



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

MAYOR

Yaniv Aronson

BOROUGH COUNCIL

Tina Sokolowski, President
Kathleen Kingsley Vice-President
Anita Barton, Senior Member
Alan Chmielewski, Member
Stacy Ellam, Member
Ralph Frey, Member
Adrian Serna, Member

Stephanie Cecco
Borough Manager

SEPTEMBER 16, 2024, ZONING HEARING BOARD MEETING PACKET

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BOROUGH OF CONSHOHOCKEN

Zoning Administration

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
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Adrian Serna, Member

Stephanie Cecco
Borough Manager

ZONING NOTICE MAY 20, 2024 ZONING HEARING BOARD MEETING

ZONING HEARING Z-2024-10

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on May 20, 2024 at 6:30 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: Alex Goldberg
1 South Broad Street, Suite 1000, Philadelphia, PA 19107

PREMISES INVOLVED: 201 West 6th Avenue
Conshohocken, PA 19428
BR-1 - Borough Residential District 1

OWNER OF RECORD: Conshohocken Avial RE, LLC
516 Monticello Lane, Plymouth Meeting, PA 19462

The petitioner is seeking a Special Exception pursuant to Section §27-703.E.(6)(a) and Variance from Section §27-2002 to permit an expansion of the existing nonconforming restaurant use of the existing nonconforming mixed-use property located within the BR-1 - Borough Residential District 1 with the construction of a 1,041 SF outdoor dining patio, and to not provide the required off-street parking on the site for the proposed outdoor dining patio addition whereas one off-street parking space per 50 SF of gross floor area is required with the expansion of the outdoor dining 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



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

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Ralph Frey, Member
Adrian Serna, Member

Stephanie Cecco
Borough Manager

Date: May 15, 2024
To: Stephanie Cecco, Brittany Rogers
From: Allison A. Lee, PE
Re: 201 West Sixth Avenue - Zoning Determination

History of the Site:

201 West Sixth Avenue is an existing nonconforming mixed use corner property comprised of an existing one (1)-story bar/tavern (formerly known as Carol's Place) commercial restaurant use facing West Sixth Avenue and an attached three (3)-story single-family residential apartment building facing Maple Street. There is an existing detached garage on the site with a driveway apron and access off of Maple Street.

The property is located within the BR-1 - Borough Residential District 1 zoning district.

The site is an existing 7,578 SF corner property that is fronted by Maple Street (66' wide right-of-way) to the east and West Sixth Avenue (80' wide right-of-way) to the north; an unnamed 20-foot wide alley to the south; and residential properties also located within the BR-1 zoning district in all other directions.

The property was recently purchased by Conshohocken Avila Real Estate, LLC. The current property owner is retaining the existing single family apartment building use; and is currently making interior building alternations to the existing bar/tavern commercial restaurant use of the former Carol's Place to continue the existing nonconforming use of the commercial restaurant use to provide for an upscale wine bar and food establishment.

Current Request:

The Applicant is proposing to construct a 29'-4" wide by 35'-6" long (or 1,041 SF) outdoor dining patio attached to the rear of the proposed upscale wine bar and food establishment business. The outdoor dining patio will have a six (6)-feet high wall and landscaping proposed along the side yard abutting the adjacent residential property (207 West Sixth Avenue) located west of the site. Other proposed site improvements include removal of portions of the existing impervious areas to the rear of the site; installation of a screened trash enclosure with landscaping adjacent the detached garage; and construction of a 6'-0" wide by 64'-3" (or 385.5 SF) walkway from the rear of the dining patio to the unnamed alley.

The Applicant is seeking a Special Exception pursuant to Section §27-703.E.(6)(a) and Variance from Section §27-2002 to permit an expansion of the existing nonconforming commercial restaurant use of the existing nonconforming mixed-use property located within the BR-1 - Borough Residential District 1

with the construction of a 1,041 SF outdoor dining patio, and to not provide the required off-street parking on the site for the proposed outdoor dining patio addition whereas one (1) off-street parking space per 50 SF of gross floor area is required with the expansion of the outdoor dining use.

Zoning Determination:

The property is located within the BR-1 – Borough Residential District 1 zoning district.

