



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

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Stephanie Cecco, Borough Manager

ZONING NOTICE SEPTEMBER 26th, 2022, ZONING HEARING BOARD MEETING

ZONING HEARING Z-2022-18

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on September 26th, 2022, at 7:00 p.m. prevailing time. The meeting will be held at Borough Hall, located at 400 Fayette Street, Conshohocken, PA 19428.

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

PETITIONER: Ellen Smith
306 E. 5th Ave., Conshohocken, PA 19428

PREMISES INVOLVED: 300 E. 5th Ave., Conshohocken, PA 19428
Borough Residential 1 Zoning District

OWNER OF RECORD: Conshohocken Veterans Association
300 E. 5th Ave., Conshohocken, PA 19428

The petitioner is appealing the decision of the Zoning Officer that a retaining wall can be installed within the parking lot buffer strip as required per Section 27-2007.F of the Borough Zoning Ordinance.

Interested parties are invited to participate in the hearing. Anyone requiring special accommodations to attend should contact the Conshohocken Borough Administration Office at 610-828-1092 or zoning@conshohockenpa.gov as soon as possible for arrangements.

If you have questions regarding the above prior to the meeting, please contact the Borough at zoning@conshohockenpa.gov.

Thank you,
Zoning Hearing Board



Michael P. Malloy, Jr.
Direct Dial: 610-234-4875
Cell: 610-554-6604
E-mail: mike.malloy@obermayer.com

1001 Conshohocken State Road, Suite 1-625
West Conshohocken, PA 19428
P 610-825-3634
F 610-825-4549
www.obermayer.com

August 1, 2022

Stephanie Cecco
Borough Manager
Borough of Conshohocken
400 Fayette Street, Suite 200
Conshohocken, PA 19428

Re: Appeal of Determination of Zoning Officer

Dear Ms. Cecco:

We represent Ellen Smith, the owner of the property located at 306 E. Fifth Avenue, next door to the above referenced property, which is owned by the Conshohocken Veterans Association ("Veterans").

Enclosed are five (5) copies of Mrs. Smith's appeal of the determination of the zoning officer and addendum thereto, and a check in the amount of \$250 made payable to the Borough, representing payment of the application fee.

We note that a building permit for a retaining wall proposed to be situated between the Veteran's property and Mrs. Smith's property is pending and under review by the Borough. It is our position that no permit should be issued, until Mrs. Smith's appeal is resolved.

Kindly provide me with **advance written notice** of any meeting or hearing during which the Borough will consider this application or the permit application for the construction of the retaining wall.

Please feel free to call me should you have any questions.

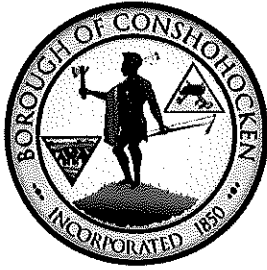
Thank you.

Very truly yours,

Mike

Michael P. Malloy

cc: Michael E. Peters, Esquire (*via* email only)



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

Zoning Application

Application: 2-2022-18
Date Submitted: 8-1-22
Date Received: 8-12-22

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:

27-2007.F

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

300 E. 5th Avenue, Conshohocken, PA 19428

4. Applicant's Name: Ellen Smith

Address: 306 E. 5th Avenue, Conshohocken, PA 19428

Phone Number (daytime): 610-234-4875 (Attorney)

E-mail Address: michael.malloy@obermayer.com (Attorney)

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

6. Property Owner: Conshohocken Veterans Association

Address: 300 E. 5th Avenue, Conshohocken, PA 19428

Phone Number: Unknown

E-mail Address: Unknown

7. Lot Dimensions: Approx 60' x 140' Zoning District: BR-1

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.

Assessment records list the property as a club or fraternal organization, with mixed residential/commercial use. Apparent improvements include a 3,849 SF building and 5000 SF asphalt parking lot

10. Please describe the proposed use of the property.

Property owner proposes to construct a retaining wall within 1.5 feet of the property boundary with Applicant's property at 306 E. 5th Street

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

See Property Owner's zoning permit application and sketch plans submitted to the Borough, which have been obtained by Applicant via Right-to-Know Request

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

Please see Section 14 below and the attached addendum

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).

Please see attached addendum

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

Please see attached addendum

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: Michael Malloy, Esq.

b. Address: 1001 Conshohocken State Road, Suite 1-625, West Conshohocken, PA 19428

c. Phone Number: 610-234-4875

d. E-mail Address: michael.malloy@obermayer.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.

Edmund Surt
Applicant

Edmund Surt
Legal Owner

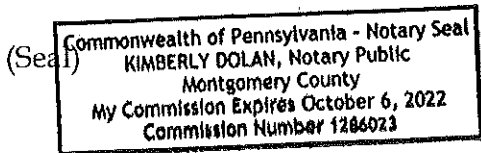
8/1/22
Date

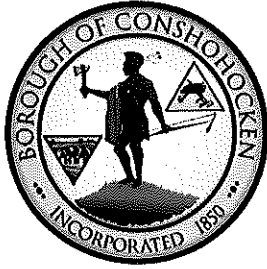
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 1st day of August, 2022.

Kimberly Dolan
Notary Public





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: _____

Conshohocken Borough Zoning Hearing Board
Ellen Smith
Appeal of Zoning Officer Determination re: 300 E. 5th Avenue

Applicant, Ellen Smith (“Landowner”), is the legal owner of the property located at 306 E. 5th Avenue in Conshohocken Borough (“Smith Property”).

The Smith Property is located directly adjacent to a parcel of property owned by Conshohocken Veterans Association (“Property Owner”), identified as 300 E. 5th Avenue and Tax Parcel No. 03472-006 (the “Property”). The Property is situated in the BR-1 Borough Residential 1 Zoning District pursuant to the Conshohocken Borough Zoning Map.

On June 8, 2022, the Property Owner applied for a Zoning Permit in order to construct a retaining wall on the Property. While no scaled plot plan of the property or the proposed retaining wall has been submitted, subsequent documents and communications confirm that the proposed retaining wall would be located within 1.5 feet of the property boundary line between the Property and the Smith Property.

Under the Conshohocken Borough Zoning Ordinance, a minimum side yard setback of 5 feet is required in the BR-1 Zoning District. “Yard” is defined as “[t]he area(s) of a lot which must remain free of buildings *or other structures*.” A “structure” is defined as “[a]ny man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the ground.”

Further, § 27-2007.F of the Ordinance provides, in pertinent part:

Unless specified in an individual district, a buffer strip 10 feet in width shall be provided along each property line abutting a residential property or a public right-of-way. The buffer shall be designed according to the following standards:

- (1) Where a parking area adjoins a residential property, a dense, continuous, evergreen screen at least six feet in height shall be provided. In lieu of a planted buffer, a six feet high decorative opaque fence may be substituted.

