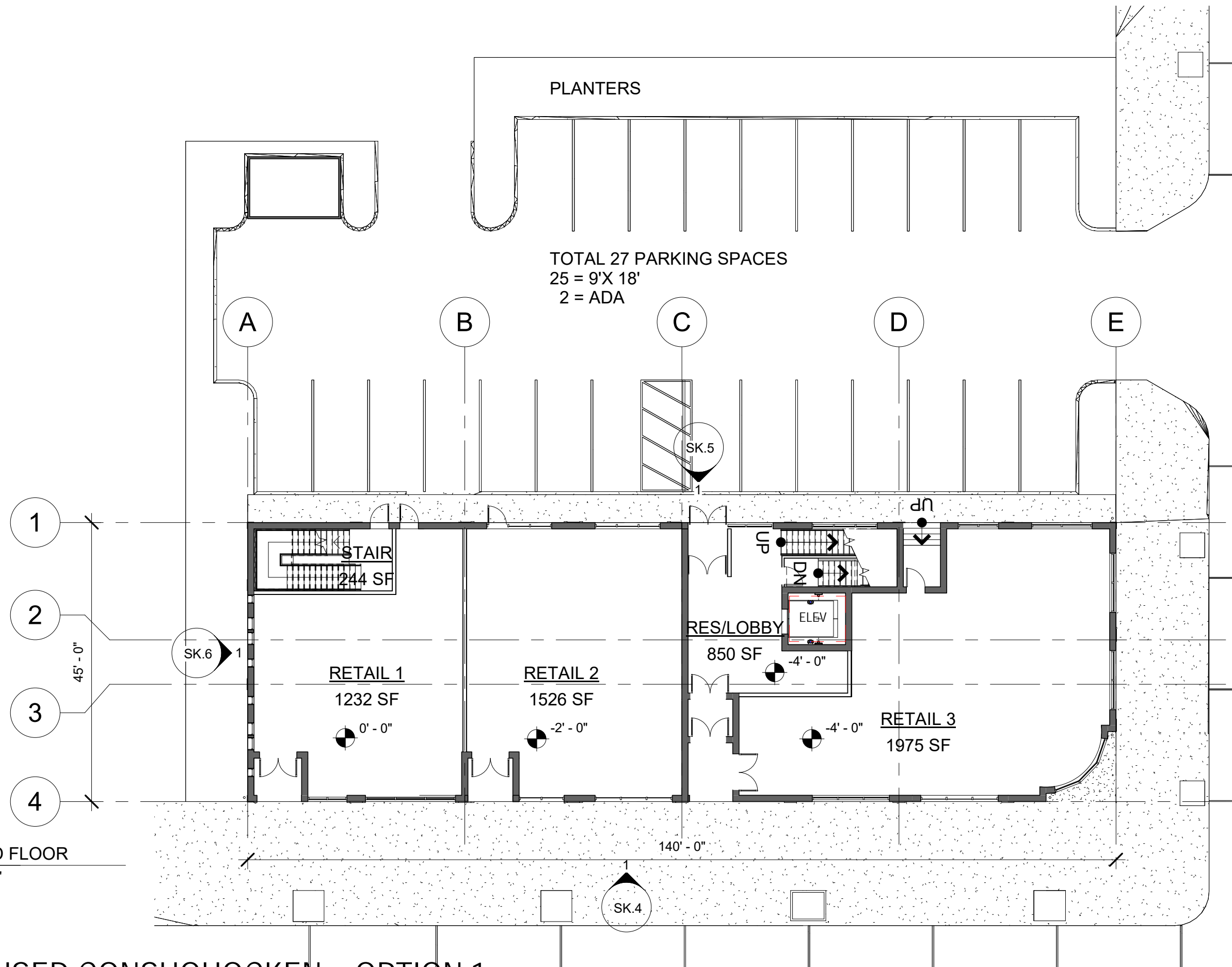


MIXED USED CONSHOHOCKEN - OPTION 1

SCALE: AS SHOWN

DATE: 02.27.2020

PROJECT # 19046



1 GROUND FLOOR
1/16" = 1'-0"



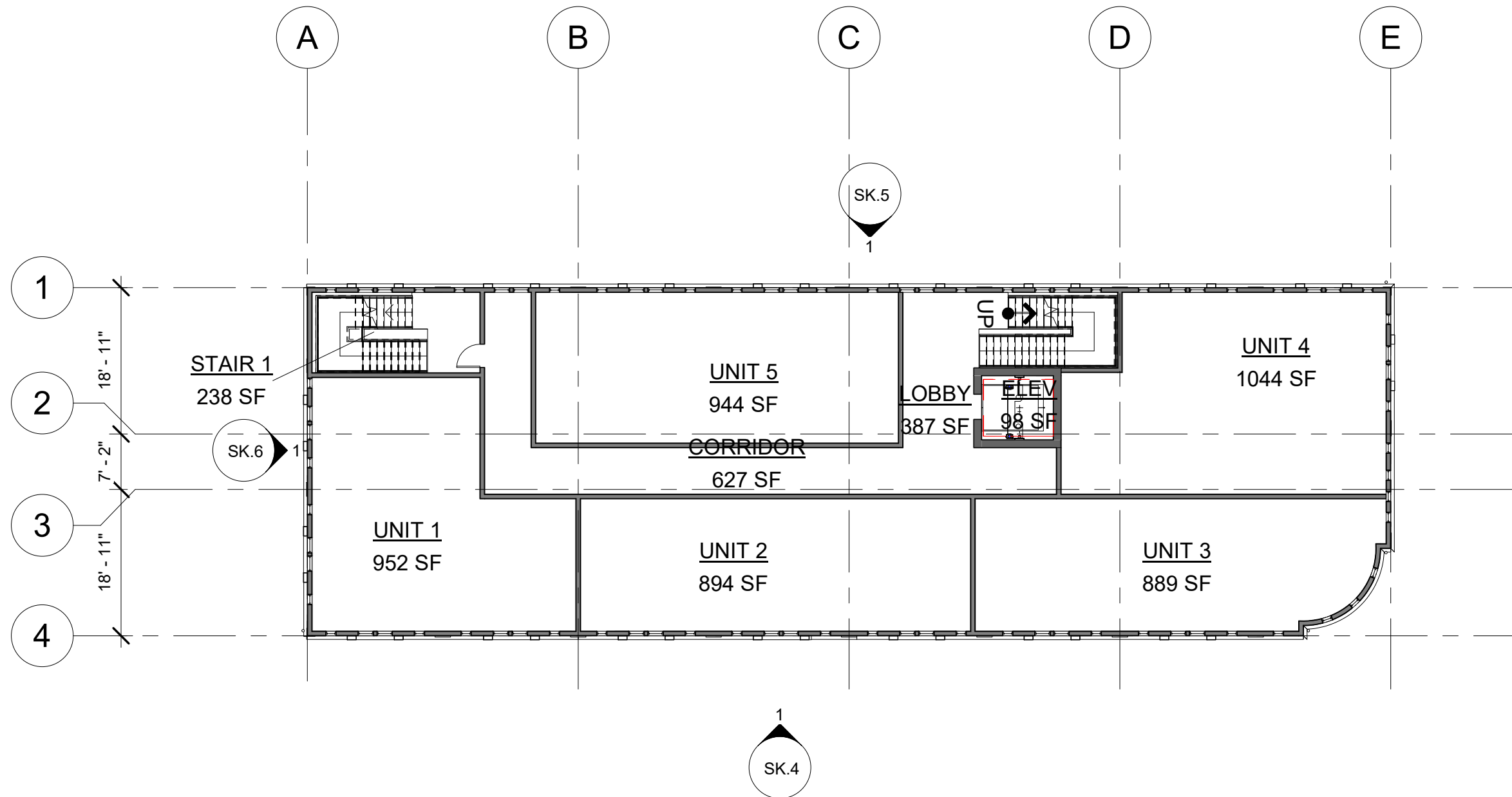
MIXED USED CONSHOHOCKEN - OPTION 1

SCALE: AS SHOWN

DATE: 02.27.2020

PROJECT # 19046

SK.2



1 SECOND AND THIRD FLOOR
1/16" = 1'-0"



MIXED USED CONSHOHOCKEN - OPTION 1

SCALE: AS SHOWN

DATE: 02.27.2020

PROJECT # 19046



1 FRONT ELEVATION
 3/32" = 1'-0"



MIXED USED CONSHOHOCKEN - OPTION 1

SCALE: AS SHOWN

DATE: 02.27.2020

PROJECT # 19046



1 REAR ELEVATION
3/32" = 1'-0"

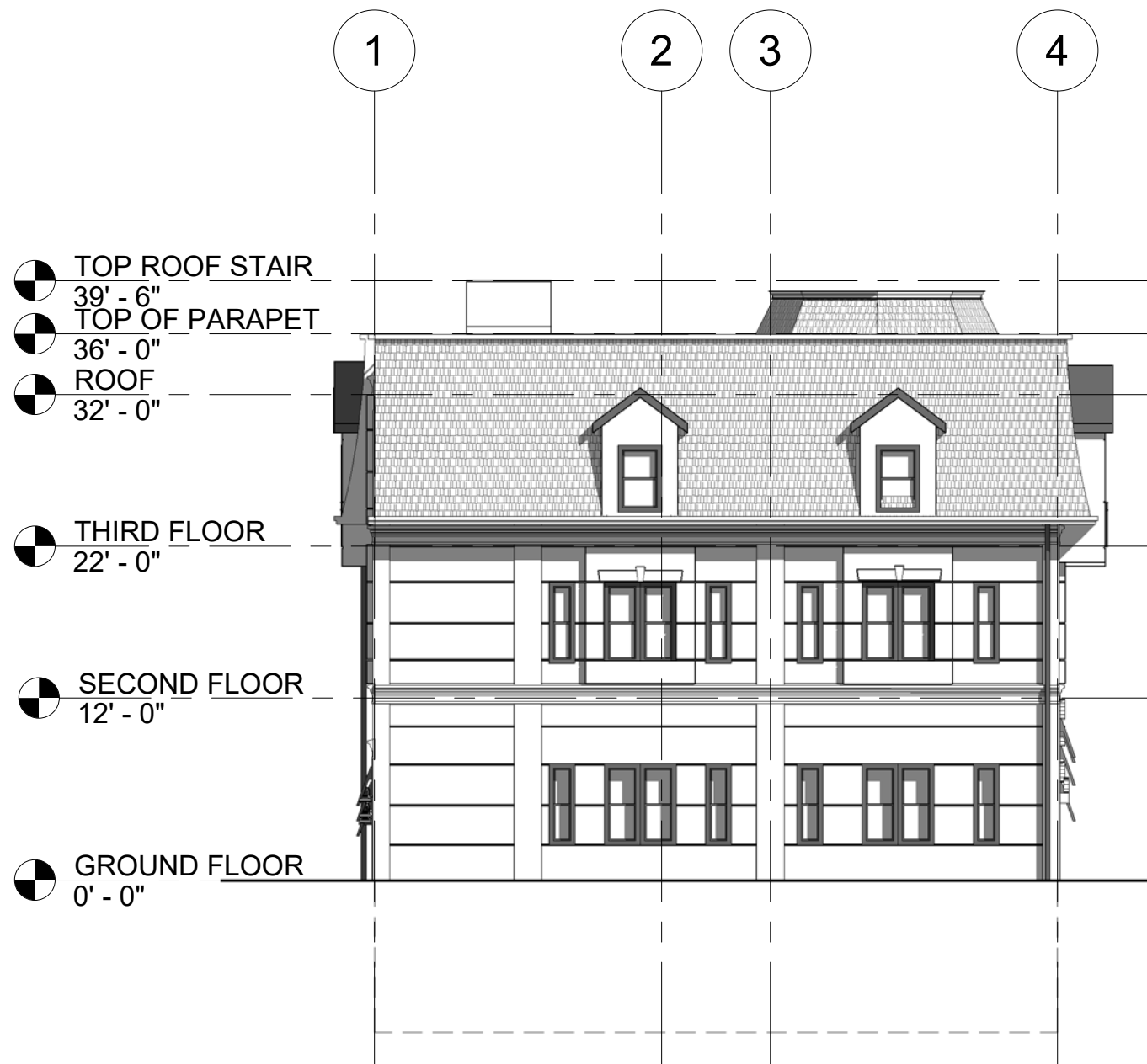


MIXED USED CONSHOHOCKEN - OPTION 1

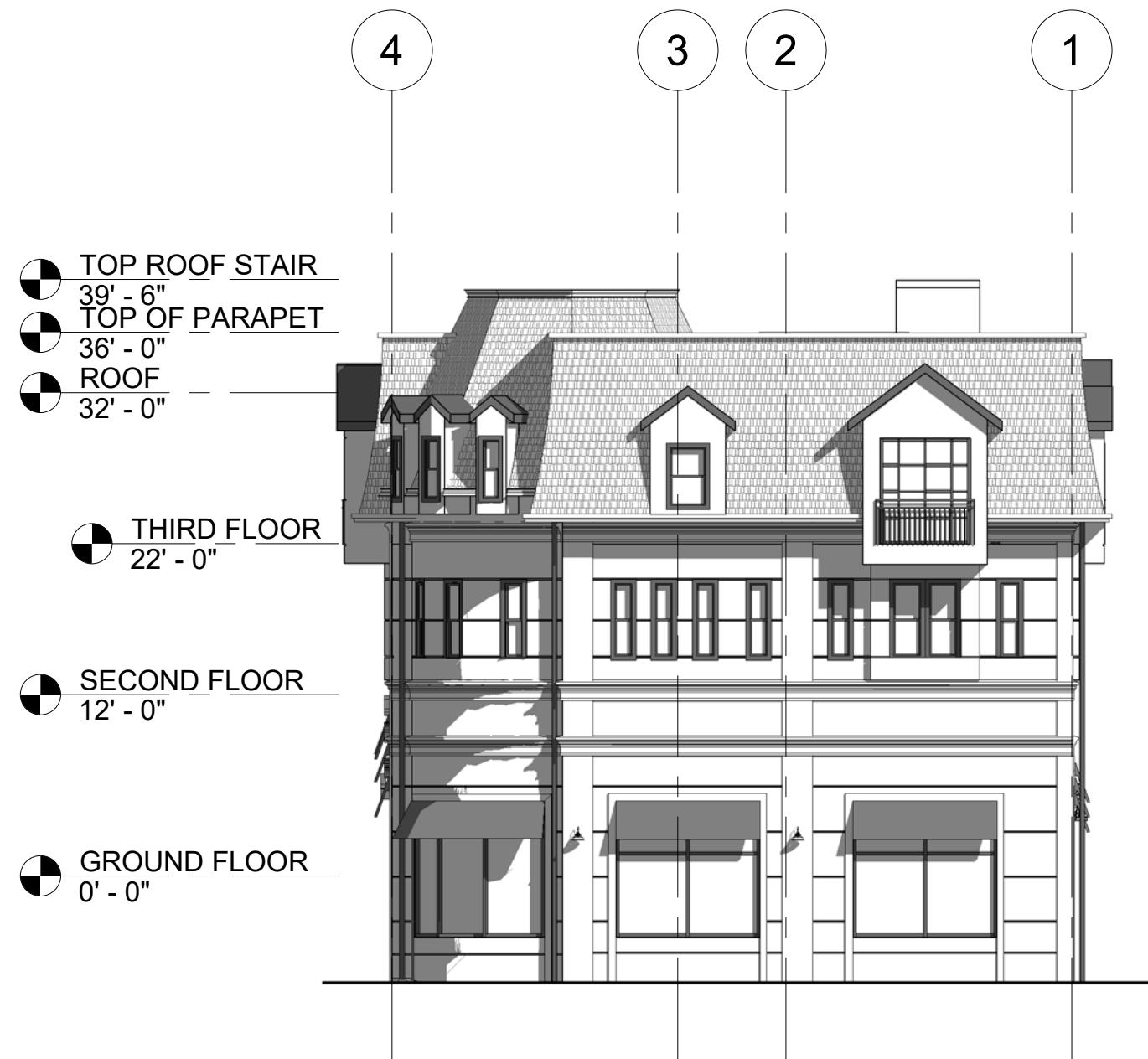
SCALE: AS SHOWN

DATE: 02.27.2020

PROJECT # 19046



1 LEFT ELEVATION
3/32" = 1'-0"



2 RIGHT ELEVATION
3/32" = 1'-0"



MIXED USED CONSHOHOCKEN - OPTION 1 AT FAYETTE ROAD

SCALE: AS SHOWN

DATE: 02.27.2020

PROJECT # 19046

SK.7



MIXED USED CONSHOHOCKEN - OPTION 1 VIEW AT EAST 7TH AVENUE

SCALE: AS SHOWN

DATE: 02.27.2020

PROJECT # 19046

SK.8



MIXED USED CONSHOHOCKEN - OPTION 1 VIEWS AT NIGHT

SCALE: AS SHOWN

DATE: 02.27.2020

PROJECT # 19046

APRIL 5 8:00 AM











APRIL 5 NOON









APRIL 5 4:00 PM











APRIL 5 7:30 PM



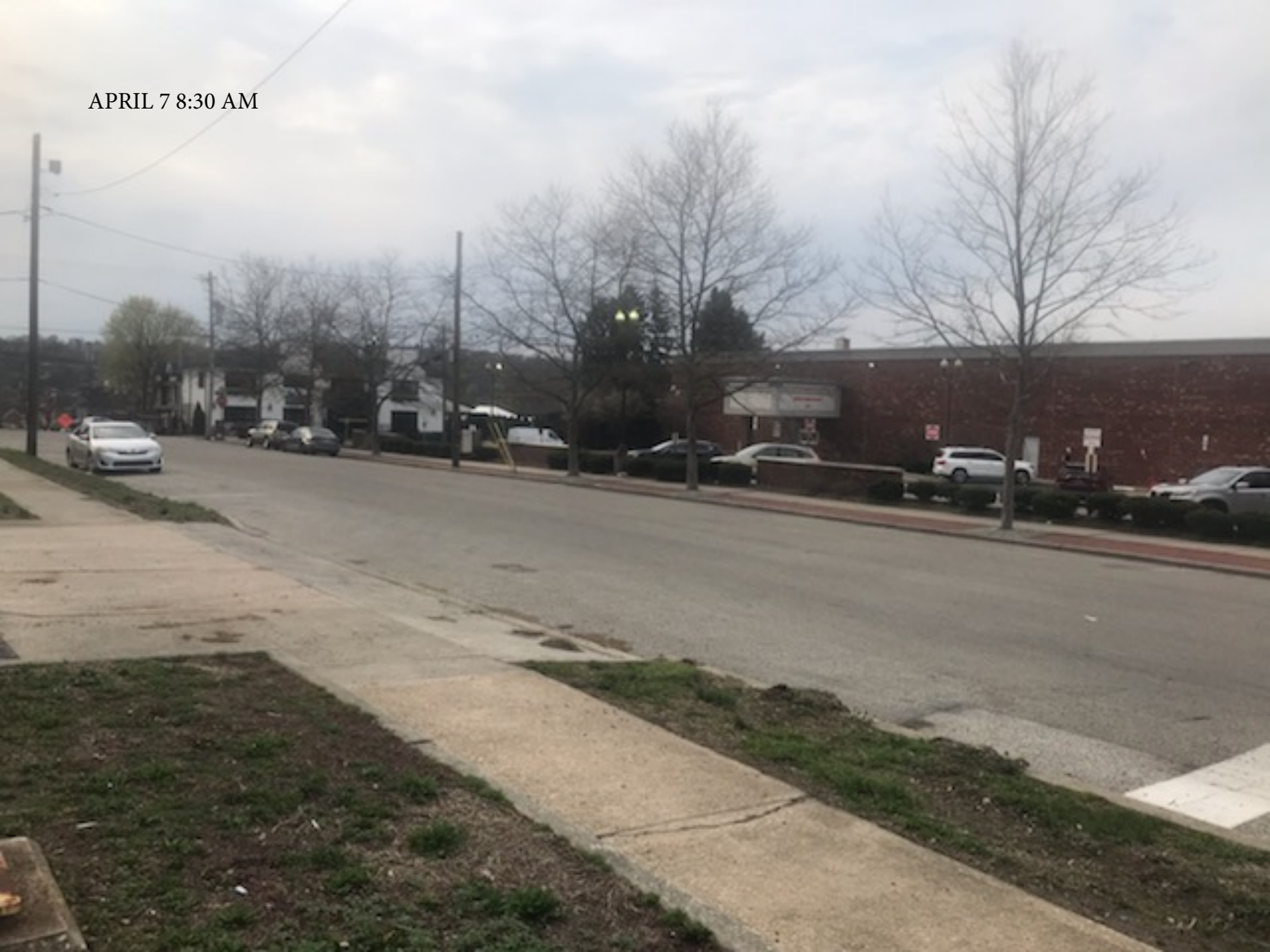








APRIL 7 8:30 AM



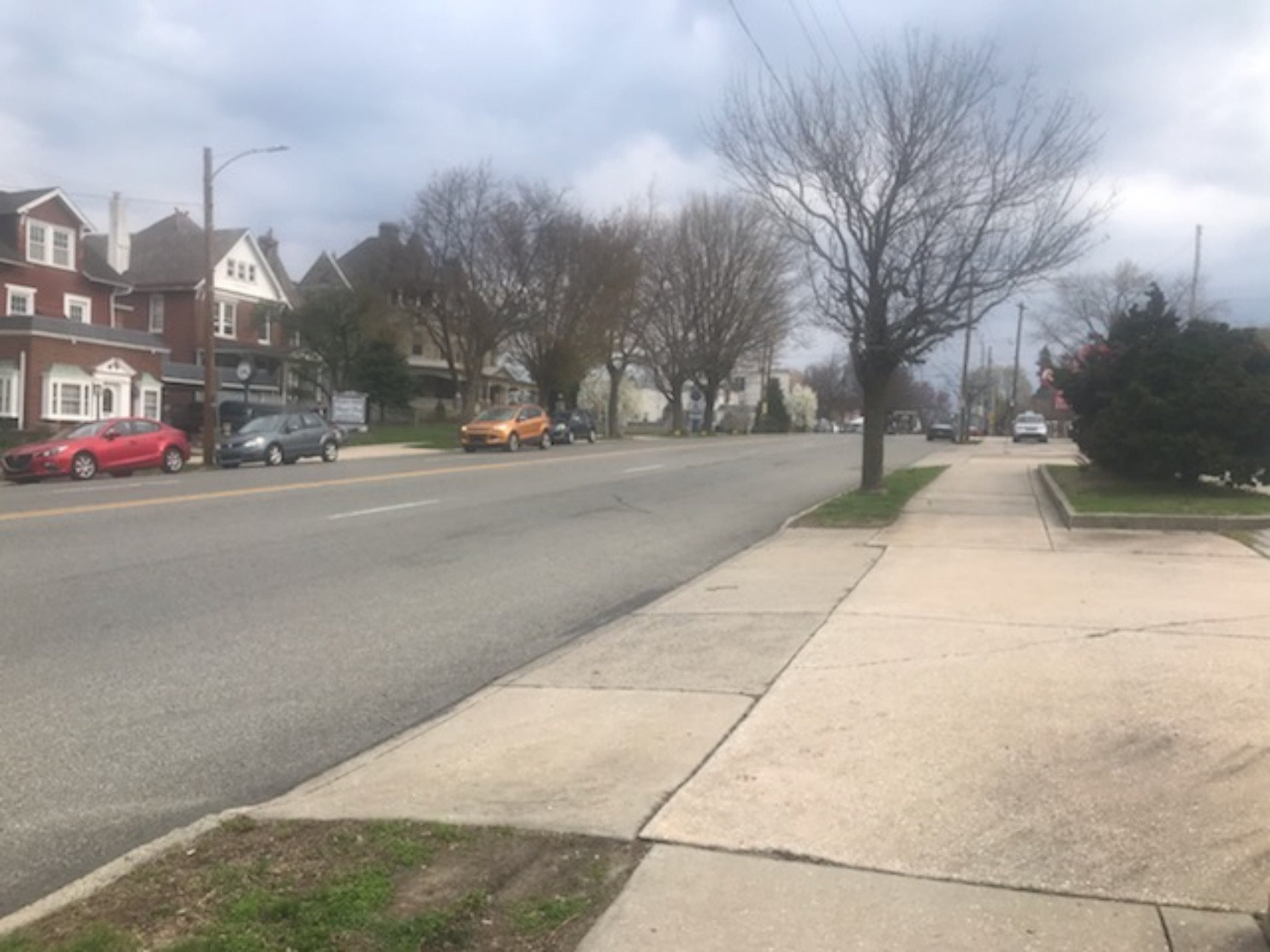


CVS
pharmacy

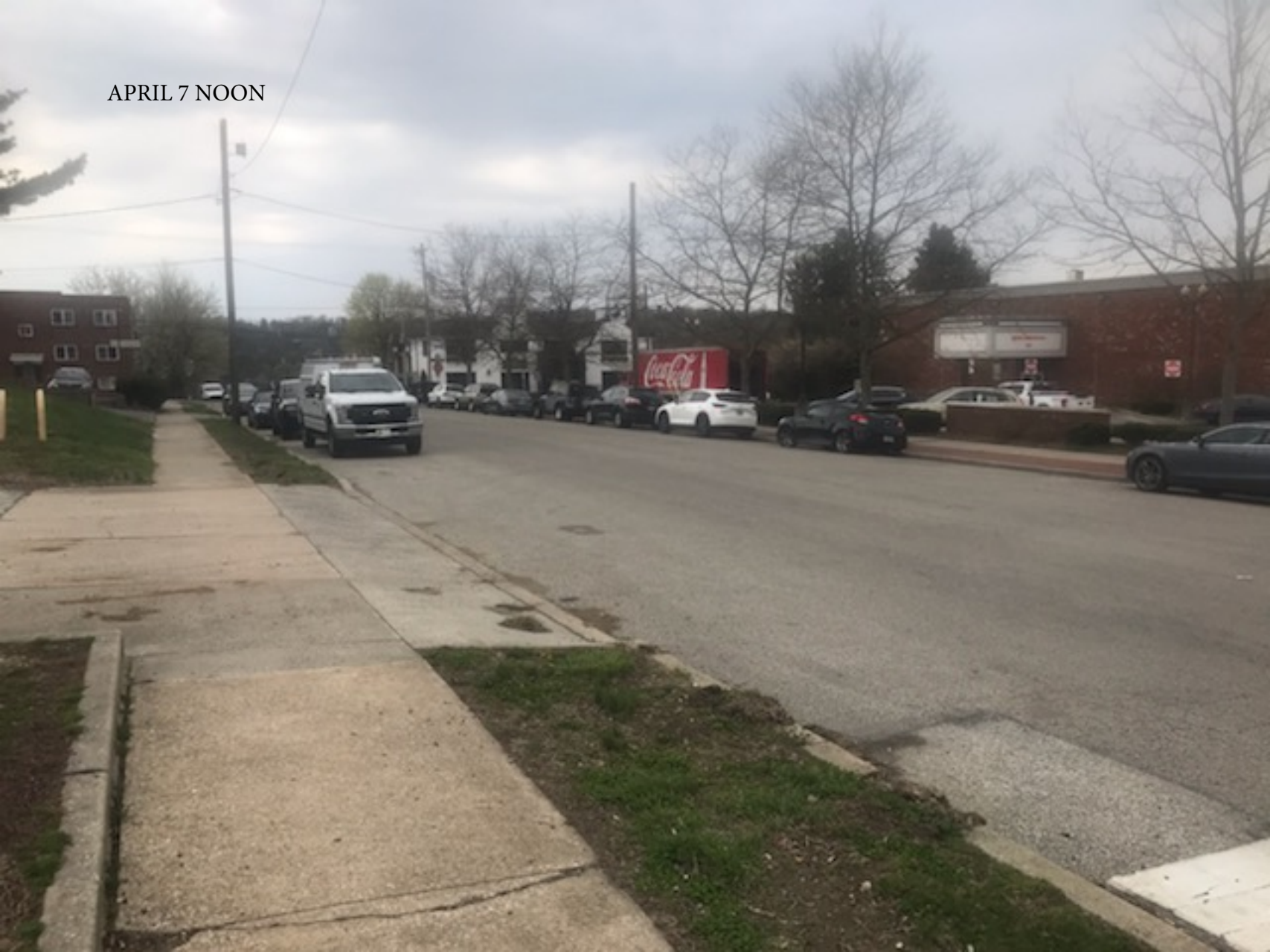
CVS
pharmacy

CVS
pharmacy





APRIL 7 NOON











APRIL 7 4:30 PM













Dynamic Traffic, LLC
826 Newtown Yardley Road,
Suite 201 Newtown, PA 18940
T. 732.681.0760

April 9, 2021
Via Fed-Ex

The Danek Law Firm, LLC
1255 Drummers Lane – Suite 105
Wayne, PA 19087

Attn: Mark Danek

**RE: Parking Assessment
Proposed Mixed-Use Development
701 Fayette Street
Conshohocken, Montgomery County, PA
DT#: 3803-99-001TE**

Dear Mr. Danek:

Dynamic Traffic has prepared the following parking assessment to determine if the proposed parking supply is sufficient to support the parking demand generated by the proposed redevelopment of the northeast quadrant of the intersection of Fayette Street (SR 3016) and East 7th Avenue in Conshohocken, Montgomery County, Pennsylvania. The site was previously developed with a gasoline service station, inclusive of fueling positions and service bays. It is proposed to raze the existing site and construct a three-story mixed use building fronting along Fayette Street with associated parking to the rear of the site. The proposed building will provide 5,155 SF of commercial space on the ground floor, along with five (5) two-bedroom apartments on each of the second and third floors (The Project). The Project will be supported by 27 parking spaces on the site as well 5 new on-street parking spaces where the previous gas station driveways were located. This assessment presents an evaluation of the proposed parking conditions to determine an appropriate parking supply. It should be noted that on-street parking is permitted along both sides of Fayette Street and both sides of East 7th Avenue in the vicinity of the site.

Local Ordinance Parking Requirements

The Conshohocken parking schedule was obtained from the Local Ordinance, Section § 27-2002. For shopping center land uses, the Ordinance requires 1 parking space per 200 SF of Gross Floor Area (GFA). The Ordinance also requires 2 spaces per dwelling unit for the two-bedroom units proposed. For The Project this equates to a parking requirement of 46 spaces, with 26 spaces required for the retail space and 20 spaces required for the apartments.

www.dynamictraffic.com

Lake Como, NJ • Chester, NJ • Toms River, NJ • Newark, NJ • Newtown, PA • Philadelphia, PA
Bethlehem, PA • Allen, TX • Houston, TX • Austin, TX • Delray Beach, FL

ITE Parking Demand

National parking demand data has been collected by the Institute of Transportation Engineers (ITE) within their publication *Parking Generation, 5th Edition*. This publication establishes peak parking demands for multiple land uses based upon different independent variables, such as GFA and residential units. For Land Use Code (LUC) 820 – Shopping Center ITE sets forth an average maximum demand of 2.91 vehicles per 1,000 SF of GFA. This equates to a demand of 15 parking spaces. For LUC 220 – Multifamily Housing (Low-Rise) ITE sets forth a demand of 1.21 vehicles per unit. This equates to a demand of 12 parking spaces. Consequently, the ITE parking demand data calculates a maximum demand of 27 spaces for the site and the proposed 27 on-site spaces and 5 additional on street parking spaces will be sufficient to support The Project.

Shared Parking Demand

It should also be noted that the proposed uses on the site will have different peak times of demand throughout the day. The commercial space will have its highest demand during daytime business hours, while the apartments typically peak overnight and on the weekend. This allows the proposed parking for the site to be shared by both uses. National parking demand data has been collected by the Urban Land Institute (ULI), a non-profit education and research institute whose mission is to provide responsible leadership in the use of land in order to enhance the total environment. This data is compiled within their publication *Shared Parking, 3rd Edition*, which documents temporal distributions of parking demands throughout the day, week, and year for individual land uses. Based on the temporal distributions for the residential and retail uses, as well as the anticipated parking demand for the site, the shared parking demand data calculates a demand of 20 spaces for the site on a weekday and 24 spaces on the weekend. Consequently, the proposed 27 on-site spaces and 5 additional on street parking spaces will be sufficient to support The Project.

Conclusion

The Applicant proposes to construct a three-story mixed use building fronting along Fayette Street with associated parking to the rear of the site. The proposed building will provide 5,155 SF of commercial space on the ground floor, along with five (5) two-bedroom apartments on each of the second and third floors. The project will be supported by 27 parking spaces on the site and another 5 new on-street parking spaces created by the elimination of the existing gas station driveways. Dynamic Traffic has performed parking analyses based upon nationally published parking data that has determined that the proposed parking supply is sufficient to support the parking demands. The results of the parking analyses are detailed in the table below.

Parking Criteria	Parking Demand/Requirement
Local Ordinance	46
ITE Parking Demand	27
Shared Parking Demand	24
Proposed Parking Supply	27 (plus 5 new on-street)

Based upon our Parking Assessment as detailed in the body of this report, it is the professional opinion of Dynamic Traffic that the proposed parking supply will be sufficient to support the anticipated demand with no detrimental impact to the proposed lot or adjacent properties. The different peaking characteristics of the residential and retail uses allow for the proposed parking to be shared between both uses. Should you have any questions on the above, please do not hesitate to contact me.

Sincerely,

Dynamic Traffic, LLC


Justin Taylor, PE, PTOE, LEED AP
Principal

JPT
Enclosures
c:



Kevin Savage

Kevin Savage, PE
Project Manager



Justin Taylor is a Principal of Dynamic Traffic. He holds licenses in Professional Engineering in New Jersey, Pennsylvania, and Texas. Justin has gained over 20 years of experience in private and public traffic engineering, inclusive of highway design projects, transportation planning, traffic signals, intersection design, traffic calming design, and maintenance and protection

of traffic plan design. Included within his private sector experience is preparation of traffic impact/parking studies for numerous private, retail, office, residential, institutional, and industrial/warehouse developments. His public experience involves traffic master plans and circulation plans for townships and planning/zoning board reviews for a number of municipalities. He has conducted transportation planning and traffic engineering studies for the New Jersey Meadowlands Commission, Port Authority of New York and New Jersey.