Per the Conshohocken Borough Zoning Ordinance Section §27-1002, the permitted uses by right within the BR-1 zoning district include single-family detached dwellings (single) and single-family semidetached dwellings (twin), and accessory uses thereof. The property is currently a mixed use building with commercial restaurant and residential apartment uses within the building. Per the Conshohocken Borough Zoning Ordinance Section §27-702.A, a nonconforming use is the existing lawful use of land and/or buildings and/or structures upon the land which does not conform to any of the permitted uses of the district in this it is located. Therefore, the mixed commercial and residential uses within the building are considered existing nonconforming since these uses lawfully existed prior to the current 2001 Zoning Ordinance of the Borough.

The Applicant is making building alterations from a former bar/tavern commercial restaurant use to an upscale wine bar and food establishment which is considered the same commercial restaurant use. Therefore, no zoning relief is required for the same existing nonconforming use of the property.

However, the Applicant is proposing to construct a new outdoor dining patio to expand the proposed upscale wine bar and food establishment business, which is considered an expansion of the existing nonconforming use on the property. Per the Conshohocken Borough Zoning Ordinance Section §27-703.E.(6)(a), 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 the Zoning Ordinance, 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. Therefore, the Applicant is required to seek a Special Exception pursuant to §27-703.E.(6)(a) to permit the expansion of the upscale wine bar and food establishment on the proposed 1,041 SF outdoor dining patio.

Per the Conshohocken Borough Zoning Ordinance Section §27-2002, for all other restaurants (not drive-in or fast-food), one (1) off-street parking spaces is required per fifty (50) square feet of gross floor area. The proposed outdoor dining patio will require a total of 1041 SF / 50 SF = 21 off-street parking spaces. There is currently no off-street parking provided on the property for the commercial restaurant use. The Applicant is not proposing any additional off-street parking spaces on the property and therefore will be required to seek a variance from Section §27-2002 to not provide the required 21 off-street parking spaces.

Per the Conshohocken Borough Zoning Ordinance Section §27-202, building coverage is defined as the ration obtained by dividing the maximum horizontal cross-section of all principal and accessory buildings on a lot (including balconies, covered porches, carports and breezeways, but excluding patios and decks) by the total area upon which the buildings are located. The existing building coverage on the site totals 3,470 SF (or 45.79 %). The maximum permitted building coverage per Section §27-1005.F is 35% of the lot area. The Applicant is not proposing to make any changes to the existing building coverage on the site.

Per the Conshohocken Borough Zoning Ordinance Section §27-1005.G, the maximum permitted impervious coverage on the site is 60% of the lot area. The Applicant is showing an existing total impervious coverage of 5,724 SF (or 75.54%) on site. With the proposed site improvements, the Applicant is proposing a reduction in the total impervious coverage of 4,990 SF (or 65.85%) on site. Since the Applicant is proposing a reduction and not an increase to the existing nonconforming impervious coverage on the site, no additional zoning relief is required.

The bulk dimensional requirements listed on the plan are referencing the Conditional Use Dimensional Standards under Section §27-1006 of the BR-1 zoning district. The existing restaurant use is an existing nonconforming use of the site which should reference the permitted use dimensional standards of Section §27-1005. Although the restaurant use is an existing nonresidential use, it is also not a use listed under Conditional Uses in Section §27-1003 which would require Borough Council approval. Therefore, the Conditional Use Dimensional Standards under Section §27-1006 would not apply in this case.

The Zoning Hearing Board may wish to consider and discuss noise control under the Performance Standards of Part 8 - General Regulations of Section §27-817.D and odor control under Section §27-817.E of the Zoning Ordinance with the Applicant.



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

Zoning Application

Application: Z-2024-10
Date Submitted: 4/15/24
Date Received: 4/15/24

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:

27-703.E.(6)9a) and 27-2002

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

201 West Sixth Avenue, Conshohocken, Pennsylvania 19428

4. Applicant's Name: Alex Goldberg, Esquire

Address: 1 South Broad Street, Suite 1000, Philadelphia, Pennsylvania 19107

Phone Number (daytime): (757) 615-6840

E-mail Address: alex.goldberg@nochumson.com

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

6. Property Owner: Conshohocken Avial RE, LLC

Address: 516 Monticello Lane, Plymouth Meeting, Pennsylvania 19462

Phone Number: (484) 410-1906

E-mail Address: alysaq@hotmail.com

7. Lot Dimensions: 7,578 sq. ft. 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.

The present use of the property is a vacant ground floor eating and drinking establishment and a single vacant residential dwelling unit above.