Neither this section nor any other language in the Zoning Ordinance permits a retaining wall to be located within the required 10-foot buffer strip. It is clear under the plain language of the Zoning Ordinance that a wall is a structure and is thus not permitted to be located within the required 5-foot side yard setback or 10-foot buffer strip.

In communications with the Property Owner, the Zoning Officer indicated his determination that "a retaining wall is permitted to run along the property line per 27-809." The Borough Solicitor, in correspondence with counsel for the Landowner, confirmed that the Zoning Officer made a interpretation that a retaining wall is permitted in the buffer area under the Ordinance.

Landowner hereby appeals the Zoning Officer's interpretation. Landowner requests that this Zoning Hearing Board overrule the Zoning Officer's interpretation, and decide that no retaining wall is permitted within the 5-foot side yard setback or the 10-foot buffer strip required between the Property and the Smith Property, as required under the clear, plain text of the Ordinance.



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

BOROUGH COUNCIL

Colleen Leonard, President
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Stacy Ellam, Member
Kathleen Kingsley, Member
Adrian Serna, Member
Karen Tutino, Member

Yaniv Aronson, Mayor

Stephanie Cecco, Borough Manager

Date: September 21, 2022
To: Stephanie Cecco, Brittany Rogers
From: Eric P. Johnson, PE
Re: 300 E. 5th Avenue – Zoning Determination

History of the Site:

300 E. 5th Ave is the Veterans of Foreign Wars Post (Conshohocken Veterans Association) located at the corner of E. 5th Ave and Wells St. The property is developed with the VFW building on the corner and a parking lot to the rear of the building. The property is an existing non-conforming use in the BR-1 zoning district.

At some point in the past, several evergreen bushes were removed along the southeastern side of the VFW parking lot. The bushes provided the required visual buffer between the parking lot and the abutting residential property. Therefore, the removal constitutes a zoning violation. On October 27, 2021, a zoning violation letter was sent to the VFW outlining the requirement that the buffer be established in accordance with the Zoning Code Standards. The zoning violation also required the VFW to come into compliance with the refuse enclosure standards of the Zoning Code. Within the timeframe allotted by the zoning violation letter, the VFW contacted the Borough with confirmation that permits would be submitted for the reestablishment of the buffer and refuse facility; and that construction would take place in the spring.

As of May 31, 2022, no permit application was received by the Borough and a second violation letter was issued. Within the timeframe allotted by the second zoning violation letter, a zoning permit application was filed with the Borough on June 8, 2022. The permit application indicates the installation of a refuse collection facility, retaining wall, and 6-foot-high opaque fence. During the course of the permit review, it was identified that additional information was required to supplement the application and confirm compliance of the plan with the zoning code. The VFW submitted revised plans as requested during the permit review process. To date, no permit has been issued to the VFW for the refuse collection facility, retaining wall, or fencing.

Per the plans submitted with the VFW Zoning Permit application, the proposed retaining wall would run parallel to the southeastern property line, offset 1.5 feet from the property line, with a height not to exceed 48-inches.

306 E. 5th Ave is a single-family detach residential property which shares a common property line with the VFW.

Current Request:

The petitioner, Ellen Smith, who resides at 306 E. 5th Ave has filed an appeal of decision of the zoning officer related to the permitted placement of a retaining wall. Specifically, the applicant is challenging that a retaining wall can be installed within the parking lot buffer strip as required per Section 27-2007.F of the Borough Zoning Ordinance.

Zoning Determination:

Per Zoning Code Section 27-2007.F, a buffer strip 10 feet in width shall be provided between parking lots and each property line abutting a residential property. The buffer shall be designed according to the following standards: where a parking area adjoins a residential property, a dense, continuous, evergreen screen at least six feet in height shall be provided. In lieu of a planted buffer, a six feet high decorative opaque fence may be substituted. The use of native plant materials and naturalistic design is encouraged. Section 27-2007.F regulates the width of a parking lot buffer strip and requires the installation of vegetative screening or an opaque fence to a height of 6-feet to provide a visual screen between the parking lot and a residential property but does not place limits on the construction of a retaining wall within the buffer.

Per Zoning Code Section 27-809, retaining walls shall not exceed six feet unless authorized by the Zoning Hearing Board as a special exception; all walls and fences shall be outside of the legal right-of-way; and all walls and fences running along a rear or side lot line shall be setback at least two feet from the cart way of an alley, where applicable. Section 27-809 makes specific references to the placement of walls and fences running along a side property line and only requires a setback from the property line if an alley cartway is present; and is therefore not applicable to the proposed VFW retaining wall along the southeastern property line.

As referenced by the applicant, Zoning Code Section 27-1005.E requires a minimum side yard setback of 5 feet for permitted uses in the BR-1 zoning district; and that the definition of yard states it is the area of a lot which must remain free of buildings or other structures. The definition of yard also defines a yard as measured at right angles from the lot line to the nearest building wall; and a retaining wall does not meet the definition of a building. Additionally, the Zoning Code establishes specific setback standards for accessory structures, fences, and retaining walls. As outlined above, the specific setback standards for retaining walls is 0 feet.

The Zoning Hearing Board should also take note that according to the Montgomery County Property Records, the owner of record for 306 E. 5th Ave is Adam Smith; however the subject application has been filed by Ellen Smith as the property owner of 306 E. 5th Ave.



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 MAY 16th, 2022, ZONING HEARING BOARD MEETING

ZONING HEARING Z-2022-09

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on May 16th, 2022, at 7:00 p.m. prevailing time. The meeting will be held at Borough Hall, located at 400 Fayette Street, Conshohocken, PA 19428.

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

PETITIONER: Millennium Waterfront Associates II, LP

PREMISES INVOLVED: Parcel 05-00-11856-13-6
(Between 20 Ash St. and 225 Washington St.)
Conshohocken, PA 19428
Specially Planned District 2

OWNER OF RECORD: Millennium Waterfront Associates II, LP
201 King of Prussia Rd. – Suite 501
Radnor, PA 19087

The petitioner is seeking variances from and/or an appeal of a zoning decision from Section 27-1502 and Section 27-1511 of the Conshohocken Zoning Ordinance related to the proposal to develop the subject property with a residential use.

Interested parties are invited to participate in the hearing. Anyone requiring special accommodations to attend should contact the Conshohocken Borough Administration Office at 610-828-1092 or zoning@conshohockenpa.gov as soon as possible for arrangements.

If you have questions regarding the above prior to the meeting, please contact the Borough at zoning@conshohockenpa.gov.