Mr. Taylor brings a professional and organized approach to all projects he is involved with. His comprehensive knowledge and experience with local and state access permitting has made him a valuable leader and contributor to any project team.

During his career, Mr. Taylor has provided consulting services for numerous corporate and developer projects including Costco Wholesale, Exxon, Investors Bank, CVS, Wawa, 7- Eleven, Rite Aid, Walgreens, Dollar General, Chick-fil-A, Valley National Bank, Dunkin Donuts, Group 1 Automotive, Tractor Supply Co., ALDI, and CARMAX.

Licenses:

- New Jersey Professional Engineer License
- Pennsylvania Professional Engineer License
- Texas Professional Engineer License
- Delaware Professional Engineer License
- Professional Traffic Operations Engineer

Education:

- University of Delaware, Bachelor of Science in Mechanical Engineering, 2000

Agency Experience:

- New Jersey Department of Transportation
- Pennsylvania Department of Transportation
- Texas Department of Transportation
- New Jersey Meadowlands Commission (NJSEA)
- Port Authority of New York and New Jersey
- Gloucester County Division of Engineering
- Monmouth County Division of Engineering
- Ocean County Division of Engineering
- Bergen County Division of Engineering
- Morris County Division of Engineering
- Sussex County Division of Engineering

Expert Testimony:

Mr. Taylor has testified before over 100 boards throughout the State of New Jersey as well as several boards within Pennsylvania. He regularly provides traffic and parking testimony at Land Use Boards in support of his client's projects.

Employment History:

- 2012 – Present Dynamic Traffic
Principal
- 2012 – 2012 Maser Consulting, PA
Traffic Planning Department Manager
- 2010 – 2012 KZA Engineering, PA
Traffic Project Manager
- 2000 – 2010 CMX/Schoor DePalma
Traffic Project Manager

Professional Affiliations:

- Institute of Transportation Engineers

EAST 8TH AVENUE

EAST 7TH AVENUE

WEST 7TH AVENUE

HARRY STREET

FAYETTE STREET

FORREST STREET

LAUNDROMAT
(20 SPACES)

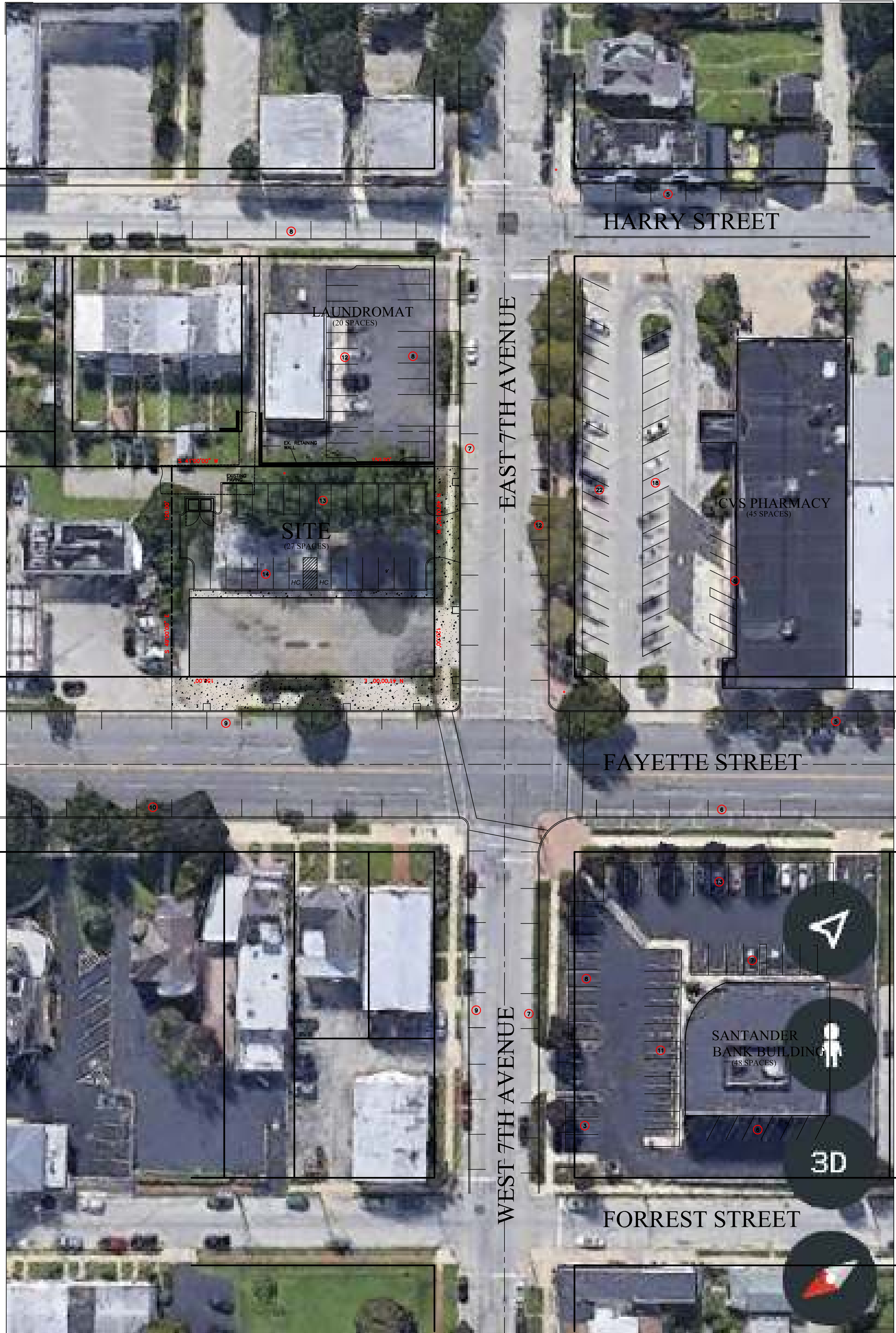
SITE
(27 SPACES)

CVS PHARMACY
(45 SPACES)

SANTANDER
BANK BUILDING
(48 SPACES)

PARKING COUNT:

PROPOSED OFF-STREET PARKING -	
TOTAL OFF-STREET PARKING ON PROPERTY	27 SPACES
EXISTING ON-STREET PARKING WITHIN 200' OF PROPERTY -	
TOTAL ON-STREET PARKING ALONG FAYETTE STREET	30 SPACES
TOTAL ON-STREET PARKING ALONG EAST & WEST 7TH AVENUE	35 SPACES
TOTAL ON-STREET PARKING ALONG HARRY STREET	13 SPACES
TOTAL ON-STREET PARKING	78 SPACES
EXISTING OFF-STREET PARKING TO POSSIBLY LEASE -	
TOTAL OFF-STREET PARKING ON LAUNDROMAT PROPERTY	20 SPACES
TOTAL OFF-STREET PARKING ON CVS PROPERTY	45 SPACES
TOTAL OFF-STREET PARKING ON SANTANDER PROPERTY	48 SPACES
PARKING REQUIRED -	
TOTAL REQUIRED FOR 10 UNITS ON 2ND & 3RD FLOORS	10 X 2 SPACES/UNIT = 20 SPACES
TOTAL REQUIRED FOR 4 RETAIL SPACES ON GROUND FLOOR	TO BE DETERMINED BASED ON USE



We, the Citizens and Business Owners of Conshohocken, petition the Borough to allow for the redevelopment of an outdated gas station. The lot has been a sore sight for several years since the gas station was abandoned.

Specifically, Applicant, is seeking approval for a development at 7th & Fayette Street for retail use on the first floor, along with rental units on the 2nd & 3rd floor for residents, while simultaneously increasing the walkable nature to the lower-end Business District.

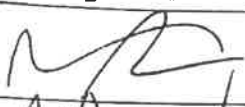
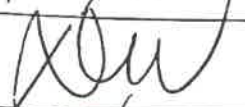
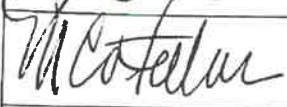
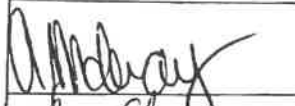
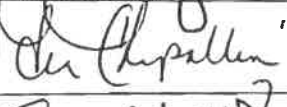
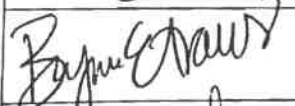
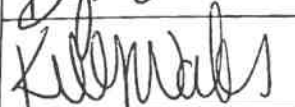
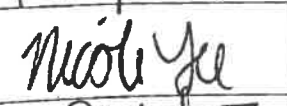
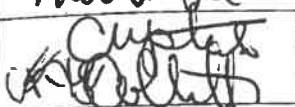
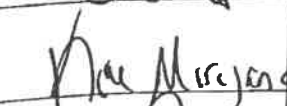

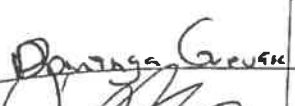
We request that this crucial improvement to our Borough be approved to bring an essential missing link on 7th & Fayette.

Signature	Full Name	Email Address	Telephone
	Kim Gider	Kimxgider@yahoo.com	267 210 0775
	Crystal Colletti	ccolletti20@gmail.com	484 804 3366
	Samantha Mascio	SLinberg524@gmail.com	610 487-4520
	Jessica Sheridan	jessicasheridan3@yahoo.com	484 571-2428
	Maudie Oler	maudie2nd@gmail.com	484 486 452
	Cassandra Demasus	cdemastk123@gmail.com	484 271 902
	Rebecca Kroll	becky210@gmail.com	610 828-5525
	Nancy Luna	n/luna0013@yahoo.com	215-872-0488
	Kalen Flynn	Kalen.Flynn@gmail.com	215-421-1464
	Victoria Taurmina	tori.taurmina333@gmail.com	610 761 2522
	Nicole Stanley	rx52231@gmail.com	484 576-6864
	Wm M Toulanos	wmtbc@ccmcast.net	610-518-9020
	Christopher J. Ciavarella	chris@ciavarelli-funeralhomes.com	610 828-1336

We, the Citizens and Business Owners of Conshohocken, petition the Borough to allow for the redevelopment of an outdated gas station. The lot has been a sore sight for several years since the gas station was abandoned.

Specifically, Applicant, is seeking approval for a development at 7th & Fayette Street for retail use on the first floor, along with rental units on the 2nd & 3rd floor for residents, while simultaneously increasing the walkable nature to the lower-end Business District.

We request that this crucial improvement to our Borough be approved to bring an essential missing link on 7th & Fayette.

Signature	Full Name	Email Address	Telephone
	Marissa Barbish	rissy17@gmail.com	484.213.3517
	Danielle Wineburg	daniellewineburg@yahoo.com	610.802.1449
	M. Costello	None	
	A. McEvoy		
	Lia Chipollini		
	Brynne Travis	brynne.travis@gmail.com	610.955.6935
	Kelly Walser	kwalser@gmail.com	610.956-6139
	Nicole Lee	Nickymajersa@gmail.com	215.740.082
	Crystal Colletti	ccolletti20@gmail.com	484.804.3366
	Kim Merjan	Kimjider.com	610.825.8261
	Kiki Costalos		
	Jessica Sheridan		484.571.2428

We, the Citizens and Business Owners of Conshohocken, petition the Borough to allow for the redevelopment of an outdated gas station. The lot has been a sore sight for several years since the gas station was abandoned.

Specifically, Applicant, is seeking approval for a development at 7th & Fayette Street for retail use on the first floor, along with rental units on the 2nd & 3rd floor for residents, while simultaneously increasing the walkable nature to the lower-end Business District.

We request that this crucial improvement to our Borough be approved to bring an essential missing link on 7th & Fayette.

Signature	Full Name	Email Address	Telephone
	RITA FARAMELLI	rdafasting75@clwb.org	(570) 332-8496
	Sam Carbone	ericcarbone@gmail.com	
	Taylor McKeay	Taylor.mckeay@gmail.com	
	Andy Gidder	Andy.Gidder@talum.com	610 864-7710
	Kristi McBean	Kristimcbean@gmail.com	484 200-3500
	GWARRA	gwarraw@comcast.net	484 804-0688
	MIKE OWENS		
	MIKE BOTTES	mikebottes@verizon.net MASTERPIECE GOLF	484-344-5250
	Mary Gow	mgow75@gmail.com	510-815-7536
	Jen Walsh	jenwalsh@verizon.net	484 201-8114

We, the Citizens and Business Owners of Conshohocken, petition the Borough to allow for the redevelopment of an outdated gas station. The lot has been a sore sight for several years since the gas station was abandoned.

Specifically, Applicant, is seeking approval for a development at 7th & Fayette Street for retail use on the first floor, along with rental units on the 2nd & 3rd floor for residents, while simultaneously increasing the walkable nature to the lower-end Business District.

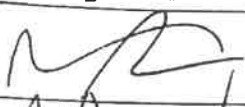
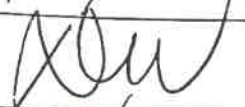
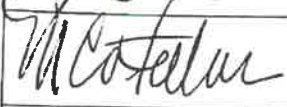
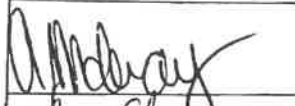
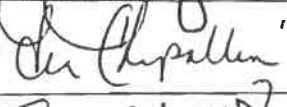
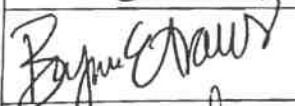
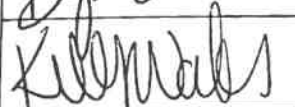
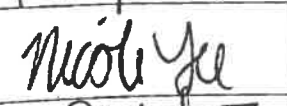
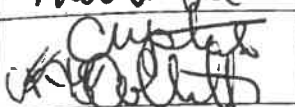
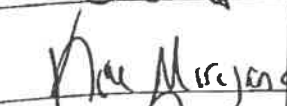

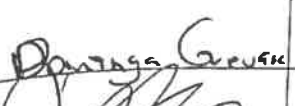
We request that this crucial improvement to our Borough be approved to bring an essential missing link on 7th & Fayette.