Building Height: 35 feet (no change)

Building Coverage: 4,103 sq. ft. (54%) (increase from 41% due to 994 sq. ft. patio)

Building Square Footage: 5,773 sq. ft. (increase from 4,781 sq. ft.)

Impervious Coverage: 4,731 sq. ft. (62%)

Please see zoning plan attached hereto for additional dimensions.

10. Please describe the proposed use of the property.

No change in existing use as a mixed-use structure with ground floor eating and drinking establishment and a single residential dwelling unit above.

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

This application is seeking zoning relief for the proposed expansion of an existing nonconforming use for outdoor seating at an existing eating and drinking establishment. The applicant proposes a full-scale interior renovation of the existing space into an upscale wine bar with some food items, but none that require commercial cooking equipment. The indoor restaurant dining area will have an occupancy of 52 patrons, and the patio will have an occupancy of 67 patrons. Trash will be stored in dumpsters on site, and will be removed with commercial trash pickup.

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: The eating and drinking establishment is an existing non-conforming use that has been active since at least 1973.

b. How the Zoning Ordinance unreasonably restricts development of the property:
Re Section 27-2002 (Off-Street Parking): Throughout the decades-long history of this property operating under its current and proposed use, it has never had accessory off-street parking for the patrons of the restaurant. Based on the gross floor area, the Code requires approximately 21 parking spaces. Based on the average parking space size (27-2007), 21 parking spaces would require 3,780 sq. ft. of space, plus the area required for a drive aisle. To the lot size and existing building configuration, providing off-street parking is not feasible.

c. How the proposal is consistent with the character of the surrounding neighborhood. The previous restaurant operator existed at this location since 1973. Therefore, by proposing no change to the use of the property, the proposal is in keeping with the established character of the immediately surrounding area. Additionally, there are several other similar restaurant uses that operate predominately residential areas, such as:

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.
Re Section 27-2002 (Off-Street Parking): The relief requested would allow the property to maintain its existing on-street along Maple Street and encourage patrons who may consume alcoholic beverages to use taxis, ride-sharing, and public transportation. The outdoor seating proposed which triggers the off-street parking requirement is not out of character, will be seasonal, and will close earlier than the indoor portion of the restaurant. Additionally, the restaurant which previously operated at this location did not offer off-street parking.

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.

We are seeking a special exception from Section 27-703.E.6(a) for the proposed expansion of the existing nonconforming use for the outdoor seating.

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

Section 27-703.E.6(a)

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

The proposed outdoor seating will offer a unique experience for patrons of the proposed eating and drinking establishment to enjoy the establishment outdoors when weather permits. In order to ensure the outdoor seating has the least impact to the adjacent neighbors possible, we plan to implement the following strategies:

- Outdoor seating will have limited hours of operations, closing earlier than the indoor space.
- No smoking will be allowed on premises, inside or outside.
- Significant landscaping will be installed surrounding the patio especially within the 7-foot setback next to the adjacent neighbor at 207 West 6th Avenue. A code-compliant fence will be installed
- Sound and lighting elements will be directed downward and away from the adjacent neighbor at 207 West 6th Avenue. Decibel levels will not surpass the general regulations found in Section 27-817.D.

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


a. Attorney's Name: Alex Goldberg, Esquire

b. Address: 1 South Broad Street, Suite 1000, Philadelphia, Pennsylvania 19107

c. Phone Number: (215) 907-7102

d. E-mail Address: alex.goldberg@nochumson.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

Conshohocken Avila RE, LLC

Legal Owner

April 12, 2024

Date

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

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

Notary Public

(Seal)

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of Marin

On April 12, 2024 before me, Amy Christine Baldwin
Date Here Insert Name and Title of the Officer

personally appeared Anthony Avila
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal and/or Stamp Above

Signature Amy C. Baldwin
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer – Title(s): _____