Thank you,
Zoning Hearing Board

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

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

April 7, 2022

Ms. Brittany Rogers
Executive Assistance to the Borough Manager
Conshohocken Borough
400 Fayette Street, Suite 200
Conshohocken, PA 19428

**RE: Millennium Unit I – Apartments
Zoning Appeal and Variance Application
Borough of Conshohocken, Montgomery County**

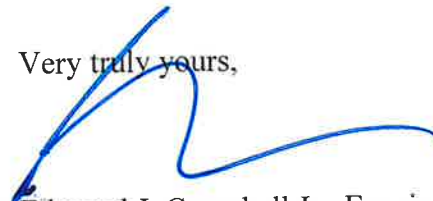
Dear Ms. Rogers,

On behalf of the property owner, Millennium Waterfront Associates II LP, please accept the enclosed application and supporting documentation for the proposed land development appeal and variance of the property located at tax parcel 05-00-11856-13-6. The documents included in this submission are as follows:

1. Three (3) copies and one (1) digital copy of the Zoning Application Form.
2. Three (3) copies and one (1) digital copy of the original Application.
3. Three (3) copies and one (1) digital copy of the Denial Letter.
4. Three (3) copies and one (1) digital copy of the Montgomery County Property Records.
5. Three (3) copies and one (1) digital copy of the Deed from the record owner.
6. A check in the amount of \$500.00 payable to the Borough of Conshohocken to cover the application fee.
7. A check in the amount of \$1,500.00 payable to the Borough of Conshohocken to cover the escrow deposit.

Thank you in advance for your time and consideration of this request.

Very truly yours,



Edmund J. Campbell Jr. Esquire

/EJC
Enclosures

{00410545;1}



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:

Section 27-1502 and Section 27-1511

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

Property located between 20 Ash St. & 225 Washington St. (Washington St. Condo I (parcel #: 05-00-11856-13-6)

4. Applicant's Name: Millennium Waterfront Associates II LP

Address: 201 King of Prussia Road, Suite 501, Radnor, PA 19087

Phone Number (daytime): (610) 293-6111

E-mail Address: c/o ecampbell@campbellroccolaw.com

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

6. Property Owner: Millennium Waterfront Associates II LP

Address: 201 King of Prussia Road, Suite 501, Radnor, PA 19087

Phone Number: (610) 293-6111

E-mail Address: c/o ecampbell@campbellroccolaw.com

7. Lot Dimensions: see attached county records & attached application Zoning District: SP-2

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

Yes No If yes, please describe.

n/a

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 currently an undeveloped parking lot.

10. Please describe the proposed use of the property.

The applicant is proposing to construct a 79-unit residential building on the property located between 20 Ash Street and 225 Washington Street.

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

It is proposed to construct a 94,712 S.F. gross floor building consisting of four (4) stories of residential units above one level of surface parking. The enclosed Preliminary Land Development Plans depict the construction of a new multi-family building and associated improvements. Water and sewer service to the properties are proposed to be public. Existing access onto the subject property will be provided from an entrance off Washington Street.

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

We believe that the application previously submitted was incorrectly denied. In the alternative, we request a variance to permit the residential use.

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

a. The unique characteristics of the property: The property has a unique shape and is located in the flood plan.

b. How the Zoning Ordinance unreasonably restricts development of the property: Without relief the property cannot be developed.

c. How the proposal is consistent with the character of the surrounding neighborhood. The proposal is consistent with the development of other properties, including similar uses.

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 request for relief is the minimum required to develop the property.

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).

Section 27-1502 and Section 27-1511

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

We believe that residential use is permitted in the SP-2 district.

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.
Not Applicable.

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: Edmund J. Campbell, Jr.

b. Address: 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406

c. Phone Number: (610) 992-5885

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.

[Signature]

Applicant

[Signature]

Legal Owner

4/6/2022

Date

COMMONWEALTH OF PENNSYLVANIA

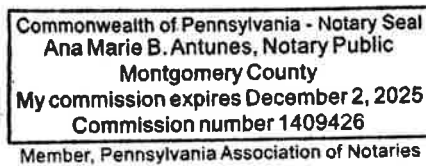
COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 6th day of April, 2022.

Ana Marie B. Antunes

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: _____



March 8, 2022

Ms. Brittany Rogers
Executive Assistant to the Borough Manager
Conshohocken Borough
400 Fayette Street
Conshohocken, PA 19428

**RE: Millennium Unit I - Apartments
Preliminary Land Development Plans
Borough of Conshohocken, Montgomery County**

Apex Job No. 21-036

Dear Ms. Rogers:

On behalf of the property owner, Millennium Waterfront Association LP, please accept the enclosed application and supporting documentation for the proposed land development of the property located at tax parcel No. 05-00-11856-13-6. The documents included in this submission are as follows:

1. Seven (7) copies and one (1) digital copy of the Preliminary Land Development Application Form.
2. Seven (7) copies and one (1) digital copy of the Act 247 – Montgomery County Referral Form
3. Seven (7) copies and one (1) digital copy of sewage facilities planning module form and Act 537 Sewage Facilities Planning Module.
4. Seven (7) paper and one (1) digital copy of the Preliminary Land Development Plans.
5. Seven (7) paper and one (1) digital copy of the Post Construction Stormwater Management Report.
6. Seven (7) paper copies and (1) digital copy of Deed or Certificate from record owner.
7. Seven (7) paper and one (1) digital copy of Existing Conditions Photograph Log.
8. Land Development Application Fee in the amount of \$1,000.00 (79 Units) payable to the Borough of Conshohocken.
9. Initial escrow deposit in the amount of \$5,000 payable to the Borough of Conshohocken.
10. Montgomery County review fee in the amount of \$2,109.00 (79 lots) payable to Montgomery County Treasurer.
11. One electronic copy of the submission materials

It is proposed to construct a 94,712 S.F. gross floor building consisting of four (4) stories of residential units above one level of surface parking. The enclosed Preliminary Land Development Plans depict the construction of a new multi-family building and associated improvements. Water and sewer service to the properties are proposed to be public. Existing access onto the subject property will be provided from an entrance off Washington Street.

Should you have any questions or require any additional information, please let me know. Please contact our office at 610-234-2406, or email at mbowker@apexdeg.com if there is anything else that I could do to help expedite the review process or application approval.

Sincerely,
Apex Design & Engineering Group

A handwritten signature in black ink, reading "Michael J. Bowker". The signature is written in a cursive style with a large, stylized initial "M".

Michael J. Bowker, P.E.
Principal Engineer

MJB
21036L01.docx.doc

BOROUGH OF CONSHOHOCKEN
MONTGOMERY COUNTY, PENNSYLVANIA

ESCROW AGREEMENT
FOR PROFESSIONAL REVIEW FEES

PRE-SUBMISSION MEETING

The undersigned hereby agrees to post an escrow to cover the costs of the review of subdivision and land development applications by the Borough Planner, Engineer, and Solicitor. The amount of said escrow shall be according to the attached "Schedule of Fees" and shall be posted at the time of initial submission of an application to the Borough. Said fees shall be placed in an escrow account and any balance remaining shall be returned to the applicant subsequent to the receipt of final approval.