Signature	Full Name	Email Address	Telephone
	Kim Gider	Kimxgider@yahoo.com	267 210 0775
	Crystal Colletti	ccolletti20@gmail.com	484 804 3366
	Samantha Mascio	SLinberg524@gmail.com	610 487-4520
	Jessica Sheridan	jessicasheridan3@yahoo.com	484 571-2428
	Maude Oler	maudie2nd@gmail.com	484 486 452
	Cassandra Demasus	cdemastk123@gmail.com	484 271 902
	Rebecca Kroll	becky210@gmail.com	610 828-5525
	Nancy Luna	n/luna0013@yahoo.com	215-872-0488
	Kalen Flynn	Kalen.Flynn@gmail.com	215-421-1464
	Victoria Taurmina	tori.taurmina333@gmail.com	610 761 2522
	Nicole Stanley	rx52231@gmail.com	484 576-6864
	Wm M Toulanos	wmtbc@ccmcast.net	610-518-9020
	Christopher J. Ciavarella	chris@ciavarelli-funeralhomes.com	610 828-1336

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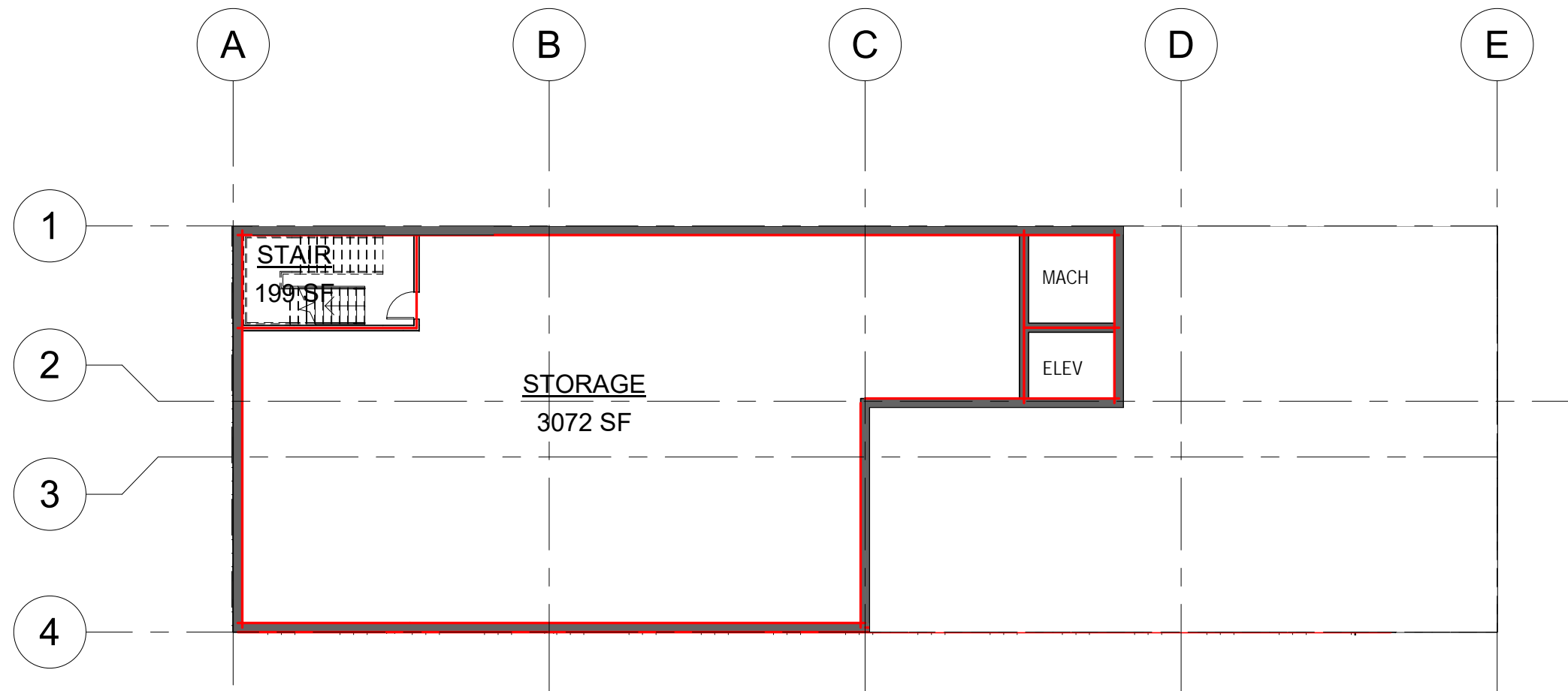
Signature	Full Name	Email Address	Telephone
	Marissa Barbish	rissy17@gmail.com	484.213.3517
	Danielle Wineburg	daniellewineburg@yahoo.com	610.802.1449
	M. Costello	None	
	A. McEvoy		
	Lia Chipollini		
	Brynne Travis	brynne.travis@gmail.com	610.955.6935
	Kelly Walser	kwalser@gmail.com	610.956-6139
	Nicole Lee	Nickymajersa@gmail.com	215.740.082
	Crystal Colletti	ccolletti20@gmail.com	484.804.3366
	Kim Merjan	Kimjider.com	610.825.8261
	Kiki Costalos		
	Jessica Sheridan		484.571.2428

We, the Citizens and Business Owners of Conshohocken, petition the Borough to allow for the redevelopment of an outdated gas station. The lot has been a sore sight for several years since the gas station was abandoned.

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Signature	Full Name	Email Address	Telephone
	RITA FARAMELLI	rdabostino75@clwb.org	(570) 332-8496
	Sam Carbone	ericcarbone@gmail.com	
	Taylor McKeay	Taylor.mckeay@gmail.com	
	Andy Gidder	Andy.Gidder@talum.com	610 864-7710
	Kristi McBean	Kristimcbean@gmail.com	484 200-3500
	GWARRA	gwarraw@comcast.net	484 804-0688
	MIKE OWENS		
	MIKE BOTTES	mikebottes@verizon.net MASTERPIECE GOLF	484-344-5250
	Mary Gow	mgow75@gmail.com	510-815-7536
	Jen Walsh	jenwalsh@verizon.net	484 201-8114



1 BASEMENT
1/16" = 1'-0"

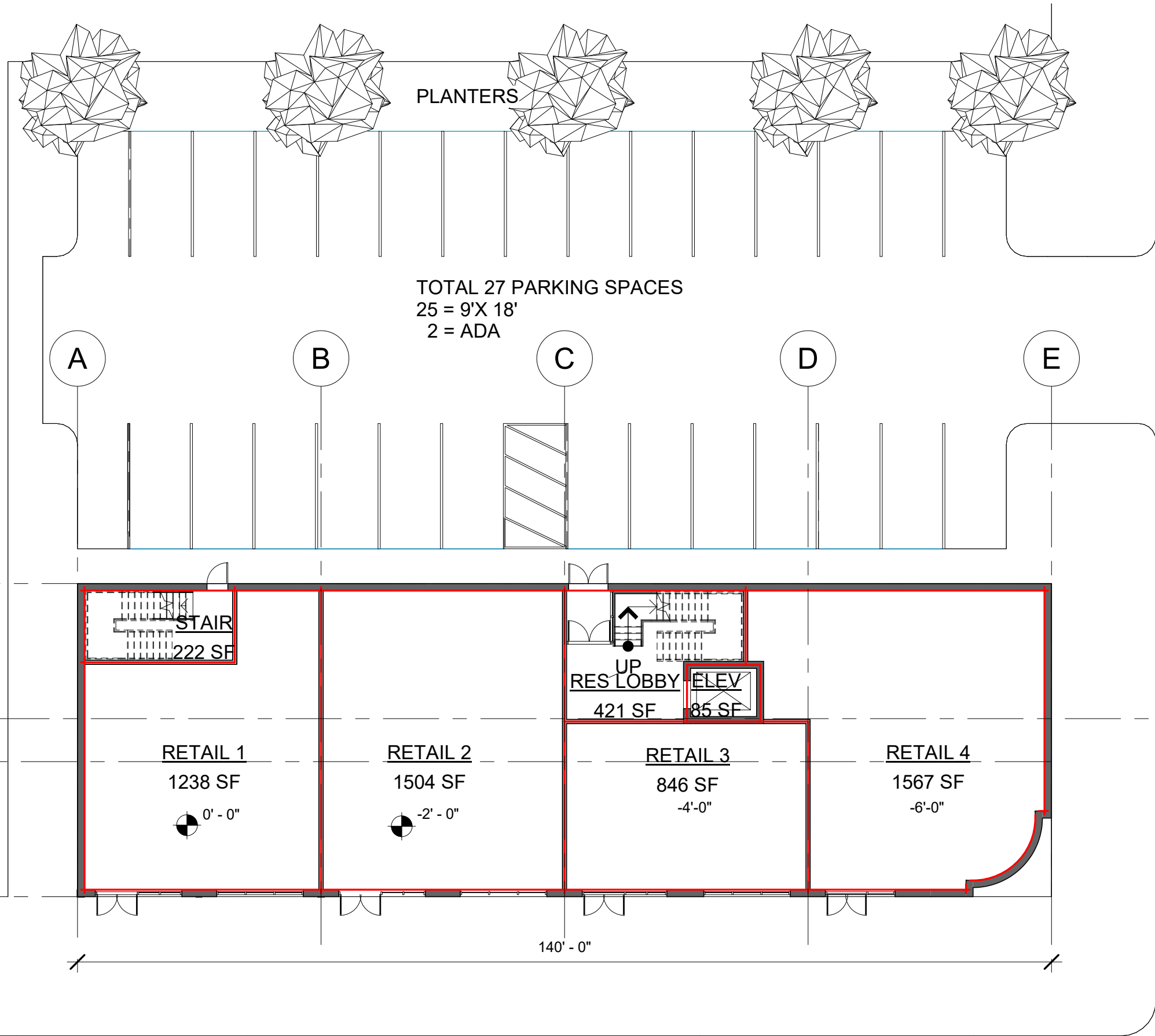


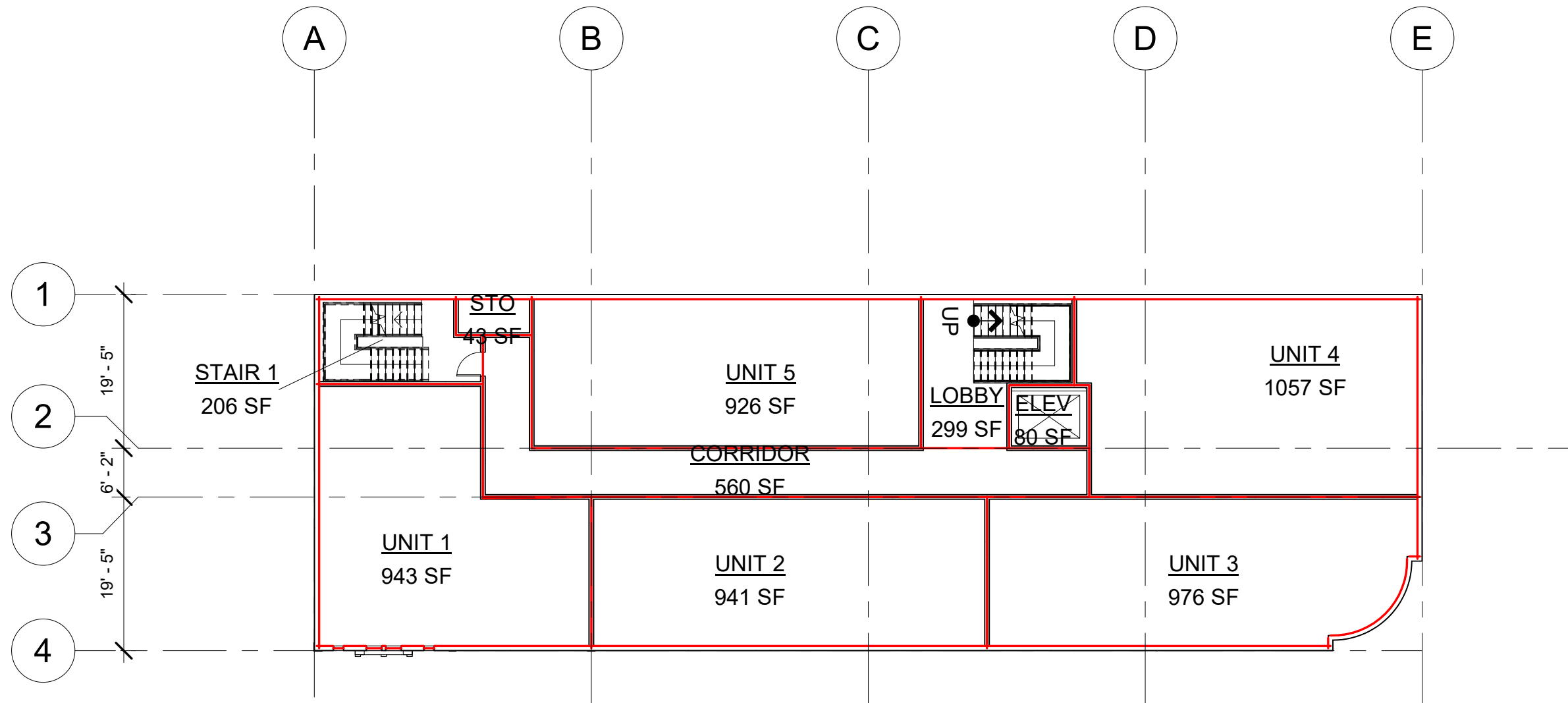
MIXED USED CONSHOHOCKEN - OPTION 1

SCALE: AS SHOWN

DATE: 11.19.19

PROJECT # 19046





1 SECOND AND THIRD FLOOR
 1/16" = 1'-0"



MIXED USED CONSHOHOCKEN - OPTION 1

SCALE: AS SHOWN

DATE: 11.19.19

PROJECT # 19046



1 FRONT ELEVATION
3/32" = 1'-0"



MIXED USED CONSHOHOCKEN - OPTION 1

SCALE: AS SHOWN

DATE: 11.27.19

PROJECT # 19046



1 REAR ELEVATION
3/32" = 1'-0"

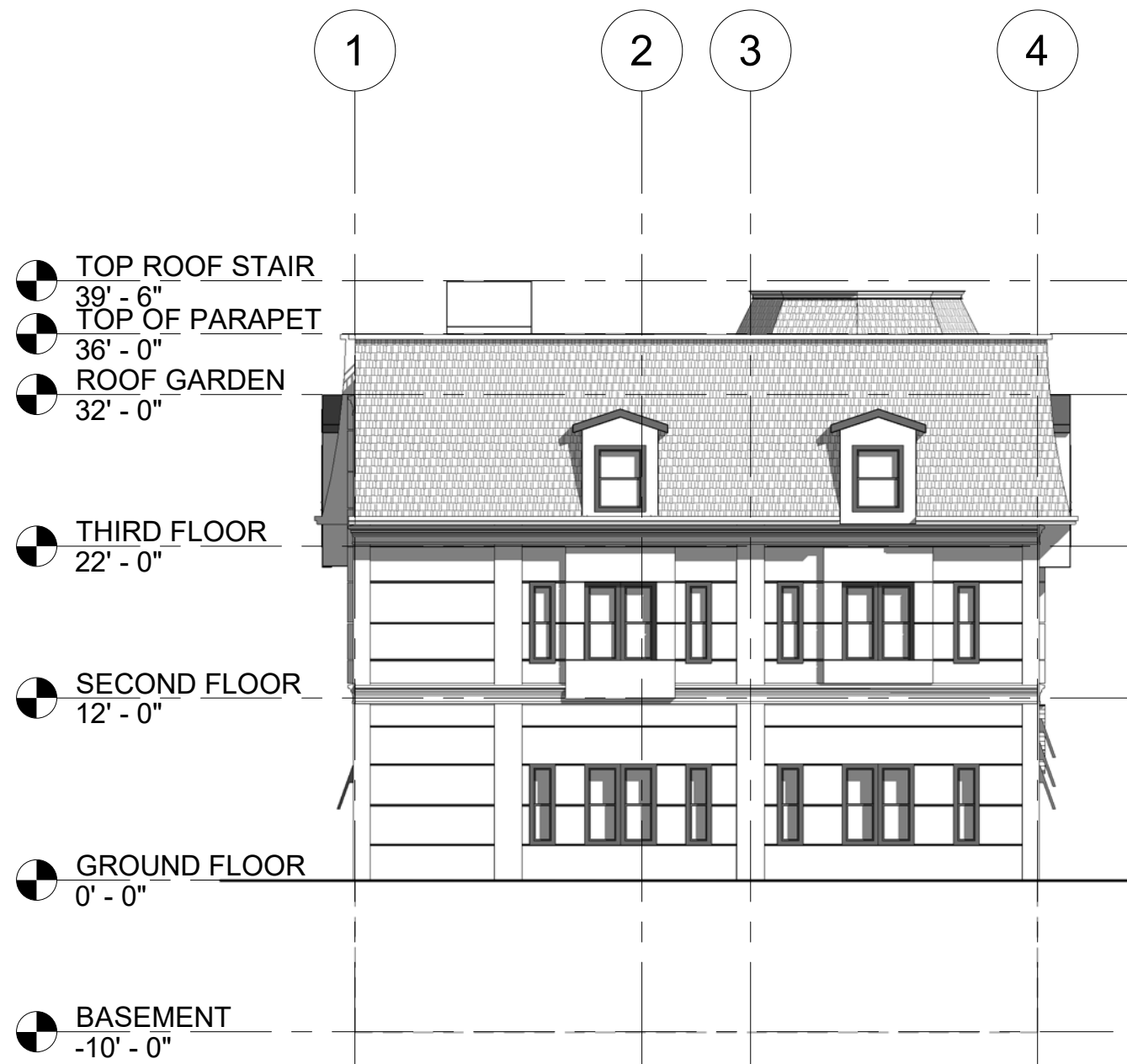


MIXED USED CONSHOHOCKEN - OPTION 1

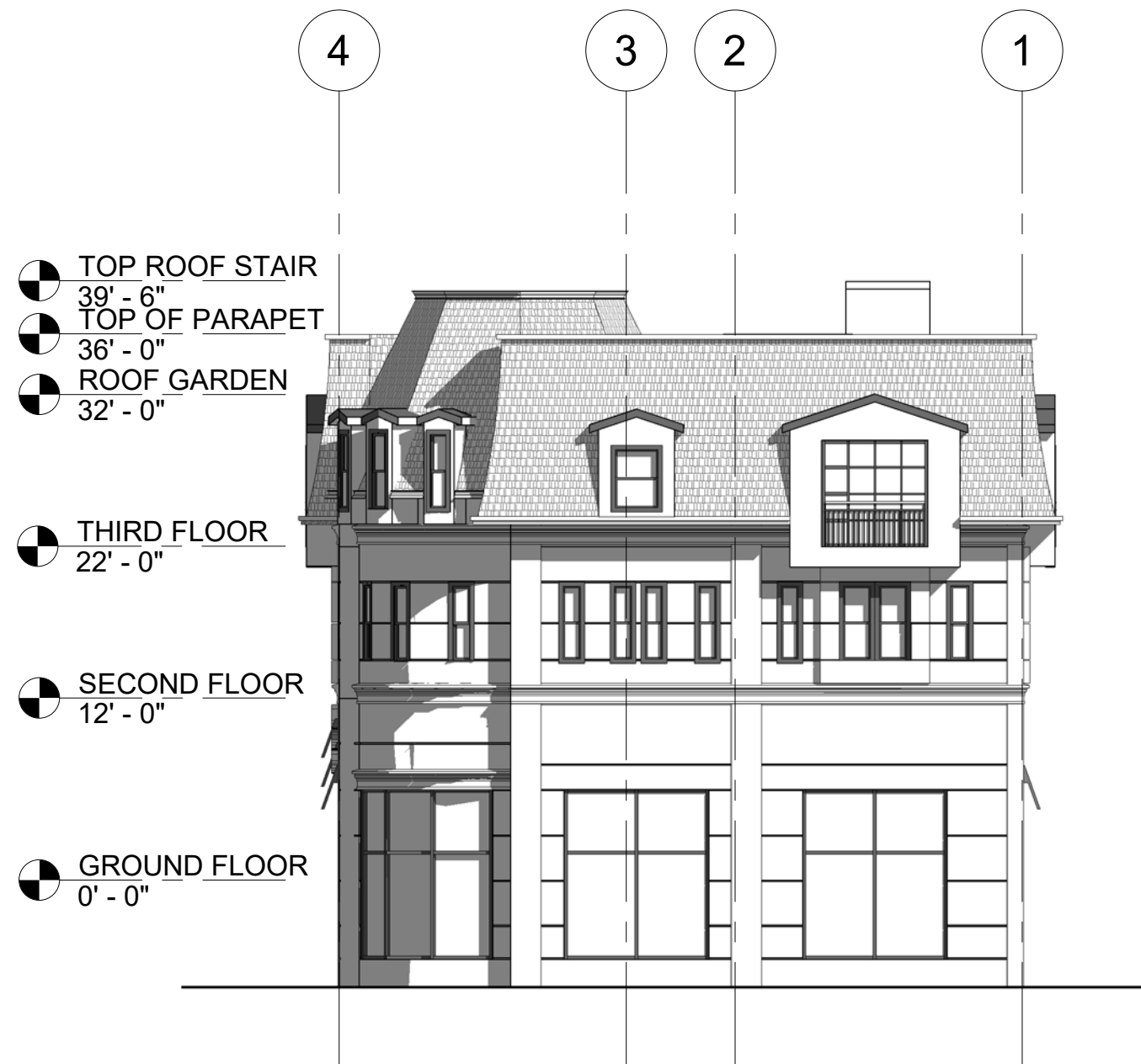
SCALE: AS SHOWN

DATE: 11.27.19

PROJECT # 19046



1 LEFT ELEVATION
3/32" = 1'-0"



2 RIGHT ELEVATION
3/32" = 1'-0"

**BEFORE THE ZONING HEARING BOARD
OF THE BOROUGH OF CONSHOHOCKEN**

IN RE: 701 Fayette Street Zoning Application - ADDENDUM

This Addendum provides supplemental information not able to be typed into the application form.

CGEM LLC (“CGEM”) proposes to construct a three story shopping center containing first floor commercial - retail space together with five (5) two (2) bedrooms on the second and third floors. Applicant proposes to provide twenty-seven (27) off-street parking stalls with an additional five (5) on-street parking stalls (due to the removal of existing curb cuts for the abandoned gas station use).

As part of the Application, CGEM seeks several dimensional variances from the Borough’s Zoning Ordinance (the “Code”).

1. §27-1303(C) – BC District Dimensional Standards. Applicant seeks a dimensional variance from the requirements of this section. The Code requires that the Building Front setback be the public sidewalk or fifteen feet (15’) from the curblines of the public street. Applicant proposes to locate the Building at the existing public sidewalk (believed to be twenty feet (20’) wide). Applicant believes that it meets the Code requirements, but is asking for an interpretation in an abundance of caution.
2. §27-1303(D) – BC District Dimensional Standards. Applicant seeks a dimensional variance from the requirements of this section. The Code requires that the Side Yard Setback for a corner lot be the public sidewalk or fifteen feet (15’) from the curblines of the public street. Applicant proposes to locate the Building at the existing sidewalk (believed to be fifteen feet (15’) wide). Applicant believes that it meets the Code requirements, but is asking for an interpretation in an abundance of caution.
3. §27-1303(F) – BC District Dimensional Standards. Applicant seeks a dimensional variance from the requirements of this section. The Code requires a maximum impervious coverage 85% of the lot area. Applicant proposes a maximum of 88.9% impervious coverage (if an existing paving area in the rear upper left of the Subject Property remains as an accommodation to the neighbors that currently use a paved area that encroaches onto the Subject Property). Applicant believes that it meets the Code requirements, but is asking for an interpretation in an abundance of caution.
4. §27-2002 – Off-Street Parking. Applicant seeks a dimensional variance from the requirements of this section. The Code requires a maximum of forty-six (46) stalls for the shopping center (26) /residential uses (20). Applicant proposes to provide twenty-seven (27) off-street stalls, together with five (5)

new on-street parking stalls due to the removal of existing curb cuts. Applicant submits concurrently herewith the Shared Parking Analysis of Dynamic Traffic which comes to the conclusion that the expected parking demand of the proposed shopping center/residential use is twenty-seven (27) stalls. By following current shared parking guidelines, Applicant easily meets the “real world” expected parking demand for the development.