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer is Representing: _____

Signer's Name: _____

Corporate Officer – Title(s): _____

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer is Representing: _____





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

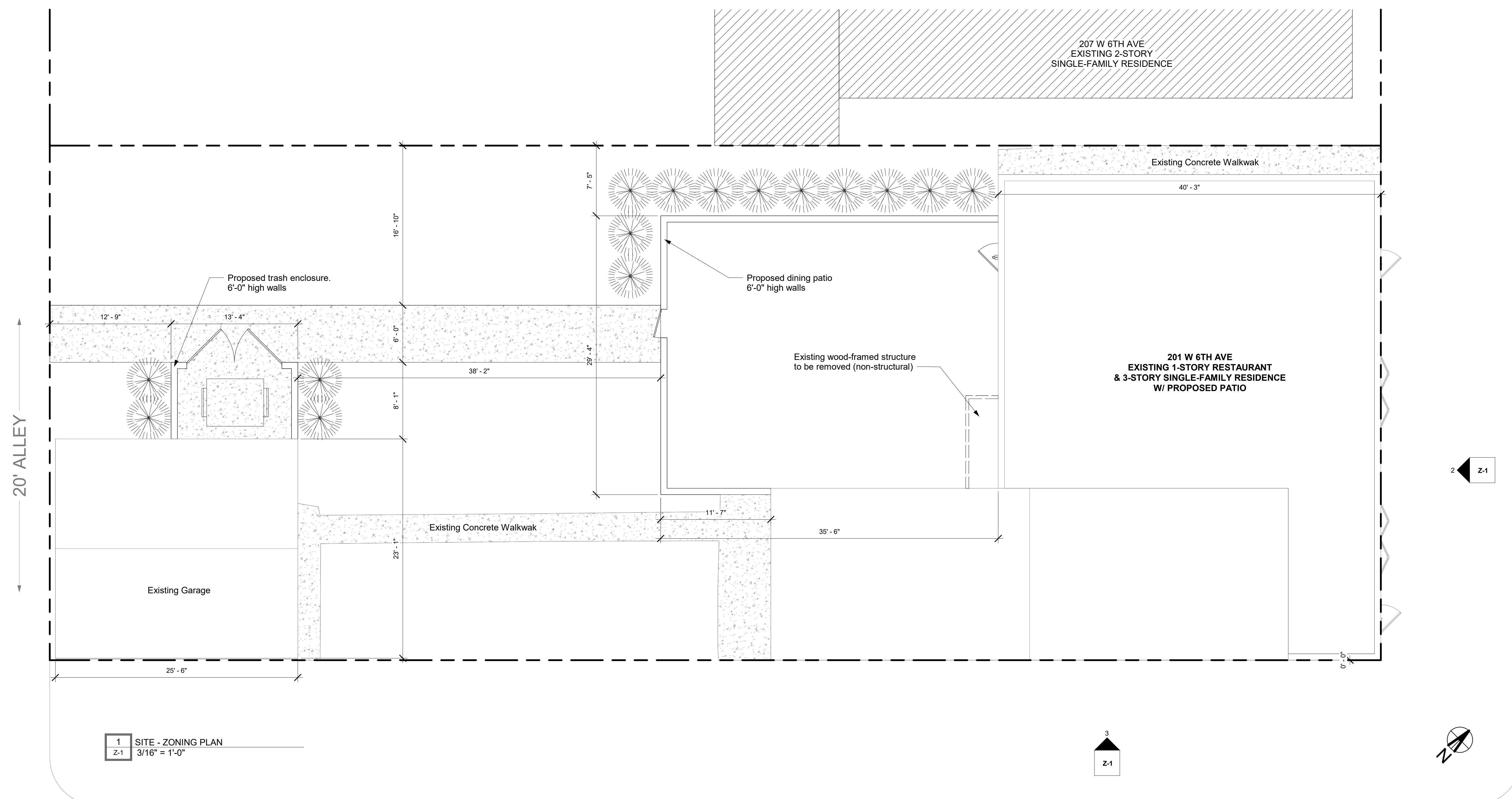
MOTION:

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: _____



1 SITE - ZONING PLAN
Z-1
3/16" = 1'-0"

Zoning District:	BR-1 (Borough Residential 1)
Allowable Height:	35'-0"
Existing Building Height:	Existing, no change
Minimum Lot Size:	10,000 SF
Existing Lot Size:	7,578 SF (Existing, nonconforming)
Minimum Lot Width:	100'-0"
Existing Lot Size:	54'-2" (Existing, nonconforming)
Required Setbacks:	
Front:	3'-0" (Established building line §27-1005.C)
Rear (Primary Building):	25'-0"
Rear (Garage):	5'-0" from alley cartway
Side Yard:	5'-0" each side (Detached)
Existing Setbacks:	
Front:	3'-0"
Rear (Primary Building):	73'-8"
Rear (Garage):	0'-0" (Existing, nonconforming)
Side Yard:	3'-0" (Existing, nonconforming)
Allowable Building Coverage:	45% (§27-1006.D)
Existing Building Coverage:	41%
Existing Building Coverage:	3,111 SF
Proposed Building Coverage:	54%
	4,103 SF (+992 SF patio)
Existing Building SF:	4,781 SF
Proposed Building SF:	5,773 SF (+992 SF patio, +21%)
27-703.D Nonconforming Physical Expansion. Physical expansion of a nonconforming building or building housing a nonconforming use shall be permitted only one time and shall be limited to 25% of the gross floor area of the existing building	
Allowable Impervious Coverage:	60% (§27-1006.E)
	4,547 SF
Existing Impervious Coverage:	75.54%
	5,724 SF
Proposed Impervious Coverage:	65.85%
	4,990 SF
Lot Use:	Restaurant (Existing, nonconforming)

REVISIONS	
ITEM	DATE

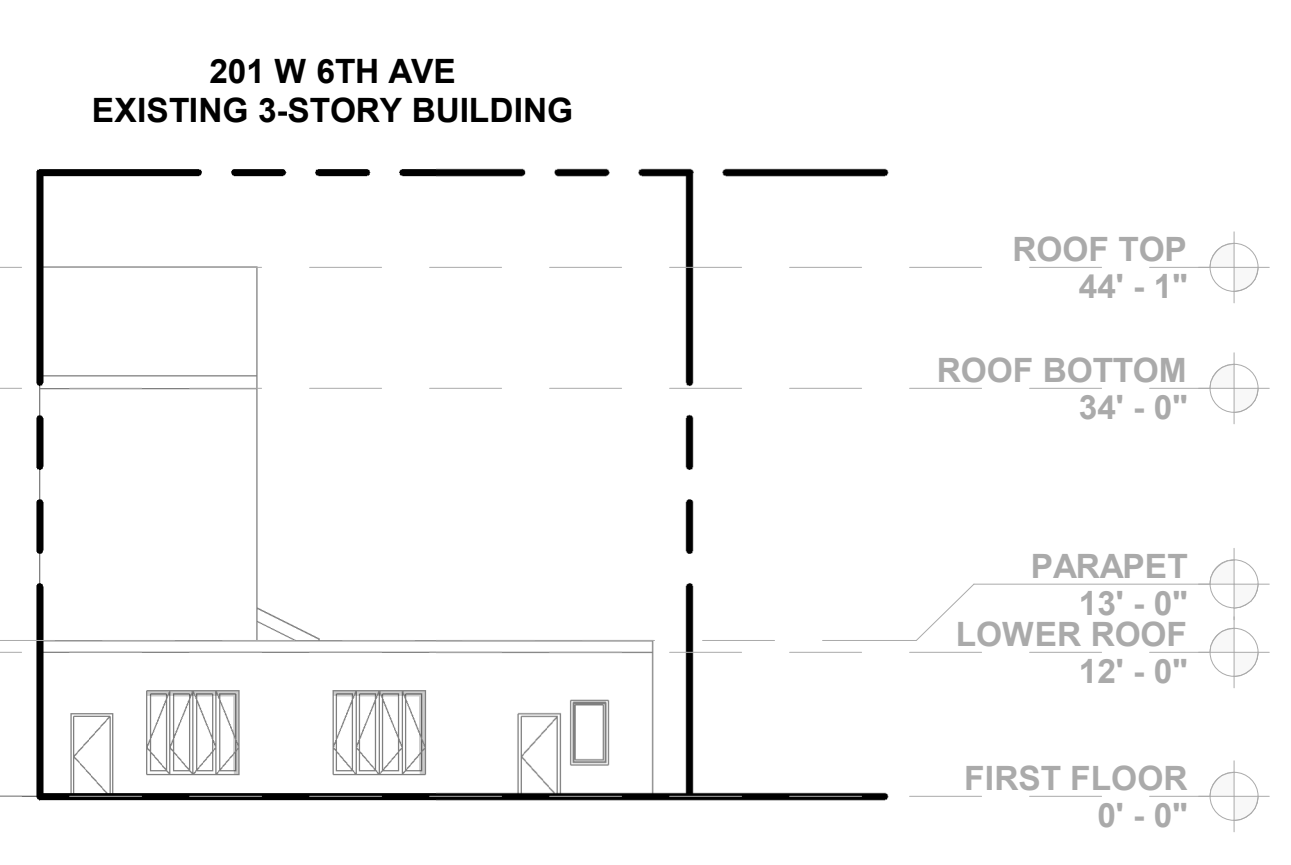
JLS ARCHITECTS, LLC
 111 Redbank Ave
 Conshohocken, PA 19038
 484-809-9151
 www.jlsarchitects.com