The applicant is advised that the "Schedule of Fees" represents only an estimate of the costs associated with plan review. The completeness and quality of the submission, the complexity of the project, the number of revisions and other factors may cause costs to exceed the established escrow amounts. If during the course of a subdivision/land development review an escrow amount falls to 10% of the original escrow amount or \$250, whichever is greater, the Borough may require the posting of additional escrow.

NOTE: NO FINAL APPROVALS, CONSTRUCTION, BUILDING OR OCCUPANCY PERMITS SHALL BE ISSUED UNTIL ALL OUTSTANDING PROFESSIONAL REVIEW FEES HAVE BEEN SATISFIED.

Signed *Ronald O'Connor* Date: *3/7/22*
Applicant

BOROUGH OF CONSHOHOCKEN
MONTGOMERY COUNTY, PENNSYLVANIA

APPLICATION FOR SUBDIVISION/ LAND DEVELOPMENT

To be completed by the Borough:

Submission Information:	
File Number : _____	File Date: _____
Project Title: _____	Date Complete: _____
Received By: _____	90 Day Date: _____

REQUIRED MATERIALS FOR ALL LAND DEVELOPMENT/SUBDIVISION APPLICATIONS

1. This form **MUST** be completed and submitted with the Borough's Land Development/Subdivision application.
2. A Land Development/Subdivision Application **MUST** include all of the items listed in the application checklist to be considered complete.

Incomplete applications will **NOT** be placed on a Planning Commission agenda. Incomplete applications will be returned to the applicant.
3. Complete applications must be received at least 38 DAYS (see schedule) prior to the Planning Commission meeting at which it will be heard.
4. **It is highly encouraged to submit applications in a digital format.**
One (1) digital copy plus seven (7) paper copies of the complete application are required if submitting digitally, or fifteen (15) paper copies of the complete application are required.

Applicant Information:

Name: Millennium Waterfront Association, LP
Address: 201 King of Prussia Road, Suite 501
Radnor, PA 19087
Phone: 610-389-2696
Fax: _____
E-Mail*: _____

Property Owner Information (if different):

Name: _____
Address: _____
Phone: _____
Fax: _____
E-Mail*: _____

Architect/Planner: TBD
Address: _____
E-mail*: _____ Phone/Fax: _____

Engineer/Surveyor: Apex Design + Engineering Group
Address: 1000 Conshohocken Road, Suite 202, Conshohocken, PA 19428
E-mail*: mbowker@apexdeg.com Phone/Fax: 610-234-2406

Landscape Architect: TBD
Address: _____
E-mail*: _____ Phone/Fax: _____

Attorney: _____
Address: _____
E-mail*: _____ Phone/Fax: _____

*All correspondence regarding this application from the Planning Commission and staff will be made via e-mail. All persons involved with this application should provide their e-mail addresses so that information including, but not limited to, meeting dates and plan reviews replaces revisions here, is distributed appropriately.

Application For: (See Section 22-305.A or the bottom of page 10 of the application packet for clarification)

- Minor Land Development
- Preliminary Major Land Development
- Final Major Land Development

- Minor Subdivision
- Preliminary Major Subdivision
- Final Major Subdivision

Project Information: Current parking lot situated between 20 Ash Street & 225 Washington Street
 Location (Street Address): in the Borough of Conshohocken

Tax Assessment Parcel No. 05-00-11856-13-6 County Deed Book No. 5962 Page No. 01783

Description of Proposed Work: Land development project of 1.15 +/- acres out of 16.8 +/- acre condominium site. Improvements consist of a 94,712 +/- S.F. gross floor area building consisting of 4-stories of 79 residential units above one level of surface parking with associated site and utility improvements.

Total Tract Acreage: 1.15 Project Acreage 0.23

Zoning District SP-2 Existing Number of Lots: 1 Proposed Number of Lots: 1

Proposed Land Use: Single-Family Detached Single-Family Semi-Detached Multi-Family
 Single-Family Attached Commercial Office Industrial

Other (Describe): _____

Existing Sewer Flows: 0 Gal./day Proposed Sewer Flows: 20,738 Gal./day

Check List - Plans:

The applicant must provide all of the following plans for an application to be considered complete. Section 22, Part 3 of the SALDO outlines plan submission requirements and the criteria that must be met in order for submissions to be deemed complete. These requirements are listed on information sheets provided at the end of this application package. If the required plans listed below do not have sufficient information to allow for staff reviews, the application may be considered incomplete and returned, requesting additional information.

- Record Plan
- Existing Features Site Plan
- Grading Plan
- Erosion and Sediment Control Plan
- Lighting Plan_Major
- Circulation Plan_Major
- Stormwater Calculations
- Landscape Plan Waiver Requested (sealed by a Landscape Architect)
- Demolition Plan
- 5 Detail Sheets
- N/A Traffic Study (if applicable)
- N/A Post Construction Stormwater Management Plan
- Utility Plan

Check List - Proof of ownership and zoning relief:

- Proof of equitable ownership or interest in the property - copy of the deed to the subject property
- Copy of adjudication of Zoning Hearing Board related to the application

Check List - Color Photographs of Site and Existing Conditions:

- Streetscape in all directions, showing subject property in each
- Façade and secondary elevations of existing building(s) on site
- Sidewalk and curb conditions
- Street trees
- N/A Alley conditions, if present

Check List - Building Elevations:

- N/A Architectural drawings and renderings of proposed building(s)

Check List - Setback of Proposed Building(s):

- Established building line for the block on which the property is located (eg: scale off an aerial) (In plan, show setbacks of all existing buildings on same side of the street as project for entire block.)

List of Requested Waivers:

Section/Requirement:

1. § 22-421.1

Relief Requested:

REQUEST RELIEF FROM A LANDSCAPE
 PLAN TO BE PREPARED BY A
 REGISTERED LANDSCAPE ARCHITECT
 AND ALLOW A PROFESSIONAL
 ENGINEER SIGNATURE AND SEAL FOR
 LANDSCAPE AND LIGHTING PLANS.

Have you met with the Zoning Officer regarding this plan? Yes No
 Are there known variances/any zoning relief necessary for this project? Yes No
 If YES, have you submitted an application for the Zoning Hearing Board? Yes No
 Has this plan been reviewed by the Zoning Hearing Board? Yes No

*Please be advised that if any variances are found to be necessary during the course of the review of this plan, you will be required to go to the Zoning Hearing Board prior to proceeding to the Planning Commission. In addition, you will be requested to grant the Borough a waiver to the 90-day action period or on immediate denial of this application will be made, and you will be required to resubmit the application.

The undersigned represents that to the best of his/her knowledge and belief, all the above statements are true, correct and complete.

Richard O'Connor
 Signature of Applicant
3/7/22
 Date

 Signature of Property Owner (if not the same as applicant)

 Date

ALL MAJOR subdivision/land use applications require a pre-submission meeting to discuss the project prior to full application submittal.