EAST 8TH AVENUE

EAST 7TH AVENUE

HARRY STREET

FAYETTE STREET

WEST 7TH AVENUE

FORREST STREET

LAUNDROMAT
(20 SPACES)

OK. RETAINING WALL

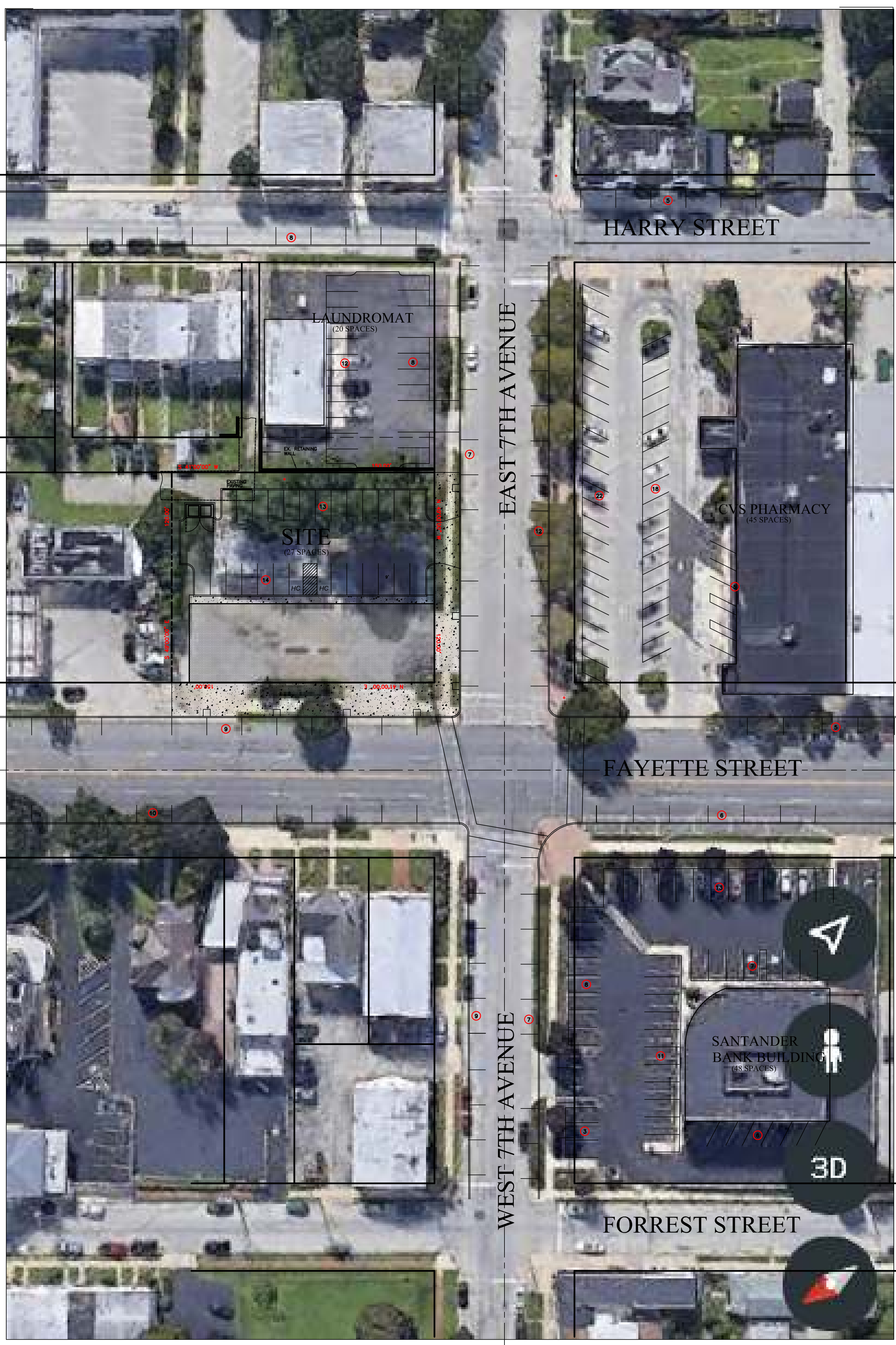
SITE
(27 SPACES)

CVS PHARMACY
(45 SPACES)

SANTANDER
BANK BUILDING
(48 SPACES)

PARKING COUNT:

PROPOSED OFF-STREET PARKING -	
TOTAL OFF-STREET PARKING ON PROPERTY	27 SPACES
EXISTING ON-STREET PARKING WITHIN 200' OF PROPERTY -	
TOTAL ON-STREET PARKING ALONG FAYETTE STREET	30 SPACES
TOTAL ON-STREET PARKING ALONG EAST & WEST 7TH AVENUE	35 SPACES
TOTAL ON-STREET PARKING ALONG HARRY STREET	13 SPACES
TOTAL ON-STREET PARKING	78 SPACES
EXISTING OFF-STREET PARKING TO POSSIBLY LEASE -	
TOTAL OFF-STREET PARKING ON LAUNDROMAT PROPERTY	20 SPACES
TOTAL OFF-STREET PARKING ON CVS PROPERTY	45 SPACES
TOTAL OFF-STREET PARKING ON SANTANDER PROPERTY	48 SPACES
PARKING REQUIRED -	
TOTAL REQUIRED FOR 10 UNITS ON 2ND & 3RD FLOORS	10 X 2 SPACES/UNIT = 20 SPACES
TOTAL REQUIRED FOR 4 RETAIL SPACES ON GROUND FLOOR	TO BE DETERMINED BASED ON USE



EAST 8TH AVENUE

EAST 7TH AVENUE

HARRY STREET

CVS PHARMACY
(45 SPACES)

FAYETTE STREET

WEST 7TH AVENUE

SANTANDER
BANK BUILDING
(48 SPACES)

FORREST STREET

ZONING REQUIREMENTS

ZONED "R1C" - RESIDENTIAL OFFICE DISTRICT	REQUIRED	EXISTING	PROVIDED
MINIMUM LOT AREA	2,000 SF	18,000 SF	18,000 SF
MINIMUM LOT WIDTH	25 FT.	150 FT.	150 FT.
MINIMUM FRONT YARD (FAYETTE ST)	15 FT OR BACK WALK	25.34 FT.	9 FT.
MINIMUM SIDE YARD	10 FT.	23.9 FT.	10 FT.
MINIMUM SIDE YARD (E 7TH AVE)	15 FT OR BACK WALK	65.56 FT.	9 FT.
MINIMUM REAR YARD	20 FT.	21.0 FT.	75 FT.
MAXIMUM BUILDING HT	40 FT.	< 40 FT.	< 40 FT.
MAXIMUM BLDG COVER	~ %	11.0 %	35.0 %
MAXIMUM IMPERV COVER	85 %	75.0 %	89.9 % W/ ALLEY

PARKING SETBACKS (FROM REAR PROP LINES)	10 FT.	0 FT. +	10 FT.
PARKING SETBACKS (FROM SIDE PROP LINES)	5 FT.	0 FT. +	5 FT.
PARKING SETBACKS (FROM BUILDING)	5 FT.	0 FT. +	5 FT.
PARKING REQUIREMENTS	SEE PARKING COUNT BELOW		

* MAY REQUIRE VARIANCE IF ALLEY PAVING IS INCLUDED
 * EXISTING NON-CONFORMITY

PARKING COUNT:

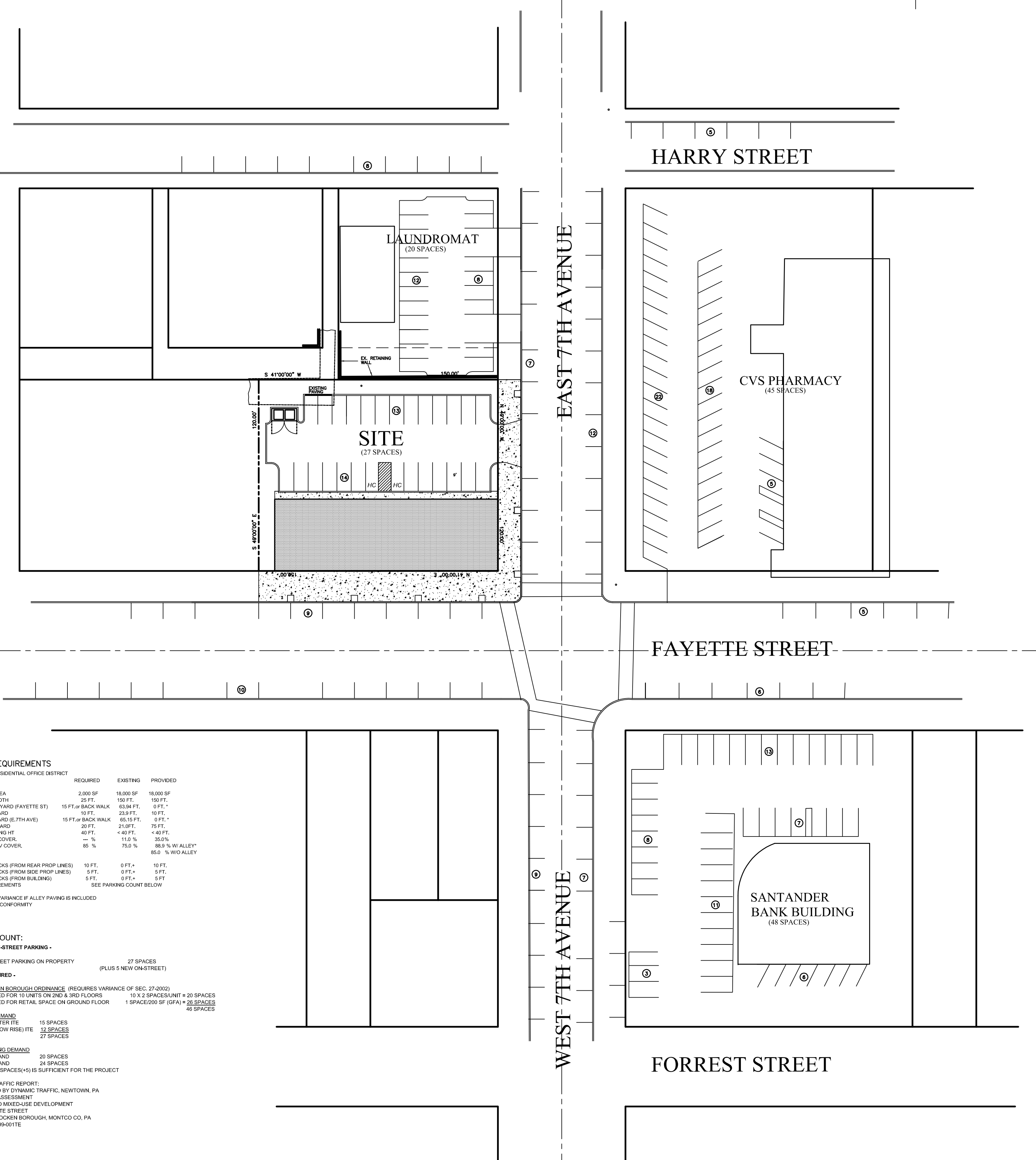
PROPOSED OFF-STREET PARKING -
 TOTAL OFF-STREET PARKING ON PROPERTY 27 SPACES
 (PLUS 5 NEW ON-STREET)

PARKING REQUIRED -
 CONSHOHOCKEN BOROUGH ORDINANCE (REQUIRES VARIANCE OF SEC. 27-2002)
 TOTAL REQUIRED FOR 10 UNITS ON 2ND & 3RD FLOORS 10 X 2 SPACES/UNIT = 20 SPACES
 TOTAL REQUIRED FOR RETAIL SPACE ON GROUND FLOOR 1 SPACE/200 SF (GFA) = 26 SPACES

ITE PARKING DEMAND
 SHOPPING CENTER ITE 15 SPACES
 MULTIFAMILY (LOW RISE) ITE 12 SPACES
 TOTAL 27 SPACES

SHARED PARKING DEMAND
 WEEKDAY DEMAND 20 SPACES
 WEEKEND DEMAND 24 SPACES
 THEREFORE 27 SPACES(5) IS SUFFICIENT FOR THE PROJECT

REFERENCE TRAFFIC REPORT:
 PREPARED BY DYNAMIC TRAFFIC, NEWTOWN, PA
 PARKING ASSESSMENT
 PROPOSED MIXED-USE DEVELOPMENT
 701 FAYETTE STREET
 CONSHOHOCKEN BOROUGH, MONTCO CO, PA
 DTR: 3803-99-001TE





BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Zoning Application

Application: _____

Date Submitted: _____

Date Received: _____

1. Application is hereby made for:

Special Exception Variance

Appeal of the decision of the zoning officer

Conditional Use approval Interpretation of the Zoning Ordinance

Other _____

2. Section of the Zoning Ordinance from which relief is requested:

27-1303 - Permitted Use Dimensional Standards; 27-2002 - Off-Street Parking: Shopping Center/Residential Use.

3. Address of the property, which is the subject of the application:

701 Fayette Street

4. Applicant's Name: CGEM LLC, Mun Chung, Member

Address: 6142 Creekside Drive, Flourtown, PA 19031

Phone Number (daytime): 484-344-5429 (thru counsel)

E-mail Address: msd@daneklawfirm.com

5. Applicant is (check one): Legal Owner ; Equitable Owner ; Tenant

6. Property Owner: CGEM LLC

Address: 6142 Creekside Drive, Flourtown, PA 19031

Phone Number: 484-344-5429 (thru counsel)

E-mail Address: msd@daneklawfirm.com

7. Lot Dimensions: 120'x150' Zoning District: BC

8. Has there been previous zoning relief requested in connection with this Property?

Yes No If yes, please describe.

Unaware of any relief for the prior gas station.

9. Please describe the present use of the property including any existing improvements and the dimensions of any structures on the property.

Current use is an abandoned gas station.

10. Please describe the proposed use of the property.

Applicant proposes to construct a three story shopping center containing first floor commercial - retail space together with five (5) two (2) bedrooms on the second and third floors. The applicant proposes 27 on-site parking stalls together with five (5) new on-street stalls.

11. Please describe proposal and improvements to the property in detail.

See architect's renderings submitted herewith.

12. Please describe the reasons the Applicant believes that the requested relief should be granted.

Applicant proposes a substantial shopping center development at 701 Fayette Street. The lot has been a blight on Fayette Street for several years since the gas station use was abandoned. The proposal provides a necessary missing link along Fayette Street to continue the commercial corridor from the lower streets through to the upper streets.

Likewise, the proposed residential use provides much needed housing for residents that may not necessarily be ready to purchase.

13. If a Variance is being requested, please describe the following:

a. The unique characteristics of the property: The existing alleyway and unopened paper street at the laundrymat cut into the useable space at the site, thereby reducing the overall utilization of

b. How the Zoning Ordinance unreasonably restricts development of the property:

The Ordinance requires 46 stalls. 26 stalls for the shopping center use together with 20 stalls for the residential uses. Under current engineering guidelines, 27 stalls would only be required. See Dynamic Traffic Shared Parking Analysis submitted herewith. Thus, the Ordinance as written does not reflect current professional thinking on the parking demand in the main commercial corridor of a municipality. Likewise, the existing Ordinance places an unreasonable barrier to development that stands in contrast to the goals of the Borough's Comprehensive Plan to foster mixed-use development uses and varying housing types for

c. How the proposal is consistent with the character of the surrounding neighborhood. _____

The three story shopping center is consistent with the commercial neighborhood.

d. Why the requested relief is the minimum required to reasonably use the property; and why the proposal could not be less than what is proposed.

The proposal is the minimum relief needed since the Applicant's proposal meets the minimum number of parking stalls under a Shared Parking Analysis prepared by Dynamic Traffic. The Proposal could not be less since the three story structure maintains the building lines along Fayette Street. Likewise, even if the Applicant would reduce the footprint or stories, the Project would not have the same street presence or provide the missing link along the Fayette Street commercial corridor between the lower and upper streets.

14. The following section should be completed if the applicant is contesting the determination of the zoning officer.

a. Please indicate the section of the zoning ordinance that is the subject of the zoning officer's decision (attach any written correspondence relating to the determination).

b. Please explain in detail the reasons why you disagree with the zoning officer's determination.

15. If the Applicant is requesting any other type of relief, please complete the following section.

a. Type of relief that is being requested by the applicant.

b. Please indicate the section of the Zoning Ordinance related to the relief being requested.

c. Please describe in detail the reasons why the requested relief should be granted.

16. If the applicant is being represented by an attorney, please provide the following information.

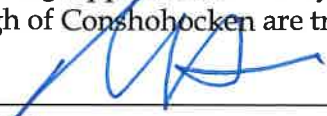
a. Attorney's Name: Mark S. Danek, Esq.

b. Address: 1255 Drummers Lane, Suite 105, Wayne, PA 19087

c. Phone Number: 484-344-5429

d. E-mail Address: msd@daneklawfirm.com

I/we hereby certify that to the best of my knowledge, all of the above statements contained in this Zoning Application and any papers or plans submitted with this application to the Borough of Conshohocken are true and correct.



Applicant

Mark S. Danek, Esq. on behalf of CGEM LLC

Legal Owner

April 16, 2021

Date

COMMONWEALTH OF PENNSYLVANIA

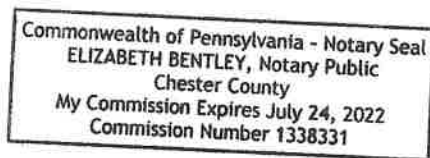
COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 16th day of April, 2021.



Notary Public

(Seal)





BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Decision

(For Borough Use Only)

Application Granted

Application Denied

MOTION:

CONDITIONS:

BY ORDER OF THE ZONING HEARING BOARD

	Yes	No
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

DATE OF ORDER: _____

**BEFORE THE ZONING HEARING BOARD
OF THE BOROUGH OF CONSHOHOCKEN**

**IN RE: 701 Fayette Street Zoning Application – ADDENDUM
(As Amended April 26, 2021)**

This Addendum provides supplemental information not able to be typed into the application form.

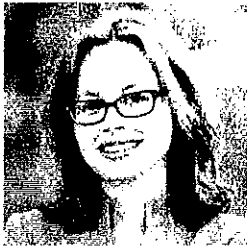
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As part of the Application, CGEM seeks several dimensional variances from the Borough’s Zoning Ordinance (the “Code”).

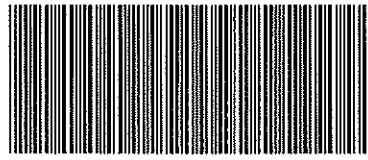
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As part of the Application, CGEM also seeks, in the alternative (or in addition), a Special Exception pursuant to §27-2006 and §27-2009, which allow the Zoning Hearing Board to reduce the overall number of off-street parking stalls needed. Thus, the Applicant requests a Special Exception (at the lower evidentiary threshold) to reduce the number of off-street parking stalls for the non-residential use down to 21 total stalls from the required 26 stalls for the shopping center use. And, Applicant requests a variance to further reduce the overall parking to meet the number of stalls as provided on-site. Applicant asserts that the foregoing is consistent with the Shared Parking Analysis submitted with the initial Application.



DEED BK 6136 PG 01408 to 01412
 INSTRUMENT # : 2019031000
 RECORDED DATE: 05/20/2019 01:19:45 PM



5635172-0008U

**RECORDER OF DEEDS
 MONTGOMERY COUNTY**

Jeanne Sorg

One Montgomery Plaza
 Swede and Airy Streets ~ Suite 303
 P.O. Box 311 ~ Norristown, PA 19404
 Office: (610) 278-3289 ~ Fax: (610) 278-3869

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE


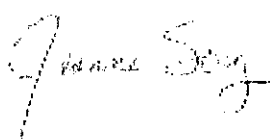
Page 1 of 5

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RETURN TO: (Pickup) SUBURBAN PHILADELPHIA ABSTRACT INC 922 W. RIDGE PIKE CONSHOHOCKEN, PA 19428	PAID BY: SUBURBAN PHILADELPHIA ABSTRACT INC

*** PROPERTY DATA:**

Parcel ID #:	05-00-03296-00-2
Address:	701 FAYETTE ST
Municipality:	PA Conshohocken Borough (100%)
School District:	Colonial

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT: \$1,000,000.00	DEED BK 6136 PG 01408 to 01412 Recorded Date: 05/20/2019 01:19:45 PM I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.										
FEES / TAXES: <table border="0"> <tr> <td>Recording Fee:Deed</td> <td>\$86.75</td> </tr> <tr> <td>State RTT</td> <td>\$10,000.00</td> </tr> <tr> <td>Conshohocken Borough RTT</td> <td>\$5,000.00</td> </tr> <tr> <td>Colonial School District RTT</td> <td>\$5,000.00</td> </tr> <tr> <td>Total:</td> <td>\$20,086.75</td> </tr> </table>	Recording Fee:Deed	\$86.75	State RTT	\$10,000.00	Conshohocken Borough RTT	\$5,000.00	Colonial School District RTT	\$5,000.00	Total:	\$20,086.75	  Jeanne Sorg Recorder of Deeds
Recording Fee:Deed	\$86.75										
State RTT	\$10,000.00										
Conshohocken Borough RTT	\$5,000.00										
Colonial School District RTT	\$5,000.00										
Total:	\$20,086.75										

Rev1a 2016-01-29

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.
 *COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL



Prepared by and Return to:

Suburban Philadelphia Abstract, Inc.
922 West Ridge Pike
Conshohocken, PA 19428
610-828-6133

RECORDER OF DEEDS
MONTGOMERY COUNTY

2019 MAY 20 P 1:08

File No. 469-556

UPI # 05-00-03296-00-2

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

05-00-03296-00-2 CONSHOHOCKEN

701 FAYETTE ST

IVENS PROPERTIES LLC

B 037 U 052 L 4260 DATE: 05/20/2019

\$15.00
JE

000

This Indenture, made the 17th day of May, 2019,

Between

IVENS PROPERTIES, LLC, A PENNSYLVANIA LIMITED LIABILITY COMPANY

(hereinafter called the Grantor), of the one part, and

C G E M, LLC

(hereinafter called the Grantee), of the other part,

Witnesseth, that the said Grantor for and in consideration of the sum of **One Million And 00/100 Dollars (\$1,000,000.00)** lawful money of the United States of America, unto it well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee

ALL THAT CERTAIN lot, tract or parcel of land, hereditaments and appurtenances, situate lying and being in Conshohocken Borough, County of Montgomery, Commonwealth of Pennsylvania and more particularly bounded and described according to a survey and plan thereof prepared by Ezra Golub & Associates, Professional Engineers and Land Surveyors of Levittown, Pennsylvania, dated 4/7/88 and numbered D-23521501 as follows to wit:

BEGINNING at a point, said point being the intersection of the Northeasterly right-of-way line of 7th Avenue (80 feet wide) and the Southeasterly right-of-way line of Fayette Street (100 feet wide), and running thence (1) along said right-of-way line of Fayette Street (100 feet wide) North 41 degrees 00 minutes 00 seconds East a distance of 150 feet to a P K Nail, thence (2) along the lands now or formerly of Texaco Refining and Marketing, Inc. South 49 degrees 00 minutes 00 seconds East a distance of 120 feet to a PK Nail, thence (3) partly along a 20 feet wide public driveway and along land now or formerly of Carl D. and Rita M. Hamilton South 41 degrees 00 minutes 00 seconds West a distance of 150 feet to an iron pin, thence (4) along said right-of-way of 7th Avenue (80 feet wide) North 49 degrees 00 minutes 00 seconds West a distance of 120 feet to an iron pin and first mentioned point and place of beginning.



CONTAINING 18,000 square feet on 413 acres of land, more or less
LESS AND EXCEPT any deeds, condemnations, takings, or declarations of record.

UNDER AND SUBJECT to agreements, easements, rights of way, covenants, conditions
and restrictions of record.

BEING Parcel No. 05-00-03296-00-2

BEING THE SAME premises which 701 Fayette St. Conshohocken, LLC, a Pennsylvania limited liability company by indenture bearing date the 14th day of December 2004 and as recorded at Norristown in the Office for the Recorder of Deeds in and for the County of Montgomery on the 3rd day of March 2005 in Deed Book 5545 page 1061 granted and conveyed unto Ivens Properties, LLC, a Pennsylvania limited liability company in fee.

Together with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of it, the said grantor, as well at law as in equity, of, in and to the same.

To have and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns, forever.

And the said Grantor, for itself, its successors and assigns, does, by these presents, covenant, grant and agree, to and with the said Grantee, its successors and assigns, that it, the said Grantor, and its successors and assigns, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against it, the said Grantor, and its successors and assigns, will **WARRANT SPECIALLY** and defend against the lawful claims of all persons claiming by, through or under the said Grantor but not otherwise.

In Witness Whereof, the party of the first part has caused its common and corporate seal to be affixed to these presents by the hand of its Member, and the same to be duly attested by its Member.
Dated the day and year first above written.