ISSUED FOR:
ZONING
 11 APRIL 2024

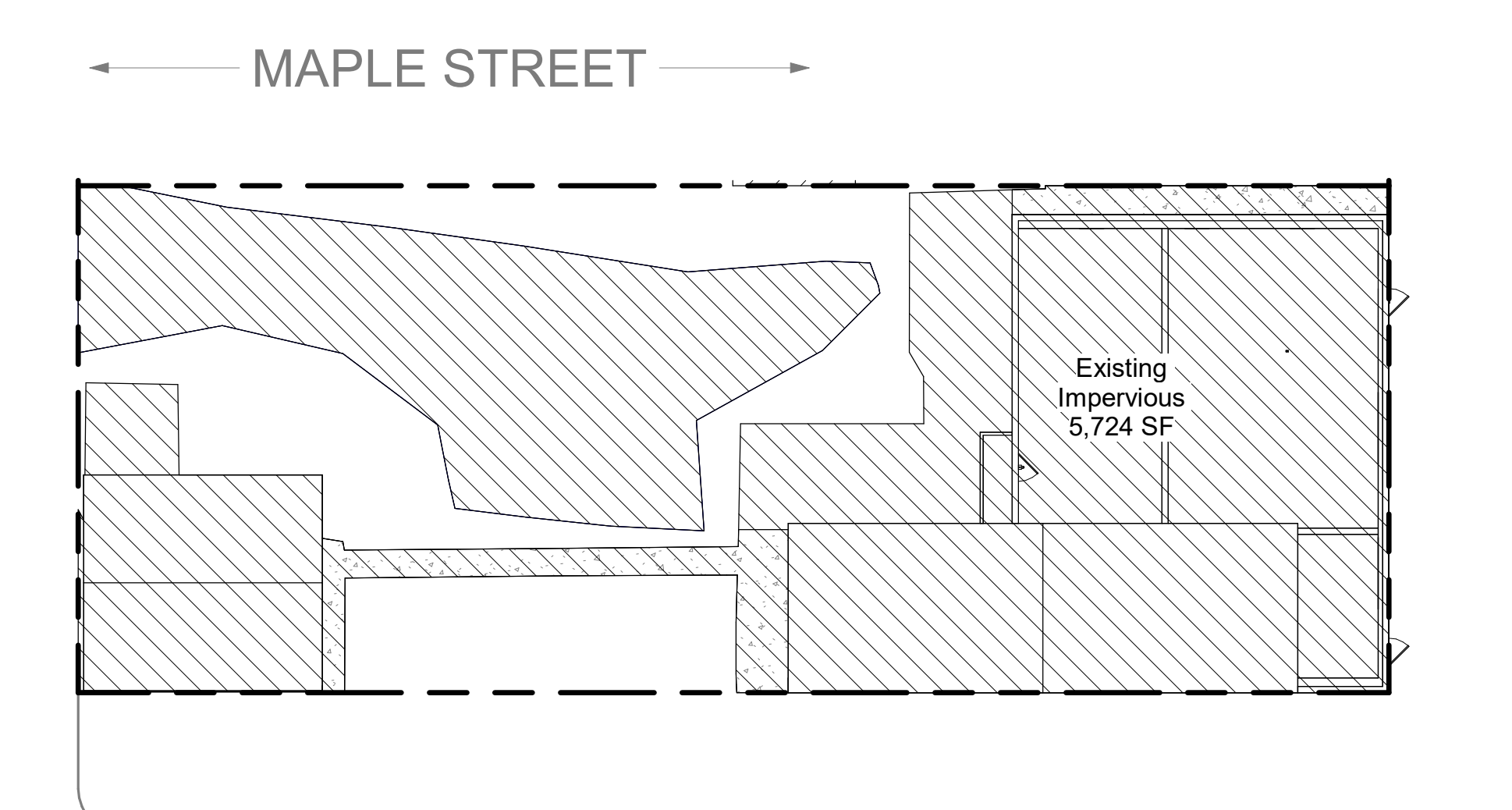
ARCHITECTURAL ZONING DRAWING

Scale: **As indicated**