MINOR subdivision/land use applications may request a pre-submission meeting; if one is desired.

Meetings are held the second and fourth Tuesday of each month beginning at 1:30pm at the Borough Administrative Offices.

Applicants assume responsibility of any fees associated with this meeting.

 Applicant signature date

To schedule a pre-submission meeting, please contact the office of the Borough Manager
 ph: 610.828.1092
 e: landuse@conshohockenpa.gov

Borough Use Only:

<input type="checkbox"/> Filing Fee	Amount \$	_____	Check No.	_____
<input type="checkbox"/> Pre-Construction Professional Services Escrow	Amount \$	_____	Check No.	_____

Decision Information:

Approval _____ Denial _____ Decision Date: _____

Comments/Conditions:

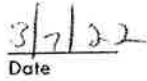
BOROUGH OF CONSHOHOCKEN
MONTGOMERY COUNTY, PENNSYLVANIA

Planning Process Extension Agreement

The Pennsylvania Municipality Planning Code (MPC) and the Conshohocken Borough Subdivision and Land Development Ordinance state that action must be taken by the Borough within ninety (90) days after a complete application is filed with the Borough. In the Borough, larger and complicated projects have historically required additional time in order to complete a thorough review before being considered for approval. As such, an applicant may voluntarily waive the timing requirement at any time, but is encouraged to submit this waiver with the completed application.

I, the applicant, hereby voluntarily waive the timing requirement as set forth in the MPC (Section 509) and the Conshohocken Borough Subdivision and Land Development Ordinance (Section 22-308).


Applicant signature


Date

Received by (Borough)

Date

BOROUGH OF CONSHOHOCKEN
MONTGOMERY COUNTY, PENNSYLVANIA

ESCROW AGREEMENT
FOR PROFESSIONAL REVIEW FEES

SUBDIVISION/LAND DEVELOPMENT APPLICATIONS

The undersigned hereby agrees to post an escrow to cover the costs of the review of subdivision and land development applications by the Borough Planner, Engineer, and Solicitor. The amount of said escrow shall be according to the attached "Schedule of Fees" and shall be posted at the time of initial submission of an application to the Borough. Said fees shall be placed in an escrow account and any balance remaining shall be returned to the applicant subsequent to the receipt of final approval.

The applicant is advised that the "Schedule of Fees" represents only an estimate of the costs associated with plan review. The completeness and quality of the submission, the complexity of the project, the number of revisions and other factors may cause costs to exceed the established escrow amounts. If during the course of a subdivision/land development review an escrow amount falls to 10% of the original escrow amount or \$250, whichever is greater, the Borough may require the posting of additional escrow.

NOTE: NO FINAL APPROVALS, CONSTRUCTION, BUILDING OR OCCUPANCY PERMITS SHALL BE ISSUED UNTIL ALL OUTSTANDING PROFESSIONAL REVIEW FEES HAVE BEEN SATISFIED.

Signed *Herald O'Conor* Date: *3/7/22*
Applicant

Applicant Request for County Review



This request should be filled out by the applicant and submitted to the municipality where the application is being filed along with digital copies of all plan sets/information. Municipal staff will electronically file the application with the county, and a notice for the prompt payment of any fees will be emailed to the Applicant's Representative.

Date:	3/7/2022	Applicant's Representative:	Apex Engineering + Design Group
Municipality:	Borough of Conshohocken	Address:	1000 Conshohocken Road, Suite 202
Proposal Name:	Millennium Unit I - Apartments	City/State/Zip:	Conshohocken, PA 19428
Applicant Name:	Millennium Waterfront Association, LP	Business Phone (required):	610-234-2406
Address:	201 King of Prussia Road, Suite 501	Business Email (required):	mbowker@apexdeg.com
City/State/Zip:	Radnor, PA 19087		
Phone:	610-389-2696		
Email:			

Type of Review Requested:

(Check All Appropriate Boxes)

- Land Development Plan
- Subdivision Plan
- Residential Lot Line Change
- Nonresidential Lot Line Change
- Zoning Ordinance Amendment
- Zoning Map Amendment
- Subdivision Ordinance Amendment
- Curative Amendment
- Comprehensive / Other Plan
- Special Review*

Conditional Use

**(Not included in any other category - includes parking lot or structures that are not associated with new building square footage)*

Type of Plan: Type of Submission:

- | | |
|-----------------------|--|
| Tentative (Sketch) | <input checked="" type="checkbox"/> New Proposal |
| X Preliminary / Final | <input type="checkbox"/> Resubmission* |

** A proposal is NOT a resubmission if A) The proposed land use changes, or B) The amount of residential units or square footage proposed changes more than 10%, or C) The previous submission was over 5 years ago.*

Zoning:

Existing District: SP-2
 Special Exception Granted Yes No
 Variance Granted Yes No For

Plan Information:

Tax Parcel Number(s) 05-00-11856-13-6
 Current parking lot situated between 20 Ash Street & 225 Washington Street
 Location in the Borough of Conshohocken
 Nearest Cross Street Ash Street
 Total Tract Area 1.15 +/- Acres
 Total Tract Area Impacted By Development 1.15 +/- Acres

(If the development is a building expansion, or additional building on existing development, or only impacts a portion of the tract, please provide a rough estimate of the land impacted, including associated yards, drives, and facilities.)

Land Use(s)	Number of New		Senior Housing		Open Space Acres*	Nonresidential New Square Feet
	Lots	Units	Yes	No		
Single-Family						
Townhouses/Twins						
Apartments		79		N		
Commercial						
Industrial						
Office						
Institutional						
Other						

**Only indicate Open Space if it will be on a separate lot or deed restricted with an easement shown on the plan.*

Additional Information:

BOROUGH OF CONSHOHOCKEN
MONTGOMERY COUNTY, PENNSYLVANIA

ALL PLANS SHOULD CONFORM TO THE FOLLOWING:

[Section 22-304.A]

1. Plan is clearly and legibly drawn.
2. Plan scale does not exceed one (1) inch equals fifty (50) feet (sites >5 Acres may be drawn 1:100).
3. Dimensions are in feet and decimals and bearings in degrees, minutes and seconds.
4. Sheet size shall be 15" x 18", 18" x 30", 24" x 36" or 30"x42".
5. A key map has been provided when there are two or more sheets.

[Section 22-304.B]

6. Name and address of the subdivider or developer and the registered engineer or surveyor.
7. Subdivision/development name, location in terms of significant bounding roads, and name of municipality.
8. The date of preparation (or revision) of the plan, scale and north point.
9. Entire tract boundary with bearings and distances and a statement of the tract size.
10. Layout and dimensions of all lots and the net lot area of each parcel.
11. Floor Area and/or gross leasable area of each existing/proposed building, as applicable.
12. A key map relating the subdivision to at least three (3) intersecting streets.
13. A legend sufficient to indicate clearly between existing and proposed conditions.
14. A schedule of all zoning requirements and classifications.
15. A list of all requested/obtained variances, waivers or special exceptions.