ATTEST

[SEAL]

IVENS PROPERTIES, LLC, A PENNSYLVANIA LIMITED LIABILITY COMPANY

By: [Signature]
William P. Ivens, Member

By: [Signature]
Karen Ann Ivens, Member

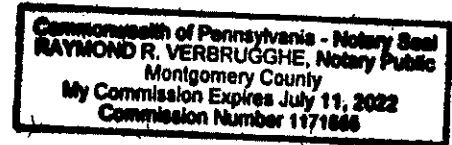
Commonwealth of Pennsylvania }
County of MONTGOMERY } ss

This record was acknowledged before me on May 17, 2019 by William P. Ivens as Member, and by Karen Ann Ivens as Member, who represent that they are authorized to act on behalf of Ivens Properties, LLC, a Pennsylvania Limited Liability Company.

[Signature]
Notary Public
My commission expires _____

The precise residence and the complete post office address of the above-named Grantee is:

6142 CREEKSIDE DRIVE
FLOURTOWN, Pa. 19031



On behalf of the Grantee

File No. 469-556

Record and return to:
Suburban Philadelphia Abstract, Inc.
922 West Ridge Pike
Conshohocken, PA 19428



<h1>Deed</h1>	<p>UPI # 05-00-03296-00-2</p> <p>Ivens Properties, LLC, a Pennsylvania Limited Liability Company</p> <p>TO</p> <p>CGEM, LLC</p>	<p>Suburban Philadelphia Abstract, Inc. 922 West Ridge Pike Conshohocken, PA 19428</p>
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BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL
Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

The Borough of Conshohocken Zoning Hearing Board Entry of Appearance as a Party

Persons who wish to become parties to the application must notify the Borough of their intent to ask for party status at least five (5) days prior to the scheduled hearing by emailing the attached entry of appearance form to zoning@conshohockenpa.gov. Said persons must be available to participate in the zoning hearing on the scheduled date and time. It is noted that submitting the attached entry of appearance form does not guarantee that you will be granted party status. The Zoning Hearing Board decides who may participate in the hearing before it as a party, subject to Section 908(3) of the Municipalities Planning Code (MPC). The MPC permits party status to any person "affected" by the application. Having taxpayer status alone is not enough to claim party status; however, a person whose property or business abuts the property that is the subject of the appeal is affected and should qualify as a party. Ultimately, the ZHB makes the party status determination after reviewing the request.

I/We JULIAN V MIRAGLIA

Request to be granted party status in Application: (Check One)

- Applicant: 701 Fayette St.- CGEM, LLC - Zoning Variance/Special Exception - Z-2021-09
- Applicant: 3 Blind Pigs, LLC. - 101 E. 7th Ave. - Zoning Variance - Z-2021-11
- Applicant: 824 Fayette St. - Kimberly Gider - Special Exception - Z-2021-12

Please print name:

JULIAN V MIRAGLIA (612 FAYETTE ASSOC.)

Please print address:

529 FAYETTE ST
CONSHOHOCKEN, PA 19428

Please print email:

CAESERE@AOL.COM

Please Sign Below

Julian V Miraglia

Please return form via mail or e-mail to the below:
(Entry must be received no later than June 16th, 2021)

MAIL:
Borough of Conshohocken
Attn: Bobbi Jo Myrsiades
400 Fayette St. - Suite 200
Conshohocken, PA 19428
EMAIL:zoning@conshohockenpa.gov

RECEIVED
JUN 15 '21 PM 12:15
BOROUGH OF CONSHOHOCKEN

JULIAN V. MIRAGLIA
529 Fayette St.
Conshohocken, PA 19428

24 July 2021

Conshohocken Zoning Hearing Board Members
Richard Barton, Chairman
Greg Scharff
Marlowe Doman
Alan Chmielewski
400 Fayette St.
Conshohocken, PA 19428

RE: 701 Fayette St (CGEM LLC) Variance Request:

Gentlemen,

You were kind enough to grant the applicant a 30-day extension in order find further information regarding the use of on street parking. I do have standing based on my presence at the June Zoning Board meeting. Therefore, while he and his counsel pursue that course, I thought it would be appropriate (in the interest of saving time) that I put into writing the essence of my opposition granting the variance requested including other information.

Because of the limitations caused by the necessity of Zoom type hearings, I am respectfully requesting that I am able to read this into the record, before closing the meeting on this issue.

My history and educational background are:

Education: BA 1960 University of Pennsylvania, EMBA Wharton 1967, Law Degree LaSalle Extension University 1977 (Business Law), 1978 certified as a Property Manager through the Institute of Real Management of the National Association of Realtors.

Real Estate History: 1967 Licensed as a PA Real Estate Agent, 1970 Licensed as a PA Real Estate Broker. I have appeared as an expert witness, have appraised real estate, and managed the operations of over 2000 apartments and several shopping centers over my 50-year career.

My offices are at 529 Fayette St., Conshohocken, PA and from that office we own and manage a substantial real estate portfolio.

Sincerely,


Julian Miraglia

Zoning Variance Appeal of CGEM, LLC re: 701 Fayette St.

A “variance” may be sought where an applicant can prove that the strict application is or will create an “unnecessary hardship” if the variance is not granted. Further, “a variance will not be granted solely because the petitioner will suffer an economic hardship if he does not receive one”.

1.

The petitioner in this case has requested that he be able to construct a 3-story building containing 10, 2-bedroom apartments over a “shopping center” space of 5200 sq.ft. requiring in total 46 parking spaces.

On page 19 of the definitions section of the ordinance, SHOPPING CENTER is defined as “A group of commercial establishments, planned and developed as an integrated architectural and functional unit, providing convenient on-site parking and controlled common vehicular and pedestrian access”.

By using this designation, the parking requirements are 1 space per 200 sq.ft. of commercial space. However, the only logical definition of the first-floor space in this instance is RETAIL space under 7500 sq.ft. which requires 1 space per 150 sq.ft.

Therefore, under Section 13 B of the application for the variance for relief as a SHOPPING CENTER is false. The 26 spaces noted would demonstrate 5200 sq.ft. of RETAIL space requiring 34.66 spaces plus 20 spaces for residential parking for a total of 54.66 spaces.

Therefore, the application itself is not grounded in the actual language or definitions of the ordinance. Common sense would clearly indicate that the application should be denied on those issues.

2.

A HARDSHIP must be present to grant a variance. A variance may be sought where an applicant can show that application of the ordinance, where there are unique and exceptional characteristics of the subject property, would result in undue hardship to the applicant.

There is no HARDSHIP in this case. If the applicant /owner wishes to construct a building containing 8, 1-bedroom apartments requiring 12 parking spaces or 6, 2-bedroom apartments requiring 12 parking spaces, or a combination of the two alternatives plus 3000 sq.ft. of RETAIL space he could easily accommodate 27 spaces on site and seek the use of 5 new on-street spaces.

The PA Supreme Court has held.....“a variance will not be granted solely because the petitioner will suffer an economic hardship if he does not receive one”. This application appears to seek an economic benefit to the Petitioner.

3.

In closing, the BC zoning district in Conshohocken has served the Borough residents well over the years and has been modified when better planning is has been studied and presented comprehensively. Granting the variance requested in this application would diminish the strength and purpose of the zoning ordinance.

BCONS21013

July 14, 2021

Stephanie Cecco
Borough Manager
Borough of Conshohocken
400 Fayette Street, Suite 200
Conshohocken, PA 19428

**RE: Parking Assessment Review
701 Fayette Street - Proposed Mixed-Use Development**

Dear Ms. Cecco:

We have completed our review of the Parking Assessment for the referenced application, prepared by Dynamic Traffic, dated April 9, 2021. The proposed development consists of 5,155 square feet (SF) of retail use, and ten (10) 2-bedroom apartments. As noted in the assessment, the Borough ordinance (27-2002) requires 1 space per 200 square feet of retail space, and 2 spaces per dwelling unit (apartment), which equates to a total requirement of 46 off-street spaces. The applicant is proposing 27 off-street parking spaces. We offer the following comments and information for your consideration:

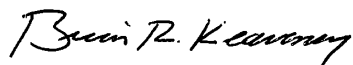
1. In the Borough ordinance (27-2002), there is a separate parking requirement for 'retail stores' that requires 1 space per 150 SF, which would increase the required parking from 46 off-street spaces to 54 spaces.
2. The parking assessment should include an appendix of the referenced information from the Institute of Transportation Engineers (ITE) *Parking Generation*, 5th Edition, and Urban Land Institute (ULI), *Shared Parking*, 3rd Edition for the ZHB's information.
3. Regarding the assessment that was completed, we concur with the use of ITE land use 220 (multi-family housing, low-rise). Also, without knowing the specific retail tenants at this stage, we concur that the use of ITE land use 820 (Shopping Center) is the closest available set of data for comparison. However, we would note that the average size of the Shopping Centers studied by ITE were significantly larger (174,000 – 313,000 SF). Additionally, beyond the average parking demand information that was used for the assessment, data is also available regarding the 85% parking demand for both uses, as well as December versus Non-December parking demand data for the Shopping Center use. While accommodating December parking demand for retail and shopping center uses is typically not practical, we do believe it is good practice to consider the 85% parking demand information, which results in a total site demand of 38 parking spaces.
4. The parking assessment should include documentation of actual parking demand on Fayette Street and 7th Avenue during both weekday and weekend peak periods.

5. The parking assessment should identify whether any areas of reserve parking, other than on-site or on-street parking, are available for the development.
6. Regarding the proposed on-street parking, the applicant should evaluate the required corner sight distance utilizing PennDOT criteria for the intersection of Fayette Street and 7th Avenue to ensure that the proposed on-street parking spaces are feasible.
7. In general, dead-end parking is undesirable for efficient traffic circulation. In the case of unavoidable dead-end parking lot configurations, adequate area must be provided at the dead-end for vehicles to turn around in case the lot is full, such that vehicles do not need to travel in reverse for the entire length of the lot to exit and seek on-street parking.
8. For information, the Borough is planning to install a flashing warning device at the intersection of Fayette Street & 7th Avenue for the existing pedestrian crossing of Fayette Street. If this plan moves forward, the proposed site design must be coordinated with the planned construction work at the intersection.

We would welcome a discussion regarding these items with the applicant's engineer. If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

PENNONI ASSOCIATES INC.



Brian R. Keaveney, PE, PTOE
Transportation Division

cc: Ray Sokolowski, Executive Director of Operations
George Metz, Chief of Police
Timothy Gunning, Fire Chief and Fire Marshal
Karen MacNair, PE, Borough Engineer
Michael Peters, Esq., Borough Solicitor
Brittany Rogers, Executive Assistant
Eric P. Johnson, PE, Zoning Officer



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

ZONING NOTICE

August 16th, 2021, ZONING HEARING BOARD MEETING TO OCCUR VIA REMOTE MEANS

ZONING HEARING Z-2021-15

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on August 16th, 2021, at 7:00 p.m. prevailing time via remote means. The public is encouraged to participate as set forth below.

This meeting will be held using a Go-To-Meeting Platform. To the extent possible, members of Conshohocken Zoning Hearing Board and Borough staff/professionals will participate via both video and audio. (INSTRUCTIONS ON SECOND PAGE)

At this time, the Conshohocken Zoning Hearing Board will hear testimony and accept evidence on the following request.

PETITIONER: Dryden Court Development, LLC. C/O David J. Brosso
1125 Robin Rd., Gladwyne, PA 19035

PREMISES INVOLVED: 450 Colwell Ln., Conshohocken, PA 19428
Limited Industrial District

OWNER OF RECORD: Dryden Court Development, LLC. C/O David J. Brosso
1125 Robin Rd., Gladwyne, PA 19035

The applicant is seeking variances from Borough Code Sections §27-1903-B(3)(A) for a reduced front yard setback and §27-1903-B(11) to permit a building height over 35 feet.

Persons who wish to become parties to the application must notify the Borough of their intent to ask for party status at least five (5) days prior to the scheduled hearing by emailing the attached entry of appearance form to zoning@conshohockenpa.gov. Said persons must be available to participate in the zoning hearing on the scheduled date and time. It is noted that submitting the attached entry of appearance form does not guarantee that you will be granted party status. The Zoning Hearing Board decides who may participate in the hearing before it as a party, subject to Section 908(3) of the Municipalities Planning Code (MPC). The MPC permits party status to any person "affected" by the application. Having taxpayer status alone is not enough to claim party status; however, a person whose property or business abuts the property that is the subject of the appeal is affected and should qualify as a party. Ultimately, the ZHB makes the party status determination after reviewing the request.

Thank you,
Zoning Hearing Board



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

ZONING HEARING REMOTE SESSION ACCESS INSTRUCTIONS

The public is encouraged to participate as follows:

Audio Feed Participation: You may dial-in to access the audio feed of the meeting. All participants (whether listening or providing comments) must use this method of audio participation, even those using Go-To-Meeting to access the video feed. To access audio, please use the below number and access code/ password information.

We ask that you please always keep your phones on mute, unless giving a public comment as set forth in the Public Comment section below.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/972846509>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

Access Code: 972-846-509

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/972846509>

If you have already downloaded the Go-To-Meeting application, the link will redirect you to the application itself. Please follow the instructions.

It is recommended that you download the application in advance of the meeting time. If you attempt to sign in prior to the start of the meeting, the Go-To-Meeting application will inform you that the meeting has not started. Please close the application and log back in at the time of the meeting (7:00 PM).

Public Comment: There will be a designated time on the agenda for public comment. Those with public comment shall state their name and address. Prior to the start of the meeting, you may submit written comments by e-mailing them to Zoning@conshohockenpa.gov. Similarly, during the meeting, you may submit written comments by e-mailing them to Zoning@conshohockenpa.gov.

Public comments submitted in this manner will be read by a member of Borough Administration during the public comment period. Because the actual time of the public comment period is determined by the pace of the meeting, please submit all comments as soon as possible, whether before or during the meeting. Written comments shall include the submitting person's name, address, and property in question.

The Conshohocken Zoning Hearing Board thanks you in advance for your cooperation during the remote meeting. If you encounter problems participating during the meeting, or have questions regarding the above prior to the meeting, please contact the Borough at zoning@conshohockenpa.gov.



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

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James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

The Borough of Conshohocken Zoning Hearing Board Entry of Appearance as a Party

I/We _____

Request to be granted party status in Application Z-2021-15.

Applicant: 450 Colwell Ln., Dryden Court Development, LLC. - Variance

Please print name:

Please print address:

Please print email:

Please Sign Below:

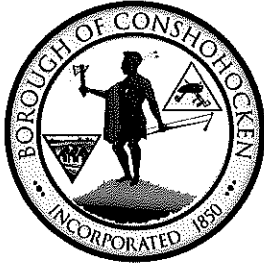
Please return form via mail or e-mail to the below:
(Entry must be received no later than August 11th, 2021)

MAIL:

Borough of Conshohocken
Attn: Bobbi Jo Myrsiades
400 Fayette St. - Suite 200
Conshohocken, PA 19428

E-MAIL:

zoning@conshohockenpa.gov



BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Zoning Application

Application: Z-2002-15
Date Submitted: 6-21-21
Date Received: 6-24-21

1. Application is hereby made for:

Special Exception Variance

Appeal of the decision of the zoning officer

Conditional Use approval Interpretation of the Zoning Ordinance

Other _____

2. Section of the Zoning Ordinance from which relief is requested:

27-1903-B(3)(A) - Front Yard and 27-1903-B(11) Building Height

3. Address of the property, which is the subject of the application:

450 Colwell Lane, Conshohocken, PA 19428

4. Applicant's Name: Dryden Court Development, LLC c/o David J. Brosso

Address: 1125 Robin Road, Gladwyne, PA 19035

Phone Number (daytime): 610-310-5055

E-mail Address: djbprop@gmail.com

5. Applicant is (check one): Legal Owner Equitable Owner ; Tenant

6. Property Owner: (Same as Applicant)

Address: _____

Phone Number: _____

E-mail Address: _____

7. Lot Dimensions: 390' x 238' = 2 acres Zoning District: L1

8. Has there been previous zoning relief requested in connection with this Property?

Yes No If yes, please describe.

Application for Conditional Use Approval to permit Multi-Family housing in the LI District is currently pending.

9. Please describe the present use of the property including any existing improvements and the dimensions of any structures on the property.

The Property is improved with a 27,000 s.f. warehouse that is presently vacant. The warehouse was formerly occupied by American Olean Tile. Access to the Property is from Colwell Lane.

10. Please describe the proposed use of the property.

Applicant proposes to redevelop the property as a multi-family development consisting of 48 dwelling units ("Proposed Use"). The Proposed Use is depicted on a plan prepared by Joseph Estock, entitled "Dryden Court - Sketch G", dated May 12, 2021, last revised May 18, 2021. The Proposed Use would provide access from both Colwell Lane as well as 5th Avenue. The Proposed Use provides a transition from the adjacent townhomes to the more industrial areas along Colwell Lane. Providing a new access to 5th Avenue further integrates the development with the existing townhomes while providing superior access particularly in flooding events that may require the temporary closure of Colwell Lane.

11. Please describe proposal and improvements to the property in detail.

Please see attached Plan. The Proposed Use consists of three multi-family buildings totalling 48 dwelling units.

12. Please describe the reasons the Applicant believes that the requested relief should be granted.

Applicant proposes to provide a new/superior access to the property along 5th Avenue. This access improves emergency services access and will allow egress to 5th Avenue for the Proposed Development as well as the adjacent Rumsey Electric property during emergency situations. Additionally, the topography of the property (slopes) requires particular attention to the design of the Proposed Use. Further, in order to integrate the Proposed Use into the existing community, the Proposed Use must be shifted toward 5th Avenue.

13. If a Variance is being requested, please describe the following:

a. The unique characteristics of the property: Topography and Floodplain/emergency access

b. How the Zoning Ordinance unreasonably restricts development of the property:

The Zoning Ordinance restricts height to 35'. In order to integrate the development into the existing topography while providing access to 5th Avenue, Applicant requires relief to permit a building height of 40 feet. Additionally, the Zoning Ordinance requires a front yard of 30'. The property is a corner lot thus requiring a front yard along both Colwell Lane and 5th Avenue. All development has historically fronted upon Colwell Lane. The Proposed Use seeks to integrate the development including pedestrian and vehicular access along 5th Avenue. To do so, the Proposed Use must be shifted towards 5th Avenue.

c. How the proposal is consistent with the character of the surrounding neighborhood. _____

The granting of the requested relief will allow the project to integrate into the existing townhouses along 5th Avenue while improving pedestrian and vehicular access.

d. Why the requested relief is the minimum required to reasonably use the property; and why the proposal could not be less than what is proposed.

The proposed front yard of 5' represents the minimum necessary to safely and efficiently achieve the above described pedestrian and vehicular access. Likewise, the requested deviation from the maximum building height is the minimum necessary to implement the Proposed Use.

14. The following section should be completed if the applicant is contesting the determination of the zoning officer.

a. Please indicate the section of the zoning ordinance that is the subject of the zoning officer's decision (attach any written correspondence relating to the determination).

n/a

b. Please explain in detail the reasons why you disagree with the zoning officer's determination.

n/a

15. If the Applicant is requesting any other type of relief, please complete the following section.

a. Type of relief that is being requested by the applicant.

b. Please indicate the section of the Zoning Ordinance related to the relief being requested.

c. Please describe in detail the reasons why the requested relief should be granted.

16. If the applicant is being represented by an attorney, please provide the following information.

a. Attorney's Name: Craig Robert Lewis, Esquire

b. Address: 910 Harvest Drive, Suite 200, Blue Bell, PA 19422

c. Phone Number: 610-941-2584

d. E-mail Address: rlewis@kaplaw.com

I/we hereby certify that to the best of my knowledge, all of the above statements contained in this Zoning Application and any papers or plans submitted with this application to the Borough of Conshohocken are true and correct.

[Signature]
Applicant

[Signature]
Legal Owner

6/17/2021
Date

COMMONWEALTH OF PENNSYLVANIA

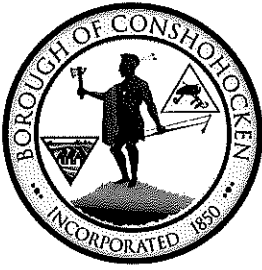
COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 17 day of June, 2021. By David J Brosso

[Signature]
Notary Public

(Seal)

Commonwealth of Pennsylvania - Notary Seal
Kimberly Zera, Notary Public
Montgomery County
My commission expires May 5, 2022
Commission number 1185103
Member, Pennsylvania Association of Notaries



BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Decision

(For Borough Use Only)

Application Granted

Application Denied

MOTION:

CONDITIONS:

BY ORDER OF THE ZONING HEARING BOARD

	Yes	No
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

DATE OF ORDER: _____

Craig R. Lewis
Direct Dial: (610) 941-2584
Direct Fax: (610) 684-2021
Email: rlewis@kaplaw.com
www.kaplaw.com

June 18, 2021

VIA EMAIL AND FEDERAL EXPRESS

Borough of Conshohocken
Attn: Stephanie Cecco, Borough Manager
400 Fayette Street, Suite 200
Conshohocken, PA 19428

**RE: 450 Colwell Lane - Application to the Zoning Hearing Board
Dryden Court Development, LLC - Multi-family Development Stacked Condos
Our Reference No. 16140.009**

Dear Ms. Cecco:

As I believe you know, I represent Dryden Court Development, LLC (“**DCD**”). As evidenced by the Deed attached hereto, DCD is the legal owner of the property located at 450 Colwell Lane, Conshohocken, PA (“**Property**”). In accordance with the Borough of Conshohocken Zoning Ordinance (“**Zoning Ordinance**”) and Borough of Conshohocken Zoning Map the Property is located in the LI- Limited Industrial Zoning District.

DCD proposes to develop the Property for modern, multi-family housing (“**Proposed Use**”). In accordance with Section 1901-B of the Zoning Ordinance, the Proposed Use is a specifically permitted use of Property by conditional use. On December 30, 2020, DCD submitted an application seeking conditional use approval for the Proposed Use (“**Conditional Use Application**”). The Borough’s Planning Commission recently recommended approval of the Conditional Use Application and a hearing thereon is scheduled for Jul 21, 2021.

As was recently discussed with the Borough’s staff and the Planning Commission, the Proposed Use requires minor dimensional relief from the Zoning Ordinance. Specifically, in order to provide improved integration of the Proposed Use with the surrounding properties, and to improve emergency access and circulation, DCD requires relief from the applicable front yard setback requirement. Additionally, in order to address the topography of the Property, the Proposed Use requires relief from the applicable maximum building height requirement. As will be address through testimony and exhibits, these requests for relief are necessitated by the physical characteristics of the Property, will not be detrimental to the public health, safety and/or welfare, and will improve emergency access to the Proposed Use.

Conshohocken Borough

June 18, 2021

Page 2

Therefore, on behalf of DCD I am enclosing herewith an application to the Borough's Zoning Hearing Board seeking relief from §§ 27-1903-B(3)(A) and 27-1903-B(11) of the Zoning Ordinance ("**Application**"). The Application consists of the following materials:

- Borough of Conshohocken Zoning Application;
- Site Plan prepared by Joseph M. Estock, PE consisting of three (3) sheets; sheet 1 entitled "Sketch Plan G", dated May 12, 2021, last revised May 18, 2021
- A check in the amount of \$500.00 payable to the Borough of Conshohocken representing the applicable Zoning Hearing Board Application Fee; and
- A check in the amount of \$1,500.00 payable to the Borough of Conshohocken representing the applicable Zoning Application Escrow Deposit.

As set forth in the Borough's "Zoning Application Filing Procedures", in addition to the above referenced Deed, I am enclosing an original, signed and notarized Application. I am also enclosing one hardcopy of the Application. Please retain the original for your own purposes. Please timestamp and return the remaining copy for my records. An electronic copy of the Application will also be delivered to the Borough contemporaneously herewith by electronic transmission.

Please schedule the Application for consideration by the Borough's Zoning Hearing Board at its regularly scheduled July 19, 2021 meeting date. Kindly provide notice of the scheduling of the hearing and provide copies of all reviews, correspondence and communications generated and/or received regarding this matter.

If you require anything further or have any questions, please contact me at your convenience.

Best Regards,



Craig R. Lewis

Enclosures

cc (via e-mail w/ enclosures): DJB Properties, LLC
Michael E. Peters, Esq.
Eric P. Johnson, PE, Zoning Officer

Prepared by:

Spruce Law Group, LLC
1622 Spruce Street
Philadelphia, PA 19103
Attn: Jason R. Sieminski, Esq.