[Section 22-410.5]

16. Narrative/description of the project
17. All bodies of water
18. All physical features
19. All underground utilities
20. Proposed change to land surface and vegetative cover
21. Areas to be cut and filled
22. Stormwater management controls and maintenance program during construction
23. Stormwater management controls and maintenance program after construction
24. Easements
25. Expected project schedule

Address the following to determine which application to submit:

[Section 22-305.A]

	Yes	No
1. There are less than three (3) lots.	<u>X</u>	—
2. There is only one residential building with less than five (5) dwelling units.	—	<u>X</u>
3. The property has not been part of a subdivision or land development submitted within the past three (3) years.	<u>X</u>	—
4. The property fronts on a physically improved street that is legally open to the public.	<u>X</u>	—
5. The project will not involve the construction of any new street or road, the extension of municipal facilities or the creation of any other public improvements.	<u>X</u>	—
6. The project will not require a variance(s) from the Borough Zoning Ordinance for no more than one of the proposed lots on which new construction will occur or may occur in the future.	<u>X</u>	—
7. The project is in general conformance with the Borough Master Plan and other plans.	<u>X</u>	—

If ALL responses were YES, please file a MINOR subdivision and/or land development application.
 If ANY response was NO, please file a MAJOR subdivision and/or land development application.



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Colleen Leonard, President
Tina Sokolowski, Vice-President
Anita Barton, Member
Stacy Ellam, Member
Kathleen Kingsley, Member
Adrian Serna, Member
Karen Tutino, Member

Stephanie Cecco
Borough Manager

March 21, 2022

VIA CERTIFIED AND REGULAR MAIL

Apex Design & Engineering Group
Michael Bowker, P.E.
1000 Conshohocken Road, Suite 202
Conshohocken, PA 19428

Millennium Waterfront Association, LP
201 King of Prussia Road, Suite 501
Radnor, PA 19087

RE: Millennium Unit 1 - Apartments
Preliminary Land Development Plans

Dear Mr. Bowker and Applicant,

Millennium Waterfront Association, LP submitted a land development application to the Borough of Conshohocken on March 8, 2022. The applicant is proposing to construct a 79-unit residential building on the property located between 20 Ash Street and 225 Washington Street.

Upon receipt, the application was reviewed administratively for accuracy and completeness. The application has been rejected on the basis that residential uses are not a permitted use in the SP-2 district in which this property is located. The section of the application relating to zoning was completed incorrectly. Because the application was administratively rejected for this threshold issue, the Borough reserves the right to identify additional deficiencies in the application materials, should the threshold issue be addressed through requisite zoning relief.

The Borough's plan processing requirements at Part 3 of the Borough's Subdivision and Land Development Ordinance require that zoning issues related to a proposed project must be addressed prior to submission of an application for subdivision/land development. This includes, specifically, the requirement that the applicant submit evidence that all zoning variances required have been granted (SALDO §22-308.H) and further specifically requires that all applications must comply with the zoning ordinance's use provisions "prior to submission for consideration" (SALDO §22-308.I).

Under the SALDO, including the above requirements, this use issue must be addressed before the application may be accepted. Please note that the Borough Solicitor contacted applicant's engineer with the above-issue via e-mail on March 16, 2022, and received no response.

Sincerely,



Brittany Rogers
Executive Assistant to the Borough Manager

Parcel

TaxMapID	05018 031
Parid	05-00-11856-13-6
Land Use Code	4345
Land Use Description	C - COMMERCIAL CONDO
Property Location	WASHINGTON ST CONDO I
Lot #	I
Lot Size	50185 SF
Front Feet	
Municipality	CONSHOHOCKEN
School District	COLONIAL
Utilities	ALL PUBLIC//

Owner

Name(s)	MILLENNIUM WATERFRONT ASSOCIATES II LP
Name(s)	
Mailing Address	201 KING OF PRUSSIA RD STE 501
Care Of	
Mailing Address	
Mailing Address	RADNOR PA 19087

Current Assessment

Appraised Value	Assessed Value	Restrict Code
61,230	61,230	

Estimated Taxes

County	240
Montco Community College	24
Municipality	276
School District	1,469
Total	2,009
Tax Lien	Tax Claim Bureau Parcel Search

Last Sale

Sale Date	30-JUN-15
Sale Price	\$1
Tax Stamps	1089
Deed Book and Page	5962-01783
Grantor	WASHINGTON STREET ASSOCIATES VI LP
Grantee	MILLENNIUM WATERFRONT ASSOCIATES II LP
Date Recorded	21-JUL-15

Sales History

Sale Date	Sale Price	Tax Stamps	Deed Book and Page	Grantor	Grantee	Date Recorded
06-30-2015	\$1	1089	5962-01783	WASHINGTON STREET ASSOCIATES VI LP	MILLENNIUM WATERFRONT ASSOCIATES II LP	07-21-2015
09-28-2007	\$1	1206	5668-01146	WASHINGTON STREET ASSOCIATES IV LP	WASHINGTON STREET ASSOCIATES VI LP	10-12-2007

Lot Information

Lot Size 50185 SF
Lot # I
Remarks
Remarks
Remarks

Commercial Parcel Summary

No. of Cards 1
Land Use Code 4345
Gross Building Area (Total of all Cards)
Total Living Units

Assessment History

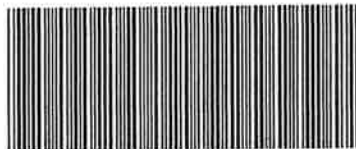
Appraised Value	Assessed Value	Restrict Code	Effective Date	Reason	Notice Date
61,230	61,230		01-MAY-07	SUBDIVISION	05-OCT-07



**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 5962 PG 01783 to 01790.1
INSTRUMENT # : 2015053693
RECORDED DATE: 07/21/2015 10:22:35 AM



3223325-0007K

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Page 1 of 9

Document Type: Deed	Transaction #: 3232522 - 2 Doc(s)
Document Date: 06/30/2015	Document Page Count: 7
Reference Info:	Operator Id: dawhitner
RETURN TO: (Mail) LAND SERVICES USA, INC 1835 MARKET ST SUITE 420 PHILADELPHIA, PA 19103	PAID BY: LAND SERVICES USA INC

*** PROPERTY DATA:**

Parcel ID #:	05-00-11856-00-1	05-00-11856-13-6
Address:	WASHINGTON ST	WASHINGTON ST
		CONDO I
	PA	PA
Municipality:	Conshohocken Borough (100%)	Conshohocken Borough (0%)
School District:	Colonial	Colonial