After Recording, Return To:

Land Services USA, Inc.
1835 Market Street, Suite 420
Philadelphia, PA 19103
Attn: Richard Little

Parcel No.: 05-00-00103-00-9
Address: 450 Colwell Lane
Conshohocken, PA

SPECIAL WARRANTY DEED

This Special Warranty Deed is made on December 17, 2020, and is by and between **D. DEODATI & SONS HOLDINGS, LLC**, a Pennsylvania limited liability company (hereinafter called the "Grantor"), to **DRYDEN COURT DEVELOPMENT LLC**, a Pennsylvania limited liability company, (hereinafter called the "Grantee").

WITNESSETH, that the said Grantor, for and in consideration of the sum of Three Million Three Hundred and Ten Thousand and 00/100 Dollars (\$3,310,000.00), lawful money of the United States of America, and other good and valuable consideration, unto it well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, and convey unto the said Grantee, its successors and assigns, all of the following described real estate, situated in the County of Montgomery, Commonwealth of Pennsylvania known and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HERETO

TOGETHER WITH all right, title and interest of Grantor in the improvements, hereditaments, easements and appurtenances thereunto belonging, or in anyway appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, either in law or equity, of, in and to the above described premises (collectively, the "Property"),

TO HAVE AND TO HOLD the Property, unto Grantee, its representatives, successors and assigns, to and for the only proper use and behalf of Grantee, its representatives, successors and assigns, forever. And Grantor does covenant, promise and agree, to and with Grantee, its successors and assigns, by these presents, that Grantor will **WARRANT SPECIALLY** against all and every person or persons lawfully claiming the same or any part thereof by, through or under Grantor, the Property hereby conveyed.

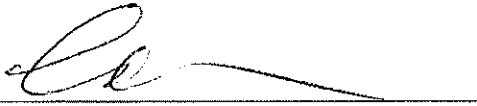
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[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the aforementioned Grantor has hereunto set such Grantor's hand and seal the day and year first above mentioned.

GRANTOR:

D. DEODATI & SONS HOLDINGS, LLC,
a Pennsylvania limited liability company

By: 

Name: Edmund B. Moore, Jr.

Title: Managing Member

ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF *Montgomery*

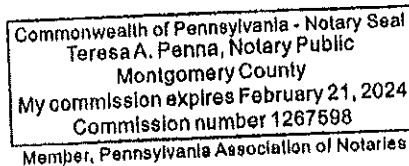
On this, the 17 day of December, 2020, before me, a Notary Public in and for said State and County, personally appeared Edmund B. Moore, Jr., who acknowledged himself to be the Managing Member of D. Deodati & Sons Holdings, LLC, a Pennsylvania limited liability company, and that he as such officer, being authorized to do so, executed the foregoing instrument in the name of the Grantor for the purposes therein contained.

WITNESS my hand and Notarial Seal the day and year first above written.



Notary Public

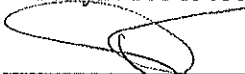
My Commission Expires: 2/21/2024



Certificate of Address

The Tax Billing Address and Owner Mailing Address of the Grantee is:

1125 Robin Road
Gladwyne PA 19035



On Behalf of the Grantee,
Dryden Court Development LLC

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT CERTAIN lot or piece of land, situate in the Borough of Conshohocken, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a Plan of Subdivision, made for George K. Heebner, Inc., by Yerkes Associates, Inc., Consulting Engineers and Surveyors, 101 Charles Drive, Bryn Mawr, PA, dated March 20, 1978 and recorded in Montgomery County in Plan Book A-31 Page 94, as follows, to wit:

BEGINNING at a point on the Southeast side of Colwell Lane (60 feet wide) marking its intersection with the Southwest side of the future extension of West 5th Avenue (80 feet wide); thence along the Southwest side of proposed extension of West 5th Avenue (80 feet wide) South 49 degrees 0 minutes East 390.48 feet to a point; thence leaving said side of West 5th Avenue (proposed) and by other land now or late of George K. Heebner, Inc. Parcel No. 2, the two following courses and distances: (1) South 41 degrees 0 minutes West 238 feet to a point; and (2) North 49 degrees 0 minutes West 311.02 feet to a point on the Southeast side of Colwell Lane (60 feet wide) aforementioned; thence along the same the three following courses and distances: (1) North 4 degrees 38 minutes East 12.40 feet to a point of curve; (2) on the arc of a circle curving to the right having a radius of 370 feet the arc distance of 233.02 feet the chord of said curved line having a bearing of North 22 degrees 40 minutes 30 seconds East 229.19 feet to a point; and (3) North 40 degrees 43 minutes East 10.45 feet to the place of beginning.

CONTAINING 2 acres, be the same more or less.

BEING known as 450 Colwell Lane.

BEING Tax Parcel #05-00-00103-00-9.

BEING the same premises which D. Deodati & Sons, by Deed dated 2/19/2013 and recorded 3/5/2013 in the County of Montgomery in Deed Book 5865 page 1668, conveyed unto D. Deodati & Sons Holdings, LLC, a Pennsylvania limited liability company, in fee.

Craig R. Lewis
Direct Dial: (610) 941-2584
Direct Fax: (610) 684-2021
Email: rlewis@kaplaw.com
www.kaplaw.com

June 18, 2021

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Attn: Stephanie Cecco, Borough Manager
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Conshohocken, PA 19428

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Craig R. Lewis

Enclosures

cc (via e-mail w/ enclosures): DJB Properties, LLC
Michael E. Peters, Esq.
Eric P. Johnson, PE, Zoning Officer

①

Prepared by:

Spruce Law Group, LLC
1622 Spruce Street
Philadelphia, PA 19103
Attn: Jason R. Sieminski, Esq.

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Attn: Richard Little

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WITNESSETH, that the said Grantor, for and in consideration of the sum of Three Million Three Hundred and Ten Thousand and 00/100 Dollars (\$3,310,000.00), lawful money of the United States of America, and other good and valuable consideration, unto it well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, and convey unto the said Grantee, its successors and assigns, all of the following described real estate, situated in the County of Montgomery, Commonwealth of Pennsylvania known and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HERETO

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TO HAVE AND TO HOLD the Property, unto Grantee, its representatives, successors and assigns, to and for the only proper use and behalf of Grantee, its representatives, successors and assigns, forever. And Grantor does covenant, promise and agree, to and with Grantee, its successors and assigns, by these presents, that Grantor will **WARRANT SPECIALLY** against all and every person or persons lawfully claiming the same or any part thereof by, through or under Grantor, the Property hereby conveyed.

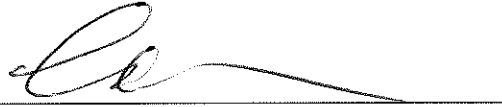
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[SIGNATURE PAGE FOLLOWS]

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GRANTOR:

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a Pennsylvania limited liability company

By: 

Name: Edmund B. Moore, Jr.
Title: Managing Member

ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF *Montgomery*

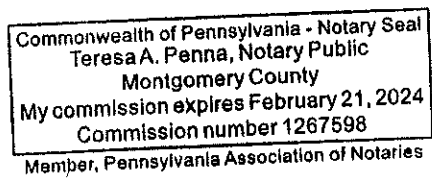
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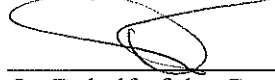
My Commission Expires: *2/21/2024*



Certificate of Address

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1125 Robin Road
Gladwyne PA 19035

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On Behalf of the Grantee,
Dryden Court Development LLC

EXHIBIT "A"

LEGAL DESCRIPTION

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BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Zoning Application

Application: _____
Date Submitted: _____
Date Received: _____

1. Application is hereby made for:

- Special Exception Variance
- Appeal of the decision of the zoning officer
- Conditional Use approval Interpretation of the Zoning Ordinance
- Other _____

2. Section of the Zoning Ordinance from which relief is requested:

27-1903-B(3)(A) - Front Yard and 27-1903-B(11) Building Height

3. Address of the property, which is the subject of the application:

450 Colwell Lane, Conshohocken, PA 19428

4. Applicant's Name: Dryden Court Development, LLC c/o David J. Brosso

Address: 1125 Robin Road, Gladwyne, PA 19035

Phone Number (daytime): 610-310-5055

E-mail Address: djbprop@gmail.com

5. Applicant is (check one): Legal Owner Equitable Owner ; Tenant

6. Property Owner: (Same as Applicant)

Address: _____

Phone Number: _____

E-mail Address: _____

7. Lot Dimensions: 390' x 238' = 2 acres

Zoning District: L1

8. Has there been previous zoning relief requested in connection with this Property?

Yes No If yes, please describe.

Application for Conditional Use Approval to permit Multi-Family housing in the LI District is currently pending.

9. Please describe the present use of the property including any existing improvements and the dimensions of any structures on the property.

The Property is improved with a 27,000 s.f. warehouse that is presently vacant. The warehouse was formerly occupied by American Olean Tile. Access to the Property is from Colwell Lane.

10. Please describe the proposed use of the property.

Applicant proposes to redevelop the property as a multi-family development consisting of 48 dwelling units ("Proposed Use"). The Proposed Use is depicted on a plan prepared by Joseph Estock, entitled "Dryden Court - Sketch G", dated May 12, 2021, last revised May 18, 2021. The Proposed Use would provide access from both Colwell Lane as well as 5th Avenue. The Proposed Use provides a transition from the adjacent townhomes to the more industrial areas along Colwell Lane. Providing a new access to 5th Avenue further integrates the development with the existing townhomes while providing superior access particularly in flooding events that may require the temporary closure of Colwell Lane.

11. Please describe proposal and improvements to the property in detail.

Please see attached Plan. The Proposed Use consists of three multi-family buildings totalling 48 dwelling units.

12. Please describe the reasons the Applicant believes that the requested relief should be granted.

Applicant proposes to provide a new/superior access to the property along 5th Avenue. This access improves emergency services access and will allow egress to 5th Avenue for the Proposed Development as well as the adjacent Rumsey Electric property during emergency situations. Additionally, the topography of the property (slopes) requires particular attention to the design of the Proposed Use. Further, in order to integrate the Proposed Use into the existing community, the Proposed Use must be shifted toward 5th Avenue.

13. If a Variance is being requested, please describe the following:

a. The unique characteristics of the property: Topography and Floodplain/emergency access

b. How the Zoning Ordinance unreasonably restricts development of the property:

The Zoning Ordinance restricts height to 35'. In order to integrate the development into the existing topography while providing access to 5th Avenue, Applicant requires relief to permit a building height of 40 feet. Additionally, the Zoning Ordinance requires a front yard of 30'. The property is a corner lot thus requiring a front yard along both Colwell Lane and 5th Avenue. All development has historically fronted upon Colwell Lane. The Proposed Use seeks to integrate the development including pedestrian and vehicular access along 5th Avenue. To do so, the Proposed Use must be shifted towards 5th Avenue.

c. How the proposal is consistent with the character of the surrounding neighborhood. _____

The granting of the requested relief will allow the project to integrate into the existing townhouses along 5th Avenue while improving pedestrian and vehicular access.

d. Why the requested relief is the minimum required to reasonably use the property; and why the proposal could not be less than what is proposed.

The proposed front yard of 5' represents the minimum necessary to safely and efficiently achieve the above described pedestrian and vehicular access. Likewise, the requested deviation from the maximum building height is the minimum necessary to implement the Proposed Use.

14. The following section should be completed if the applicant is contesting the determination of the zoning officer.

a. Please indicate the section of the zoning ordinance that is the subject of the zoning officer's decision (attach any written correspondence relating to the determination).

n/a

b. Please explain in detail the reasons why you disagree with the zoning officer's determination.

n/a

15. If the Applicant is requesting any other type of relief, please complete the following section.

a. Type of relief that is being requested by the applicant.

b. Please indicate the section of the Zoning Ordinance related to the relief being requested.

c. Please describe in detail the reasons why the requested relief should be granted.

16. If the applicant is being represented by an attorney, please provide the following information.

a. Attorney's Name: Craig Robert Lewis, Esquire

b. Address: 910 Harvest Drive, Suite 200, Blue Bell, PA 19422

c. Phone Number: 610-941-2584

d. E-mail Address: rlewis@kaplaw.com

I/we hereby certify that to the best of my knowledge, all of the above statements contained in this Zoning Application and any papers or plans submitted with this application to the Borough of Conshohocken are true and correct.

Applicant

Legal Owner

Date

[Handwritten signatures and date]
6/17/2021

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 17 day of June, 2021. By David J Brosso

[Handwritten signature of Kimberly Zera]

Notary Public

(Seal)

Commonwealth of Pennsylvania - Notary Seal
Kimberly Zera, Notary Public
Montgomery County
My commission expires May 5, 2022
Commission number 1185103
Member, Pennsylvania Association of Notaries



BOROUGH OF CONSHOHOCKEN
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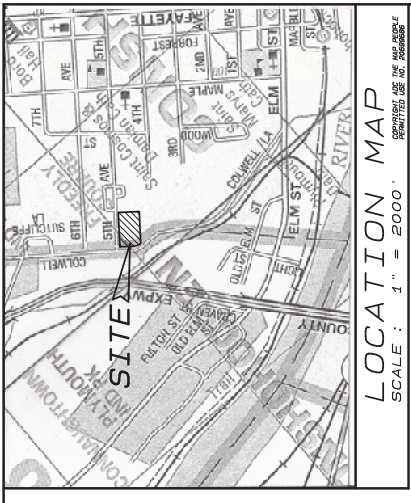
MOTION:

CONDITIONS:

BY ORDER OF THE ZONING HEARING BOARD

	Yes	No
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

DATE OF ORDER: _____



LEGEND

- CENTERLINE
- TRACT BOUNDARY
- PROPERTY LINE
- LEGAL R.O.W. EASEMENTS
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING WATER LINE
- EXISTING SAN. SEWER LINE
- EXISTING TELEPHONE LINE
- EXISTING ELECTRIC LINE
- EXISTING STORM SEWER/INLET
- PROPOSED WATER LINE
- PROPOSED SAN. SEWER LINE
- PROPOSED ELECTRIC LINE
- PROPOSED GAS LINE
- EXISTING MANHOLE
- PROPOSED MANHOLE
- EXISTING CURBLINE
- PROPOSED CURBLINE
- UTILITY POLE
- EXISTING VALVE, VENT, CO.
- PROPOSED BUILDING
- PROPOSED CONCRETE PADS/WALKWAYS

SITE DATA:
 OWNER/APPLICANT: DRYDEN COURT DEVELOPMENT, LLC
 C/O. DAVID J. BROSSO
 600 W. 12TH ST.
 GLADYSBURG, PA 19035
 610-310-5055 (CELL)

PREMISES:
 450 COLWELL LANE UNIT 1
 TPN 05-00-0003-00-9
 DEED BOOK 5865 PG 1668

LOT AREA: 2.0000 ACRES
YIELD: 48 DWELLING UNITS

ZONING DATA:
 DISTRICT: "LI" LIMITED INDUSTRIAL DISTRICT/RESEARCH
 RESIDENTIAL OVERLAY DISTRICT

USE: MODERN MULTIFAMILY HOUSING

REQUIRED	PROVIDED
DENSITY:	24 DU/AC
TRACT AREA:	2.0 ACRES
FRONT YARD:	5 FT
REAR YARD:	7.5 FT
SIDE YARD:	29 FT
BUILDING COVERAGE:	40 % (MAX)
BUILDING HEIGHT:	35 FT (MAX)
PARKING SETBACK:	10 FT (MIN)
INTERNAL DRIVEWAY SETBACK:	10 FT (MIN)
BUILDING SEPARATION:	40 FT (MIN)
0-1 BEDROOM:	700 SF (MIN)
2 BEDROOMS:	1,100 SF (MIN)
3 BEDROOMS:	1,200 SF (MIN)

TOPOGRAPHY:
 CONTOURS PLOTTED FROM PENNSYLVANIA SPATIAL DATA
 ACCESS LIDAR MAPPING RESOURCES
 (DATUM: NAVD-88)

PARKING:
 PRIVATE STALLS= 48 PS
 SHARED STALLS= 26 PS
 TOTAL: 122 PS

PROJECT TITLE:
 DRYDEN COURT
 450 COLWELL LANE
 CONSHOHOCKEN BOROUGH - MONTGOMERY COUNTY - PENNSYLVANIA

DRAWING TITLE:
 SKETCH PLAN 'G'

PREPARED BY:
 JOSEPH M. ESTOCK
 Consulting Engineers & Land Surveyors
 355 South Henderson Road
 King of Prussia, PA 19406-2407
 (610) 265-3035 - Fax (610) 962-9855
 joe@josephmestock.com

REVISIONS:

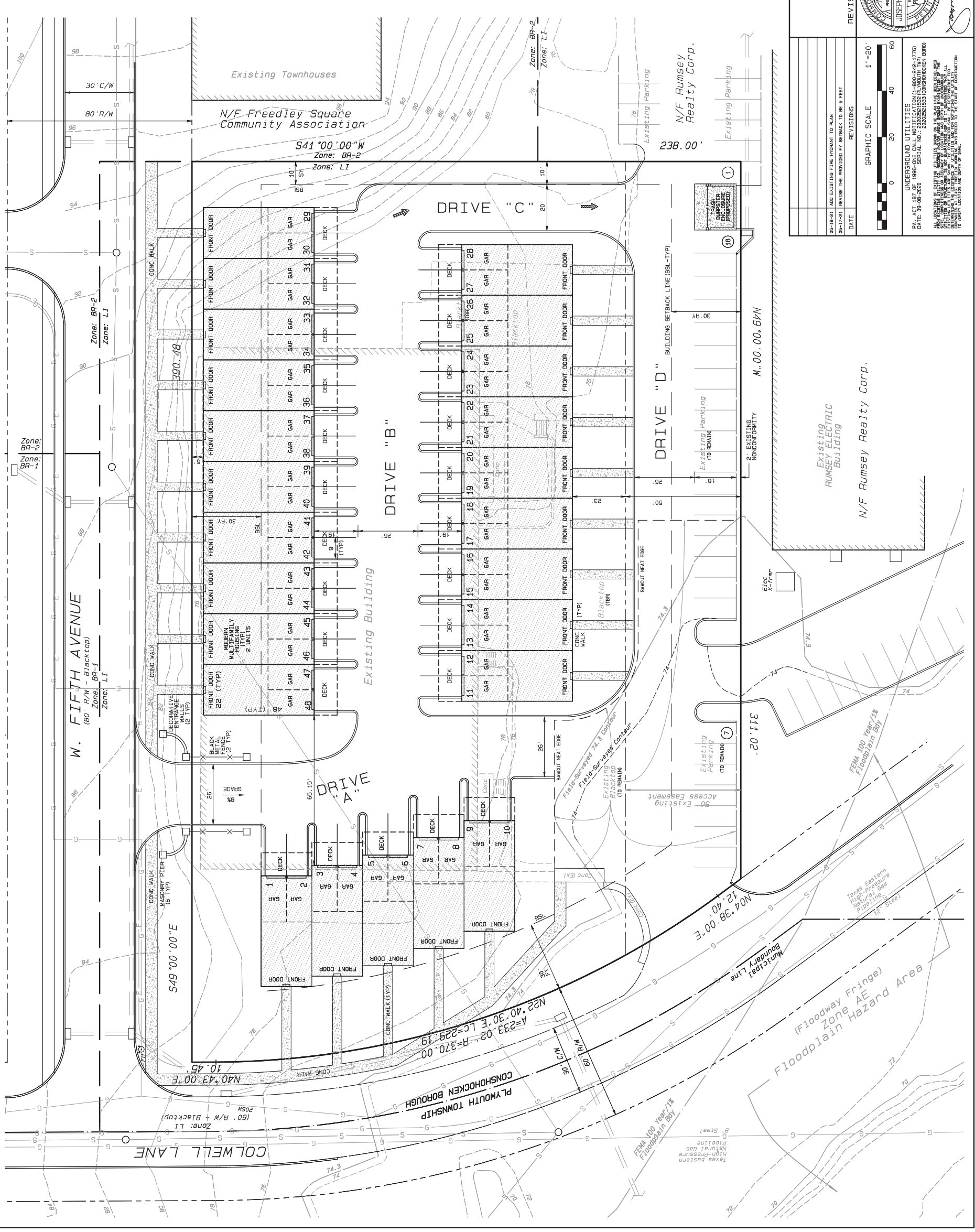
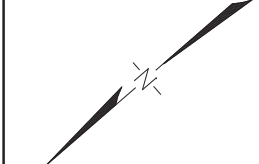
DATE	REVISIONS
05-18-21	ADD EXISTING FIRE HYDRANT TO PLAN
05-17-21	REVISE THE PROVIDED PY SETBACK TO BE 5 FEET

GRAPHIC SCALE 1"=20'
 0 20 40 60

UNDERGROUND UTILITIES
 PA. ACT 187 OF 1986 ONE CALL NOTIFICATION (1-800-246-1776)
 DATE: 09-09-2020 SERIAL NO.: 20202521333 (CONSHOHOCKEN BORO)

ALL LOCATIONS OF EXISTING UTILITIES SHOWN ON THIS PLAN HAVE BEEN VERIFIED BY JOSEPH M. ESTOCK CONSULTING ENGINEERS & LAND SURVEYORS. THE CLIENT HAS BEEN ADVISED OF THE LOCATION OF ALL UTILITIES AND HAS BEEN ADVISED THAT THE CLIENT IS RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES LOCATED UNDERGROUND.

SCALE 1" = 20'
DATE 12 MAY 2021
FILE NO. 20033
FIELD BOOK 337
SHT. NO. 1 of 3





BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Colleen Leonard, President
Tina Sokolowski, Vice-President
Robert Stokley, Senior Member
Anita Barton, Member
James Griffin, Member
Jane Flanagan, Member
Karen Tutino, Member

MEMORANDUM

Stephanie Cecco
Borough Manager

Date: August 5, 2021
To: Stephanie Cecco, Brittany Rogers
From: Eric P. Johnson, PE, Zoning Officer
Re: 450 Colwell Lane – Zoning Variance Determination

History of the Site:

450 Colwell Lane is a 2-acre property located at the corner of Colwell Lane and W. 5th Avenue and is currently developed with a one-story warehouse building and parking lot. The property is bordered to the south by the Rumsey Electric Company property. A 50-foot-wide access easement exist along the southern edge of the 450 Colwell Lane property to provide access to the front parking lot and the rear of the Rumsey Electric property. 450 Colwell Lane is located in the LI – Limited Industrial zoning district and the southwest corner of the property is located in the Floodplain Conservation District.

The applicant, Dryden Court Development, LLC, submitted an application for a Conditional Use in accordance with §27-1901-B of the Conshohocken Zoning Ordinance to permit a multifamily residential development utilizing the Residential Overlay District prior to the repeal of the overlay. Conditional use approval was granted by Borough Council on August 4, 2021 for the proposed forty-eight (48) unit multifamily residential development consisting of three (3) buildings with one residential units stacked on top of one other residential unit. Each unit would share an exterior access with one other unit. The building facing Colwell Lane would contain ten (10) units, the building facing W. 5th Avenue would contain twenty (20) units, and the building interior to the site would contain eighteen (18) units. The applicant is proposing one garage parking space and one parking space located in front of the garage for each unit. The existing parking along the southern property line is proposed to remain for additional parking.

Current Request:

In connection with the proposed development, the applicant is seeking a variance from §27-1903-B.3.A to permit a front yard setback of 5 feet along the W. 5th Ave frontage whereas 30 feet is required; and a variance from §27-1903-B.11 to permit a building height of 40 feet, whereas 35 feet is permitted.

Zoning Determination:

Per §27-1903-B.3.A, the minimum required front yard setback is 30 feet measured from the property line. The proposed dwellings along W. 5th Ave are setback 5 feet from the property line. The applicant has indicated the reduced setback would better conform to the existing site topography and provide an improved street frontage. A variance would be required for the reduced front yard setback.

Per §27-1903-B.11, the maximum permitted building height is 35 feet, unless otherwise permitted by Conshohocken Borough Council. The request for a building height in excess of 35 feet was not received until after the Residential Overlay District was repealed by Borough Council; therefore, the request for a 40-foot building height will require a variance granted by the Zoning Hearing Board.

A-1

Deed

①

Prepared by:

Spruce Law Group, LLC
1622 Spruce Street
Philadelphia, PA 19103
Attn: Jason R. Sieminski, Esq.

After Recording, Return To:

Land Services USA, Inc.
1835 Market Street, Suite 420
Philadelphia, PA 19103
Attn: Richard Little

Parcel No.: 05-00-00103-00-9
Address: 450 Colwell Lane
Conshohocken, PA

SPECIAL WARRANTY DEED

This Special Warranty Deed is made on December ~~17~~, 2020, and is by and between **D. DEODATI & SONS HOLDINGS, LLC**, a Pennsylvania limited liability company (hereinafter called the "Grantor"), to **DRYDEN COURT DEVELOPMENT LLC**, a Pennsylvania limited liability company, (hereinafter called the "Grantee").

WITNESSETH, that the said Grantor, for and in consideration of the sum of Three Million Three Hundred and Ten Thousand and 00/100 Dollars (\$3,310,000.00), lawful money of the United States of America, and other good and valuable consideration, unto it well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, and convey unto the said Grantee, its successors and assigns, all of the following described real estate, situated in the County of Montgomery, Commonwealth of Pennsylvania known and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HERETO

TOGETHER WITH all right, title and interest of Grantor in the improvements, hereditaments, easements and appurtenances thereunto belonging, or in anyway appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, either in law or equity, of, in and to the above described premises (collectively, the "Property"),

TO HAVE AND TO HOLD the Property, unto Grantee, its representatives, successors and assigns, to and for the only proper use and behalf of Grantee, its representatives, successors and assigns, forever. And Grantor does covenant, promise and agree, to and with Grantee, its successors and assigns, by these presents, that Grantor will **WARRANT SPECIALLY** against all and every person or persons lawfully claiming the same or any part thereof by, through or under Grantor, the Property hereby conveyed.

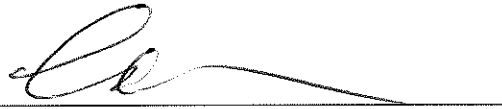
THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the aforementioned Grantor has hereunto set such Grantor's hand and seal the day and year first above mentioned.

GRANTOR:

D. DEODATI & SONS HOLDINGS, LLC,
a Pennsylvania limited liability company

By: 

Name: Edmund B. Moore, Jr.
Title: Managing Member

ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF *Montgomery*

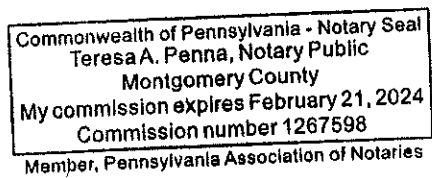
On this, the 17 day of December, 2020, before me, a Notary Public in and for said State and County, personally appeared Edmund B. Moore, Jr., who acknowledged himself to be the Managing Member of D. Deodati & Sons Holdings, LLC, a Pennsylvania limited liability company, and that he as such officer, being authorized to do so, executed the foregoing instrument in the name of the Grantor for the purposes therein contained.

WITNESS my hand and Notarial Seal the day and year first above written.



Notary Public

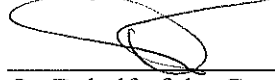
My Commission Expires: *2/21/2024*



Certificate of Address

The Tax Billing Address and Owner Mailing Address of the Grantee is:

1125 Robin Road
Gladwyne PA 19035

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

On Behalf of the Grantee,
Dryden Court Development LLC

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT CERTAIN lot or piece of land, situate in the Borough of Conshohocken, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a Plan of Subdivision, made for George K. Heebner, Inc., by Yerkes Associates, Inc., Consulting Engineers and Surveyors, 101 Charles Drive, Bryn Mawr, PA, dated March 20, 1978 and recorded in Montgomery County in Plan Book A-31 Page 94, as follows, to wit:

BEGINNING at a point on the Southeast side of Colwell Lane (60 feet wide) marking its intersection with the Southwest side of the future extension of West 5th Avenue (80 feet wide); thence along the Southwest side of proposed extension of West 5th Avenue (80 feet wide) South 49 degrees 0 minutes East 390.48 feet to a point; thence leaving said side of West 5th Avenue (proposed) and by other land now or late of George K. Heebner, Inc. Parcel No. 2, the two following courses and distances: (1) South 41 degrees 0 minutes West 238 feet to a point; and (2) North 49 degrees 0 minutes West 311.02 feet to a point on the Southeast side of Colwell Lane (60 feet wide) aforementioned; thence along the same the three following courses and distances: (1) North 4 degrees 38 minutes East 12.40 feet to a point of curve; (2) on the arc of a circle curving to the right having a radius of 370 feet the arc distance of 233.02 feet the chord of said curved line having a bearing of North 22 degrees 40 minutes 30 seconds East 229.19 feet to a point; and (3) North 40 degrees 43 minutes East 10.45 feet to the place of beginning.

CONTAINING 2 acres, be the same more or less.

BEING known as 450 Colwell Lane.

BEING Tax Parcel #05-00-00103-00-9.

BEING the same premises which D. Deodati & Sons, by Deed dated 2/19/2013 and recorded 3/5/2013 in the County of Montgomery in Deed Book 5865 page 1668, conveyed unto D. Deodati & Sons Holdings, LLC, a Pennsylvania limited liability company, in fee.

Craig R. Lewis
Direct Dial: (610) 941-2584
Direct Fax: (610) 684-2021
Email: rlewis@kaplaw.com
www.kaplaw.com

June 18, 2021

VIA EMAIL AND FEDERAL EXPRESS

Borough of Conshohocken
Attn: Stephanie Cecco, Borough Manager
400 Fayette Street, Suite 200
Conshohocken, PA 19428

**RE: 450 Colwell Lane - Application to the Zoning Hearing Board
Dryden Court Development, LLC - Multi-family Development Stacked Condos
Our Reference No. 16140.009**

Dear Ms. Cecco:

As I believe you know, I represent Dryden Court Development, LLC (“**DCD**”). As evidenced by the Deed attached hereto, DCD is the legal owner of the property located at 450 Colwell Lane, Conshohocken, PA (“**Property**”). In accordance with the Borough of Conshohocken Zoning Ordinance (“**Zoning Ordinance**”) and Borough of Conshohocken Zoning Map the Property is located in the LI- Limited Industrial Zoning District.

DCD proposes to develop the Property for modern, multi-family housing (“**Proposed Use**”). In accordance with Section 1901-B of the Zoning Ordinance, the Proposed Use is a specifically permitted use of Property by conditional use. On December 30, 2020, DCD submitted an application seeking conditional use approval for the Proposed Use (“**Conditional Use Application**”). The Borough’s Planning Commission recently recommended approval of the Conditional Use Application and a hearing thereon is scheduled for Jul 21, 2021.

As was recently discussed with the Borough’s staff and the Planning Commission, the Proposed Use requires minor dimensional relief from the Zoning Ordinance. Specifically, in order to provide improved integration of the Proposed Use with the surrounding properties, and to improve emergency access and circulation, DCD requires relief from the applicable front yard setback requirement. Additionally, in order to address the topography of the Property, the Proposed Use requires relief from the applicable maximum building height requirement. As will be address through testimony and exhibits, these requests for relief are necessitated by the physical characteristics of the Property, will not be detrimental to the public health, safety and/or welfare, and will improve emergency access to the Proposed Use.

Therefore, on behalf of DCD I am enclosing herewith and application to the Borough's Zoning Hearing Board seeking relief from §§ 27-1903-B(3)(A) and 27-1903-B(11) of the Zoning Ordinance (“**Application**”). The Application consists of the following materials:

- Borough of Conshohocken Zoning Application;
- Site Plan prepared by Joseph M. Estock, PE consisting of three (3) sheets; sheet 1 entitled “Sketch Plan G”, dated May 12, 2021, last revised May 18, 2021
- A check in the amount of \$500.00 payable to the Borough of Conshohocken representing the applicable Zoning Hearing Board Application Fee; and
- A check in the amount of \$1,500.00 payable to the Borough of Conshohocken representing the applicable Zoning Application Escrow Deposit.

As set forth in the Borough's “Zoning Application Filing Procedures”, in addition to the above referenced Deed, I am enclosing an original, signed and notarized Application. I am also enclosing one hardcopy of the Application. Please retain the original for your own purposes. Please timestamp and return the remaining copy for my records. An electronic copy of the Application will also be delivered to the Borough contemporaneously herewith by electronic transmission.

Please schedule the Application for consideration by the Borough's Zoning Hearing Board at its regularly scheduled July 19, 2021 meeting date. Kindly provide notice of the scheduling of the hearing and provide copies of all reviews, correspondence and communications generated and/or received regarding this matter.

If you require anything further or have and questions, please contact me at your convenience.

Best Regards,



Craig R. Lewis

Enclosures

cc (via e-mail w/ enclosures): DJB Properties, LLC
Michael E. Peters, Esq.
Eric P. Johnson, PE, Zoning Officer

①

Prepared by:

Spruce Law Group, LLC
1622 Spruce Street
Philadelphia, PA 19103
Attn: Jason R. Sieminski, Esq.

After Recording, Return To:

Land Services USA, Inc.
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WITNESSETH, that the said Grantor, for and in consideration of the sum of Three Million Three Hundred and Ten Thousand and 00/100 Dollars (\$3,310,000.00), lawful money of the United States of America, and other good and valuable consideration, unto it well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, and convey unto the said Grantee, its successors and assigns, all of the following described real estate, situated in the County of Montgomery, Commonwealth of Pennsylvania known and described as follows:

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TOGETHER WITH all right, title and interest of Grantor in the improvements, hereditaments, easements and appurtenances thereunto belonging, or in anyway appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, either in law or equity, of, in and to the above described premises (collectively, the "Property"),

TO HAVE AND TO HOLD the Property, unto Grantee, its representatives, successors and assigns, to and for the only proper use and behalf of Grantee, its representatives, successors and assigns, forever. And Grantor does covenant, promise and agree, to and with Grantee, its successors and assigns, by these presents, that Grantor will **WARRANT SPECIALLY** against all and every person or persons lawfully claiming the same or any part thereof by, through or under Grantor, the Property hereby conveyed.

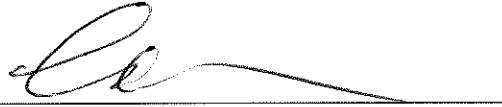
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a Pennsylvania limited liability company

By: 

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Title: Managing Member

ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF *Montgomery*

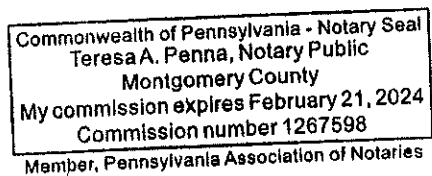
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WITNESS my hand and Notarial Seal the day and year first above written.



Notary Public

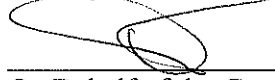
My Commission Expires: *2/21/2024*



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BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Zoning Application

Application: _____
Date Submitted: _____
Date Received: _____

1. Application is hereby made for:

- Special Exception Variance
- Appeal of the decision of the zoning officer
- Conditional Use approval Interpretation of the Zoning Ordinance
- Other _____

2. Section of the Zoning Ordinance from which relief is requested:

27-1903-B(3)(A) - Front Yard and 27-1903-B(11) Building Height

3. Address of the property, which is the subject of the application:

450 Colwell Lane, Conshohocken, PA 19428

4. Applicant's Name: Dryden Court Development, LLC c/o David J. Brosso

Address: 1125 Robin Road, Gladwyne, PA 19035

Phone Number (daytime): 610-310-5055

E-mail Address: djbprop@gmail.com

5. Applicant is (check one): Legal Owner Equitable Owner ; Tenant

6. Property Owner: (Same as Applicant)

Address: _____

Phone Number: _____

E-mail Address: _____

7. Lot Dimensions: 390' x 238' = 2 acres

Zoning District: L1

8. Has there been previous zoning relief requested in connection with this Property?

Yes No If yes, please describe.

Application for Conditional Use Approval to permit Multi-Family housing in the LI District is currently pending.

9. Please describe the present use of the property including any existing improvements and the dimensions of any structures on the property.

The Property is improved with a 27,000 s.f. warehouse that is presently vacant. The warehouse was formerly occupied by American Olean Tile. Access to the Property is from Colwell Lane.

10. Please describe the proposed use of the property.

Applicant proposes to redevelop the property as a multi-family development consisting of 48 dwelling units ("Proposed Use"). The Proposed Use is depicted on a plan prepared by Joseph Estock, entitled "Dryden Court - Sketch G", dated May 12, 2021, last revised May 18, 2021. The Proposed Use would provide access from both Colwell Lane as well as 5th Avenue. The Proposed Use provides a transition from the adjacent townhomes to the more industrial areas along Colwell Lane. Providing a new access to 5th Avenue further integrates the development with the existing townhomes while providing superior access particularly in flooding events that may require the temporary closure of Colwell Lane.

11. Please describe proposal and improvements to the property in detail.

Please see attached Plan. The Proposed Use consists of three multi-family buildings totalling 48 dwelling units.

12. Please describe the reasons the Applicant believes that the requested relief should be granted.

Applicant proposes to provide a new/superior access to the property along 5th Avenue. This access improves emergency services access and will allow egress to 5th Avenue for the Proposed Development as well as the adjacent Rumsey Electric property during emergency situations. Additionally, the topography of the property (slopes) requires particular attention to the design of the Proposed Use. Further, in order to integrate the Proposed Use into the existing community, the Proposed Use must be shifted toward 5th Avenue.

13. If a Variance is being requested, please describe the following:

a. The unique characteristics of the property: Topography and Floodplain/emergency access

b. How the Zoning Ordinance unreasonably restricts development of the property:

The Zoning Ordinance restricts height to 35'. In order to integrate the development into the existing topography while providing access to 5th Avenue, Applicant requires relief to permit a building height of 40 feet. Additionally, the Zoning Ordinance requires a front yard of 30'. The property is a corner lot thus requiring a front yard along both Colwell Lane and 5th Avenue. All development has historically fronted upon Colwell Lane. The Proposed Use seeks to integrate the development including pedestrian and vehicular access along 5th Avenue. To do so, the Proposed Use must be shifted towards 5th Avenue.

c. How the proposal is consistent with the character of the surrounding neighborhood. _____

The granting of the requested relief will allow the project to integrate into the existing townhouses along 5th Avenue while improving pedestrian and vehicular access.

d. Why the requested relief is the minimum required to reasonably use the property; and why the proposal could not be less than what is proposed.

The proposed front yard of 5' represents the minimum necessary to safely and efficiently achieve the above described pedestrian and vehicular access. Likewise, the requested deviation from the maximum building height is the minimum necessary to implement the Proposed Use.

14. The following section should be completed if the applicant is contesting the determination of the zoning officer.

a. Please indicate the section of the zoning ordinance that is the subject of the zoning officer's decision (attach any written correspondence relating to the determination).

n/a

b. Please explain in detail the reasons why you disagree with the zoning officer's determination.

n/a

15. If the Applicant is requesting any other type of relief, please complete the following section.

a. Type of relief that is being requested by the applicant.

b. Please indicate the section of the Zoning Ordinance related to the relief being requested.

c. Please describe in detail the reasons why the requested relief should be granted.

16. If the applicant is being represented by an attorney, please provide the following information.

a. Attorney's Name: Craig Robert Lewis, Esquire

b. Address: 910 Harvest Drive, Suite 200, Blue Bell, PA 19422

c. Phone Number: 610-941-2584

d. E-mail Address: rlewis@kaplaw.com

I/we hereby certify that to the best of my knowledge, all of the above statements contained in this Zoning Application and any papers or plans submitted with this application to the Borough of Conshohocken are true and correct.

Applicant

Legal Owner

Date

[Handwritten signatures and date]
6/17/2021

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 17 day of June, 2021. By David J Brosso

[Handwritten signature of Kimberly Zera]

Notary Public

(Seal)

Commonwealth of Pennsylvania - Notary Seal
Kimberly Zera, Notary Public
Montgomery County
My commission expires May 5, 2022
Commission number 1185103
Member, Pennsylvania Association of Notaries



BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Decision

(For Borough Use Only)

Application Granted

Application Denied

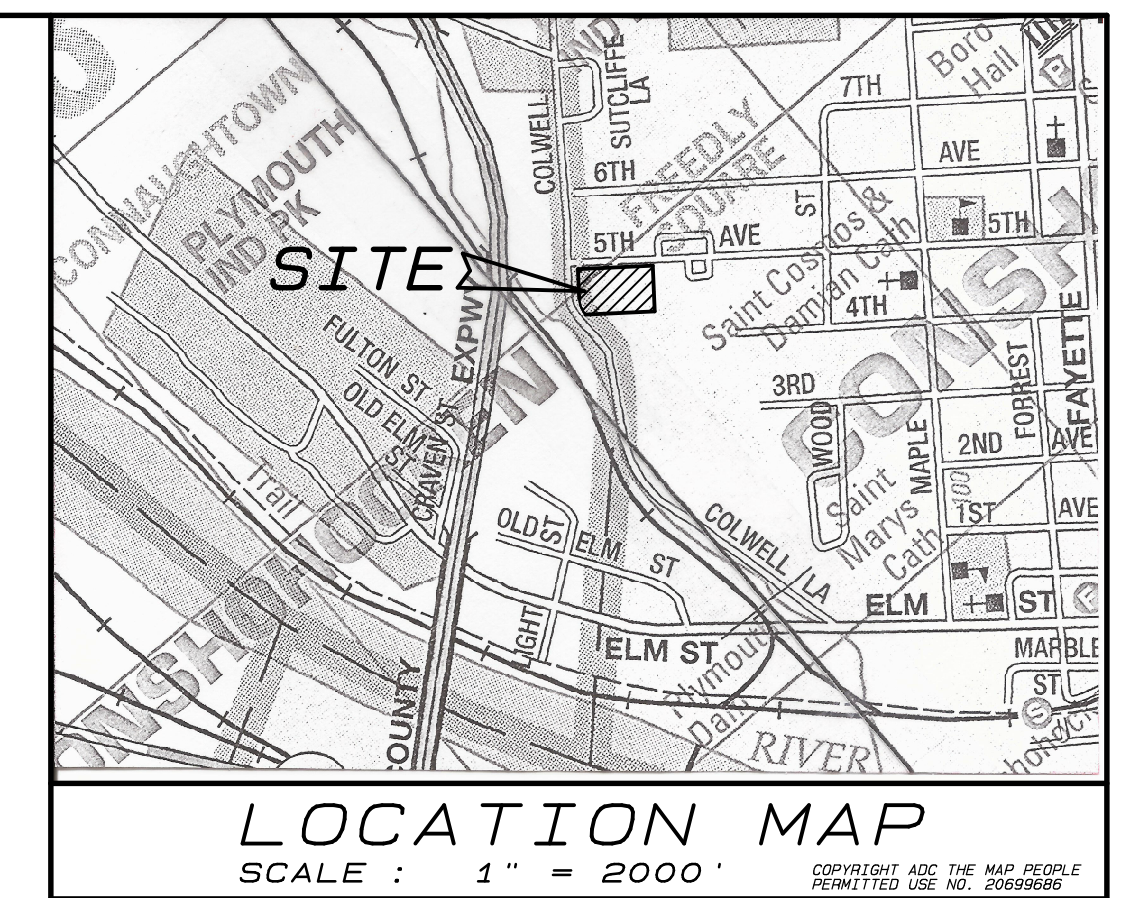
MOTION:

CONDITIONS:

BY ORDER OF THE ZONING HEARING BOARD

	Yes	No
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

DATE OF ORDER: _____



LEGEND

---	CENTERLINE
---	TRACT BOUNDARY
---	PROPERTY LINE
---	LEGAL R.O.W., EASEMENTS
---	REQUIRED R.O.W.
---	EXISTING CONTOUR
---	PROPOSED CONTOUR
---	EXISTING WATER LINE
---	EXISTING SAN. SEWER LINE
---	EXISTING TELEPHONE LINE
---	EXISTING GAS LINE
---	EXISTING ELECTRIC LINE
---	EXISTING STORM SEWER/INLET
---	PROPOSED WATER LINE
---	PROPOSED SAN. SEWER LINE
---	PROPOSED ELECTRIC LINE
---	PROPOSED GAS LINE
---	EXISTING MANHOLE
---	PROPOSED MANHOLE
---	EXISTING CURBLINE
---	PROPOSED CURBLINE
---	UTILITY POLE
---	EXISTING VALVE, VENT, CO.
---	PROPOSED BUILDING
---	PROPOSED CONCRETE PADS/WALKWAYS

SITE DATA:

OWNER/APPLICANT: DRYDEN COURT DEVELOPMENT, LLC
C/O DAVID J. BROSSO
1125 ROBIN ROAD
GLADWYNE, PA 19035
610-310-5055 (CELL)

PREMISES: 450 COLWELL LANE
TAX MAP BLOCK 28 UNIT 1
TPN 08-00-00103
DEED BOOK 5865 PG 1668

LOT AREA: 2.0000 ACRES
YIELD: 48 DWELLING UNITS

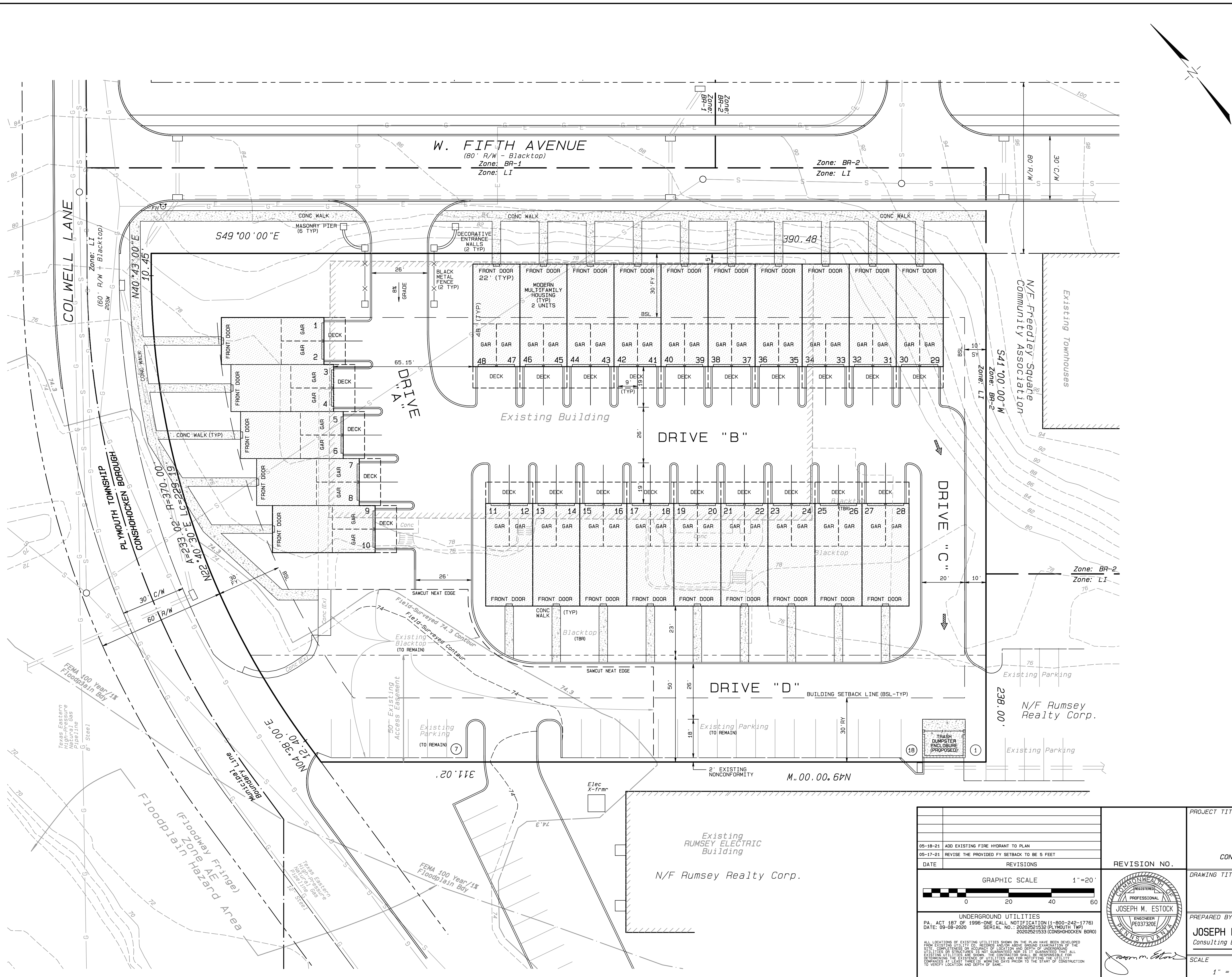
ZONING DATA:

DISTRICT: "LI" LIMITED INDUSTRIAL DISTRICT/RESEARCH RESIDENTIAL OVERLAY DISTRICT
USE: MODERN MULTIFAMILY HOUSING

REQUIREMENTS	REQUIRED	PROVIDED
DENSITY:	33 DU/AC (MAX)	24 DU/AC
TRACT AREA:	1.0 ACRE (MIN)	2.0 ACRES
SETBACKS:		
FRONT YARD:	30 FT (MIN)	5 FT
REAR YARD:	30 FT (MIN)	73 FT
SIDE YARD:	10 FT (MIN)	20 FT
BUILDING COVERAGE:	40 % (MAX)	29 %
IMPERVIOUS COVERAGE:	80 % (MAX)	76 %
BUILDING HEIGHT:	35 FT (MAX)	35 FT
PARKING SETBACK:	10 FT (MIN)	30 FT
PARKING LOCATION:	REAR OF BLDG	REAR OF BLDG
INTERNAL DRIVEWAY SETBACK:	10 FT (MIN)	10 FT
BUILDING SEPARATION:	40 FT (MIN)	65.15 FT
UNIT SIZE:		
0-1 BEDROOM:	700 SF (MIN)	NONE
2 BEDROOMS:	900 SF (MIN)	1,000+ SF
3 BEDROOMS:	1,100 SF (MIN)	1,200+ SF
PARKING:		
GARAGE STALLS=	48 PS	
PRIVATE STALLS=	48 PS	
SHARED STALLS=	26 PS	
TOTAL:	122 PS	

TOPOGRAPHY:

CONTOURS PLOTTED FROM PENNSYLVANIA SPATIAL DATA ACCESS LIDAR MAPPING RESOURCES (DATUM: NAVD-88)



REVISIONS

DATE	REVISIONS
05-19-21	ADD EXISTING FIRE HYDRANT TO PLAN
05-17-21	REVISE THE PROVIDED FY SETBACK TO BE 5 FEET

GRAPHIC SCALE 1"=20'

UNDERGROUND UTILITIES
PA. ACT 187 OF 1996-ONE CALL NOTIFICATION (1-800-242-1776)
DATE: 09-08-2020 SERIAL NO.: 200028152 (PLYMOUTH TWP)
2020281533 (CONSHOHOCKEN BORO)

ALL LOCATIONS OF EXISTING UTILITIES SHOWN ON THE PLAN HAVE BEEN DEVELOPED FROM EXISTING UTILITY CO. RECORDS AND/OR ABOVE GROUND EXAMINATION OF THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND FOR NOTIFYING THE UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS PRIOR TO THE START OF CONSTRUCTION TO VERIFY LOCATION AND DEPTH OF SAME.