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT: \$1.00	DEED BK 5962 PG 01783 to 01790.1
TAXABLE AMOUNT: \$108,989.40	Recorded Date: 07/21/2015 10:22:35 AM
FEES / TAXES:	
Recording Fee:Deed	\$95.00
Affidavit Fee	\$1.50
Additional Pages Fee	\$6.00
Additional Parcels Fee	\$15.00
Affordable Housing Pages	\$12.00
Affordable Housing Parcels	\$1.00
State RTT	\$1,089.89
Conshohocken Borough RTT	\$544.94
Colonial School District RTT	\$544.95
Rejected Document Fee	\$10.00
Total:	\$2,320.28

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:

Campbell Rocco Law, LLC
2701 Renaissance Boulevard
Fourth Floor
King of Prussia, PA 19406
Attn: Joseph D. Rocco
(610) 205-1594

Return to:
Land Services USA, Inc.
1 South Church Street, Suite 300
West Chester, PA 19382

RECORDED OF DEEDS
MONTGOMERY COUNTY

2015 JUL -8 A 9:56

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
05-00-11856-00-1 CONSHOHOCKEN
WASHINGTON ST

WASHINGTON STREET ASSOCIATES II LP \$15.00
B 018 U 011 L 4346 DATE: 07/21/2015 JU

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
05-00-11856-13-6 CONSHOHOCKEN
WASHINGTON ST I

WASHINGTON STREET ASSOCIATES VI LP \$15.00
B 018 U 031 LI 4345 DATE: 07/21/2015 JU

Millennium, a Condominium, Borough of Conshohocken, Pennsylvania
Montgomery County Tax Parcel Numbers:

Tax ID / Parcel No. 05-00-11856-13-6 (UNIT I)
Tax ID / Parcel No. 05-00-11856-00-1 (COMMON ELEMENTS)

SPECIAL WARRANTY DEED

THIS INDENTURE is made this 30th day of June 2015, with an effective date of July 2, 2015, by and between **WASHINGTON STREET ASSOCIATES VI ASSOCIATES, L.P.**, a Pennsylvania limited partnership (hereinafter called the "Grantor"), of the one part, and **MILLENNIUM WATERFRONT ASSOCIATES, II L.P.**, a Pennsylvania limited partnership (hereinafter called the "Grantee"), of the other part,

WITNESSETH, that the said Grantor for and in consideration of the sum of ONE DOLLAR (\$1.00) 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 and its successors and assigns:

THAT CERTAIN UNIT, being Unit I (Parcel No. 05-00-11856-13-6) together with such Unit's proportionate undivided interest in the Common Elements (as defined in the Declaration) in the property known, named and identified as Millennium, a Condominium (the "Condominium"), located in the Borough of Conshohocken, County of Montgomery, Commonwealth of Pennsylvania, which has heretofore been submitted

2
4

to the provisions of the Uniform Condominium Act (68 PA C.S 3101 *et seq.*) by the recording in the Montgomery County Recorder of Deeds (the "Recording Office") of an Amended and Restated Declaration of Condominium of Millennium, a Condominium (the "Amended Declaration") dated April 2, 2007 and recorded April 11, 2007 in Deed Book 5642, page 1661, *et seq.*, as amended by that certain First Amendment to Amended and Restated Declaration of Condominium of Millennium, a Condominium (the "First Amendment") dated September 28, 2007 and recorded October 9, 2007 in the Recording Office in Deed Book 5667, page 2249, *et seq.*, that certain Second Amendment to Amended and Restated Declaration of Condominium of Millennium, a Condominium (the "Second Amendment") dated February 25, 2008 and recorded in the Recording Office in Deed Book 5691, page 2492, *et seq.* and that certain Third Amendment to Amended and Restated Declaration of Condominium of Millennium, a Condominium (the "Third Amendment") dated June 23, 2011 and recorded in the Recording Office in Deed Book 5805, Page 1514, *et seq.* (collectively, the "Declaration"), all as more particularly described as set forth on Exhibit A hereof:

BEING the same premises which Washington Street Associates IV, L.P., a Pennsylvania limited partnership conveyed unto Washington Street Associates VI, L.P., a Pennsylvania limited partnership, by Special Warranty Deed dated 9/28/2007 and recorded 10/12/2007 with the Recorder of Deeds, Montgomery County in Deed Book 5668 Page 01146 *et seq.*

PURSUANT to Section 304(m) of the Pennsylvania Land Recycling and Environmental Remediation Standards Act ("Act 2"), 35 P.S. § 6026.304(m), and to the extent applicable, Section 405 of the Pennsylvania Hazardous Sites Cleanup Act, 35 P.S. §§ 6018.405, notice is hereby provided that concentrations of lead, several individual polycyclic aromatic hydrocarbons ("PAHs") and volatile organic compounds ("VOCs") were detected in certain soil samples collected from the Site in concentrations above the Act 2 residential Statewide Health Standards ("SHSs"). One groundwater sample from an upgradient groundwater monitoring well detected concentrations of benzene and naphthalene above the residential SHSs for used aquifers, although exceedances for these constituents were not identified in downgradient wells at the Site. Notwithstanding the above-described constituents, the Site was determined to meet the Act 2 Special Industrial Area ("SIA") standard by the Pennsylvania Department of Environmental Protection ("DEP"). Additional information regarding the environmental conditions of the Site may be found in the following reports, which are on file with and may be viewed at DEP Southeast Regional Office, 2 East Main Street, Norristown, PA 19401, telephone number (484) 250-5900: September 2000 Baseline Environmental Report prepared by Oxford Engineers & Consultants, Inc. ("Oxford"); March 2001 First Supplement to Baseline Environmental Report prepared by Oxford, and the SIA Consent Order & Agreement dated January 11, 2002 executed between Washington Street Associates II, L.P., and DEP. In addition, a Second Supplement to Baseline Environmental Report was prepared by Roux Associated dated January 21, 2005 and was submitted to DEP, intending to demonstrate that the Site has also demonstrated attainment with a residential Act 2 remediation standard. DEP approved this Second Supplement by letter dated

March 28, 2005, concluding that the Site meets a residential Act 2 Site Specific Remediation Standard.

In connection with the Act 2 approval, the following use restrictions shall apply to the Site:

Until such time as a party demonstrates attainment with an unrestricted use remediation standard for the above-described contaminants at the Site in accordance with the requirements of Act 2, as evidenced by DEP's approval of a Final Report demonstrating attainment with such unrestricted use standards, no person shall be permitted to excavate or otherwise disturb building foundations, pavement, or topsoil in landscaped areas, which comprise a cap to prevent Site residents from having direct contact with underlying impacted soils. This prohibition shall not apply to the following: (1) routine installation of landscaping; (2) utility installation or repair work; or (3) similar disturbances of landscaped areas provided that the capping material in these areas is replaced immediately upon the completion of the activity. This prohibition also shall not apply to non-routine construction, maintenance, or repair activities that disturb the Site cap provided that (1) at all times access to the disturbed area is limited to non-residential personnel involved in such construction, maintenance or repair activities, and (2) the capping material in the disturbed areas is replaced immediately upon completion of the construction, maintenance, or repair activities. Furthermore, groundwater use at the Site shall be restricted, and prior to being utilized in the future, will be evaluated in accordance with the requirements of Act 2 to confirm that it does not pose an unacceptable risk to human health.