PROJECT TITLE:
DRYDEN COURT
450 COLWELL LANE
CONSHOHOCKEN BOROUGH - MONTGOMERY COUNTY - PENNSYLVANIA

DRAWING TITLE:
SKETCH PLAN 'G'

REVISION NO.

PREPARED BY:
JOSEPH M. ESTOCK
Consulting Engineers & Land Surveyors

SCALE 1" = 20'

DATE 12 MAY 2021

FILE NO. 20033

FIELD BOOK 337

SHT. NO. 1 of 3



Eastburn and Gray, PC

Attorneys at Law

Michael E. Peters, Esquire

60 East Court Street

P.O. Box 1389

Doylestown, PA 18901

(215) 345-7000

mpeters@eastburngray.com

Date of Mailing: August 5, 2021

VIA ELECTRONIC MAIL

Craig Robert Lewis, Esquire

rlewis@kaplaw.com

Re: **Conshohocken Borough**
Conditional Use Application – Notice of Decision
Property: 450 Colwell Lane
Applicant: Dryden Court Development LLC

Dear Rob:

This letter provides notice of the decision of the Borough Council of the Borough of Conshohocken at the conclusion of the conditional use hearing regarding the above-referenced property on August 4, 2021.

Borough Council voted to approve a conditional use pursuant to section 27-1901-B to permit a modern multifamily housing development consisting of 48 condominium units, consistent with the application and the materials and representations presented during the hearing. The relief was specifically made subject to those conditions enumerated on exhibit B-11, attached hereto and incorporated herein.

Borough Council will issue a decision with findings of fact, conclusions of law, and reasons.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'M. Peters'.

Michael E. Peters

(enclosure—ex. B-11)

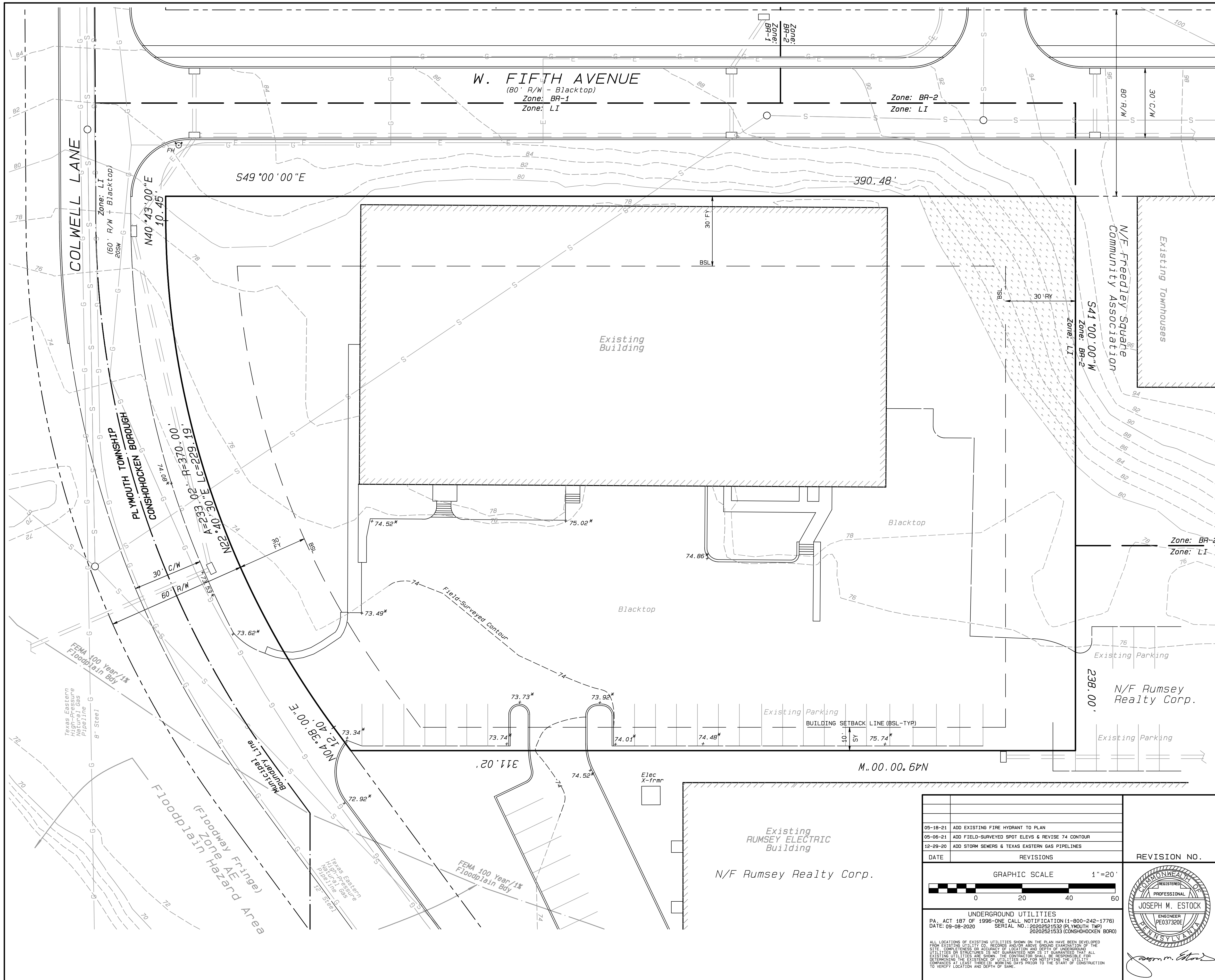
cc: Eric Johnson, P.E., Zoning Officer (w/ enclosure)
Bobbi Jo Myrsiades, Administrative Assistant – Operations (w/enclosure)
Stephanie Cecco, Borough Manager (w/enclosure)

Amended Conditions of Approval

1. Upon final unappealable zoning approval of its proposal to redevelop the property identified as 450 Colwell Lane, Conshohocken, PA tax parcel ID No. 05-00-00103-00-9 (“**Property**”) for multi-family residential use consisting of 48 stacked-condo dwelling units (“**Stacked Condo Application**”), Dryden Court Development, LLC (“**DCD**”) shall withdraw its pending conditional use application seeking to redevelop the Property for multi-family residential use consisting of 59 apartment dwelling units (“**Apartment Application**”). The term "final unappealable zoning approval" as used in this condition shall be comprised of (a) final unappealable conditional use approval for the Stacked Condo Application and (b) final unappealable approval from the Conshohocken Zoning Hearing Board for the relief referenced in condition 11 hereof.
2. If/when DCD redevelops the Property for multi-family residential use (“**Future Residential Development**”), it shall be substantially consistent with the plan identified as follows, “Dryden Court” Sketch Plan G, prepared by Joseph M. Estock, dated May 12, 2021, last revised May 18, 2021 (“**Plan**”).
3. As depicted on the Plan the Future Residential Development shall be limited to 48 dwelling units.
4. As depicted on the Plan the Future Residential Development shall provide direct access to 5th Avenue which shall be designed to permit access to the Property by emergency services vehicles.
5. Upon recording of a plan for the Future Residential Development, DCD or its successor in interest, shall record a covenant running with the land permitting the Borough to install and maintain a gate(s) at the Colwell Lane access to the Property that will prevent ingress or egress in the event of a flooding emergency (“**Covenant**”). DCD or its successor in interest shall be responsible for the cost of the gate and the cost of installing the gate. Final design details of the gate and its installation shall be subject to the approval of the Borough during the land development stage for the Future Residential Development.
6. The Covenant shall also relinquish any rights that DCD, or its successors and assigns may have to any claim for condemnation resulting from the installation of emergency access gates on the Property or along other portions of Colwell Lane.
7. DCD is in the process of converting the existing warehouse on the Property to a Sports and Recreation Complex (“**Sports Facility**”). If, DCD seeks to terminate the Sports Facility, DCD shall notify the Borough of its intention to do so and shall offer the Property and Sports Facility to be purchased by the Borough. The Borough shall be permitted no less than ninety (90) days to perform due diligence and shall be entitled to purchase the Property for Fair Market Value. To establish Fair Market Value, the Borough shall present an appraisal for the Property by a licensed appraiser regularly conducting business in Montgomery County, PA. If DCD disagrees with the Fair Market Value offered by the Borough, DCD shall be permitted to provide, within sixty (60) days a counter-appraisal which also must be performed by a licensed appraiser regularly conducting business in Montgomery County. If, after presenting the counter-appraisal the Borough and DCD cannot agree on Fair Market Value, the Borough’s appraiser and DCD’s appraiser shall agree on an independent third-party appraiser who shall receive

any information DCD and/or the Borough believe relevant and perform an independent appraisal of the Property within sixty (60) days. The independent appraiser's statement of Fair Market Value shall be binding between DCD and the Borough and the Borough can then elect to purchase the Property at the stated Fair Market Value or permit DCD to sell the Property or redevelop the Property for the Future Residential Development or any other then permitted use.

8. If DCD, its successors or assigns obtains a loan for its redevelopment of the Property as the Sport Facility from the Montgomery County Redevelopment Authority ("**Redevelopment Loan**"), the Redevelopment Loan must be satisfied prior to recording a land development plan for the Future Residential Development.
9. DCD, its successors and/or assigns, shall be precluded from redeveloping the Property for the Future Residential Development for a period of seven (7) years from the date of this Conditional Use approval, or the date of satisfaction of the Redevelopment Loan, whichever date is later ("**Preclusion Period**").
10. This Conditional Use approval shall be valid for a period of three (3) years from the termination of the Preclusion Period and during such time shall be afforded the protections prescribed by Section 508 of the Municipalities Planning Code (53 P.S. §10508). During the Preclusion Period, DCD, its successors and/or assigns, may seek any and all permits and/or approvals necessary for the Future Residential Development.
11. DCD's development of the Future Residential Development shall be substantially consistent with the Plan and shall not exceed 48 dwelling units. However, to achieve 48 dwelling units and to satisfy the Borough's desired revisions to the project, DCD must seek relief from the Zoning Ordinance to permit, inter alia, a reduction in the front yard setback along 5th Avenue to five (5) feet. DCD shall apply for such relief within 90 days of this Conditional Use Approval.



LEGEND

---	CENTERLINE
---	TRACT BOUNDARY
---	PROPERTY LINE
---	LEGAL R.O.W. - EASEMENTS
---	REQUIRED R.O.W.
---	EXISTING CONTOUR
---	EXISTING WATER LINE
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---	EXISTING ELECTRIC LINE
---	EXISTING STORM SEWER/INLET
○	EXISTING MANHOLE
---	EXISTING CUBLINE
---	UTILITY POLE
○	EXISTING VALVE, VENT. CO.
---	FEMA 100 YEAR FLOODPLAIN BOUNDARY LINE
---	FEMA 500 YEAR FLOODPLAIN BOUNDARY LINE
(TBR)	TO BE REMOVED

STEEP SLOPE LEGEND

---	STEEP SLOPES - 15% OR GREATER
-----	-------------------------------

SOILS TYPE LEGEND

THE ENTIRE SITE IS COMPRISED OF THE FOLLOWING SOIL TYPE:

UgB URBAN LAND. 0%-8% SLOPES

FLOODPLAIN REFERENCE

THE SITE IS LOCATED IN ZONE 'X'. AREAS BOTH WITHIN AND OUTSIDE THE 500 YEAR FLOODPLAIN, AS INDICATED ON FLOOD INSURANCE RATE MAP NO. 42051C03986, HAVING A MAP REVISED DATE OF MARCH 02, 2016.

+ 73.92' FIELD-SURVEYED SPOT ELEVATION

05-18-21	ADD EXISTING FIRE HYDRANT TO PLAN
05-06-21	ADD FIELD-SURVEYED SPOT ELEVATIONS & REVISE 74 CONTOUR
12-29-20	ADD STORM SEWERS & TEXAS EASTERN GAS PIPELINES
DATE	REVISIONS

GRAPHIC SCALE 1" = 20'

0 20 40 60

UNDERGROUND UTILITIES
 PA. ACT 187 OF 1996-ONE CALL NOTIFICATION (1-800-242-1776)
 DATE: 09-08-2020 SERIAL NO.: 20200251532 (PLUMBING TWO)
 20200251533 (CONSHOHOCKEN BORO)

ALL LOCATIONS OF EXISTING UTILITIES SHOWN ON THE PLAN HAVE BEEN DEVELOPED FROM EXISTING UTILITY CO. RECORDS AND/OR ABOVE GROUND EXAMINATION OF THE SITE. THE ENGINEER HAS CONDUCTED VISUAL INSPECTION AND SURVEY OF ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR DETERMINING THE EXISTENCE OF UTILITIES AND FOR NOTIFYING THE UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS PRIOR TO THE START OF CONSTRUCTION TO VERIFY LOCATION AND DEPTH OF SAME.

PROJECT TITLE :
DRYDEN COURT
 450 COLWELL LANE
 CONSHOHOCKEN BOROUGH - MONTGOMERY COUNTY - PENNSYLVANIA

DRAWING TITLE :
EXISTING FEATURES PLAN

PREPARED BY :
JOSEPH M. ESTOCK
 Consulting Engineers & Land Surveyors

355 South Henderson Road
 King of Prussia, PA 19406-2407
 (610) 265-3035 - Fax (610) 962-9855
 joe@josephmestock.com

SCALE: 1" = 20'
 DATE: 22 DECEMBER 2020
 FILE NO.: 20033
 FIELD BOOK: 337
 SHT. NO.: 2 of 3

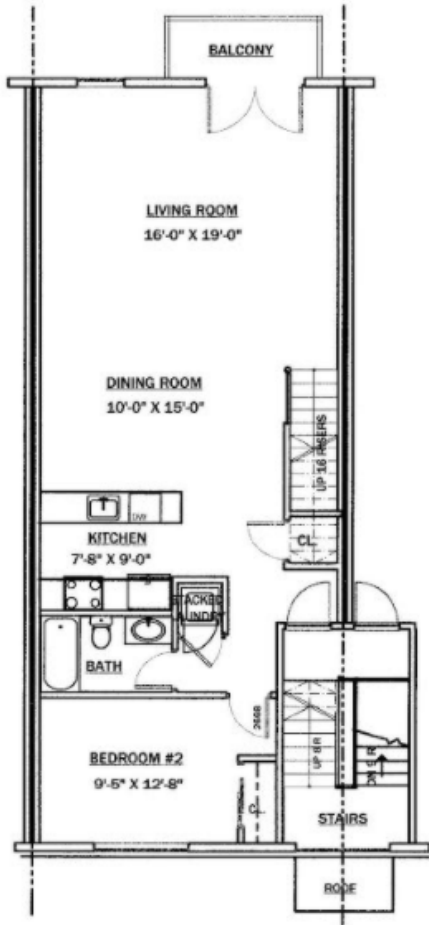
DRYDEN COURT CONDOS (Conceptual Streetscape View)

Note: Concept plans Only - Actual grade will differ from image. Front entrance may be changed as well. Floor layout dimensions may change.



DRYDEN COURT CONDOS

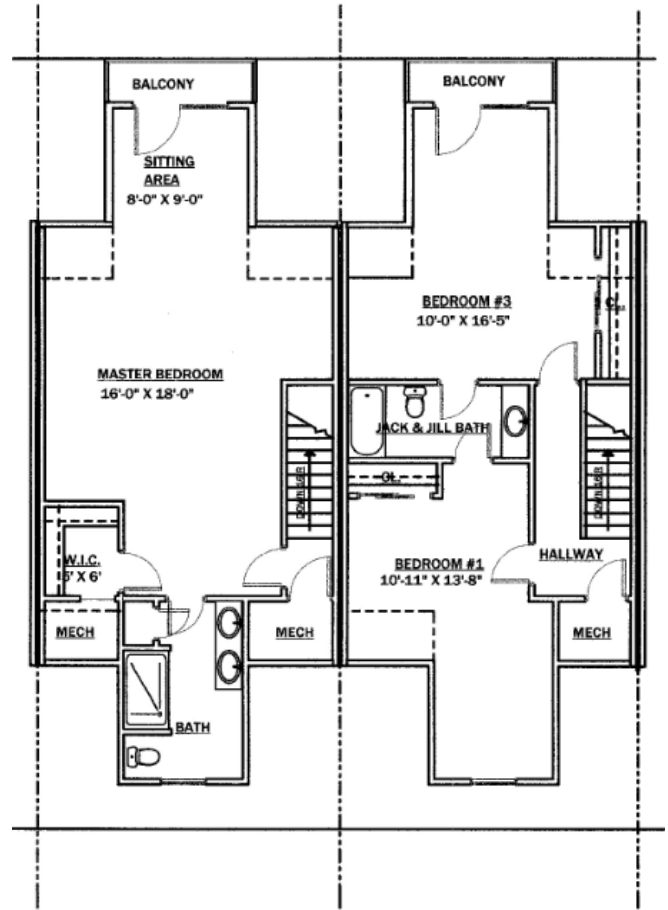
UPPER UNIT (FIRST FLOOR)



AVA MODEL STARDARD MAIN FLOOR

DRYDEN COURT CONDOS

UPPER UNIT (SECOND FLOOR)

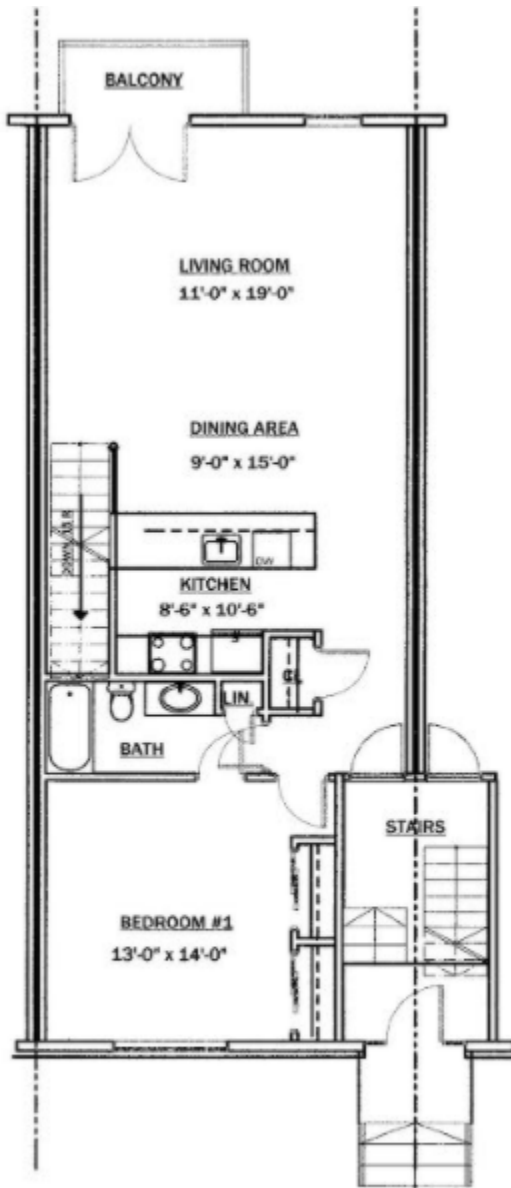


AVA MODEL STANDARD LOFT

AVA MODEL 2 BEDROOM LOFT

DRYDEN COURT CONDOS

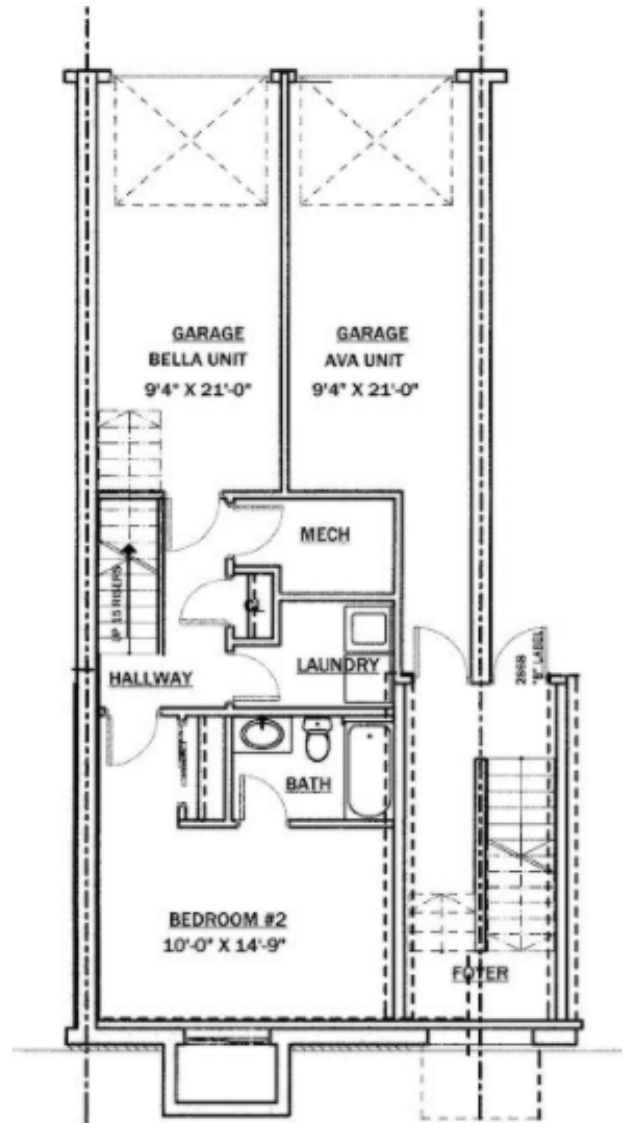
LOWER UNIT (FIRST FLOOR)



BELLA MODEL STANDARD MAIN FLOOR

DRYDEN COURT CONDOS

LOWER UNIT (SECOND FLOOR)



BELLA MODEL STANDARD GROUND FLOOR