The current Grantee of the Site shall periodically inspect and maintain the cap to ensure that underlying soils at the Site are not exposed to residential Site occupants.

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 any wise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of him, 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 above described with the messuage or tenement 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, and its successors and assigns does covenant, promise, grant and agree, to and with the said Grantee, its successors and assigns, by these presents, that it, the said Grantor and its successors and assigns, all and singular the hereditaments and premises hereby 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, and against all and every person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it, him, her, them or any of them, shall and will, subject to the notice set forth in the following paragraph, WARRANT and forever DEFEND.

[Signatures appear on the following page.]

IN WITNESS WHEREOF, the Grantor has caused this Indenture to be duly executed on the day and year first above written.

WASHINGTON STREET ASSOCIATES
VI, LP, a Pennsylvania limited partnership

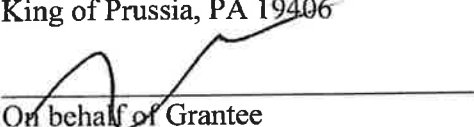
By: WASHINGTON STREET
ASSOCIATES VI ACQUISITION
CORPORATION, a Pennsylvania
corporation, its general partner

By: 

Name: J. Brian O'Neill
Title: Vice President

Grantee Address:

Millennium Waterfront Associates, II L.P.
2701 Renaissance Boulevard, 4th Floor
King of Prussia, PA 19406




On behalf of Grantee

STATE OF PENNSYLVANIA :
 :SS.
COUNTY OF MONTGOMERY :

On this, the 30th day of June, 2015, before me, a Notary Public in and for the Commonwealth of Pennsylvania, personally appeared J. Brian O'Neill, known to me (or satisfactorily proven) to be the Vice President of WASHINGTON STREET ASSOCIATES VI ACQUISITION CORPORATION, a Pennsylvania corporation, the general partner of WASHINGTON STREET ASSOCIATES VI, LP, a Pennsylvania limited partnership, and as such Vice President, he acknowledged that he executed the foregoing instrument for the Grantor as Vice President.

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



Notary Public
My Commission Expires:

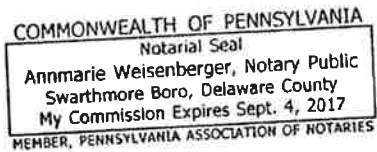


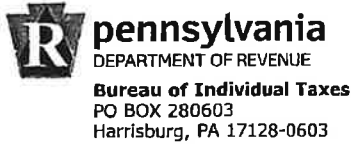
EXHIBIT A
LEGAL DESCRIPTION

Unit I

ALL THAT CERTAIN UNIT in the property known, named and identified as Millennium, a Condominium, located in Borough of Conshohocken, County of Montgomery, Commonwealth of Pennsylvania, which has heretofore been submitted to the provisions of the Uniform Condominium Act 68 PA C.S. 3101 et seq by the recording in the Montgomery County Recorder of Deeds of an Amended and Restated Declaration of Condominium thereto recorded in Deed Book 5642 page 1661 and the First Amendment to Amended and Restated Declaration of Condominium as in Deed Book 5667 Page 2249 and the Second Amendment to Amended and Restated Declaration of Condominium as in Deed Book 5691 Page 2492 and the Third Amendment to Amended and Restated Declaration of Condominium as in Deed Book 5805 Page 1514, being and designated as Unit I together with a proportionate undivided interest in the Common Elements (as defined in such Amended and Restated Declaration as 13.5%).

BEING Parcel Number: 05-00-11856-13-6

BEING the same premises which Washington Street Associates IV, L.P., a Pennsylvania limited partnership by Deed dated 09/28/2007 and recorded 10/12/2007 in Montgomery County in Deed Book 5668 Page 1146 conveyed unto Washington Street Associates VI, L.P., a Pennsylvania limited partnership, in fee.



REALTY TRANSFER TAX STATEMENT OF VALUE

RECORDER'S USE ONLY

State Tax Paid	1089.89
Book Number	5962
Page Number	1783
Date Recorded	07-21-15

See reverse for instructions.

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) the deed is without consideration or by gift, or (3) a tax exemption is claimed. If more space is needed, please attach additional sheets. A Statement of Value (SOV) is not required if the transfer is wholly exempt from tax based on family relationship or public utility easement. However, it is recommended that a SOV accompany all documents filed for recording.

A. CORRESPONDENT - All inquiries may be directed to the following person:

Name Campbell Rocco Law, LLC		Telephone Number: (610) 205-1594	
Mailing Address 2701 Renaissance Boulevard, 4th Floor		City King of Prussia	State ZIP Code PA 19406

B. TRANSFER DATA

Date of Acceptance of Document 07/02/2015			
Grantor(s)/Lessor(s) Washington Street Associates IV, L.P.	Telephone Number:	Grantee(s)/Lessee(s) Millennium Waterfront Associates, L.P.	Telephone Number:
Mailing Address 2701 Renaissance Boulevard, 4th Floor		Mailing Address 2701 Renaissance Boulevard, 4th Floor	
City King of Prussia	State ZIP Code PA 19406	City King of Prussia	State ZIP Code PA 19406

C. REAL ESTATE LOCATION

Street Address Millennium Condominium, Unit I		City, Township, Borough Borough of Conshohocken	
County Montgomery	School District Colonial	Tax Parcel Number 05-00-11856-13-6 ^{EA} 05-00-11856-00-1	

D. VALUATION DATA

Was transaction part of an assignment or relocation? Y N

1. Actual Cash Consideration 1.00	2. Other Consideration +0.00	3. Total Consideration = 1.00
4. County Assessed Value 61,230.00	5. Common Level Ratio Factor x 1.78	6. Computed Value = 108,989.40

E. EXEMPTION DATA - Refer to instructions for exemption status.

1a. Amount of Exemption Claimed \$ 0.00	1b. Percentage of Grantor's Interest in Real Estate 100.00 %	1c. Percentage of Grantor's Interest Conveyed 100.00 %
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2. Check Appropriate Box Below for Exemption Claimed.

- Will or intestate succession. _____
(Name of Decedent) (Estate File Number)
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer from a trust. Date of transfer into the trust _____
If trust was amended attach a copy of original and amended trust.
- Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)
- Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)
- Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed.) _____

Under penalties of law, I declare that I have examined this statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party 	Date 7/2/2015
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FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.