 Drawn by: **BLG**
 Project: **24-012A**
 Date: **13 FEB 2024**

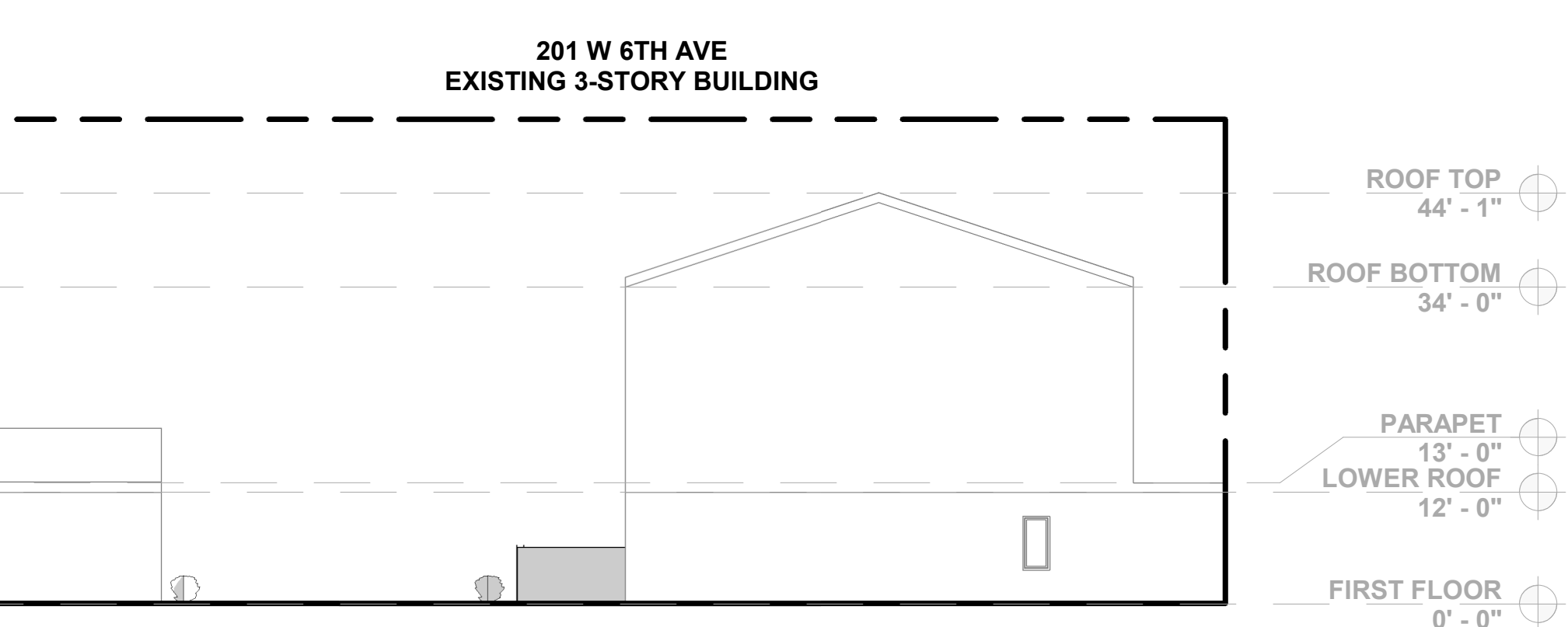
Z-1



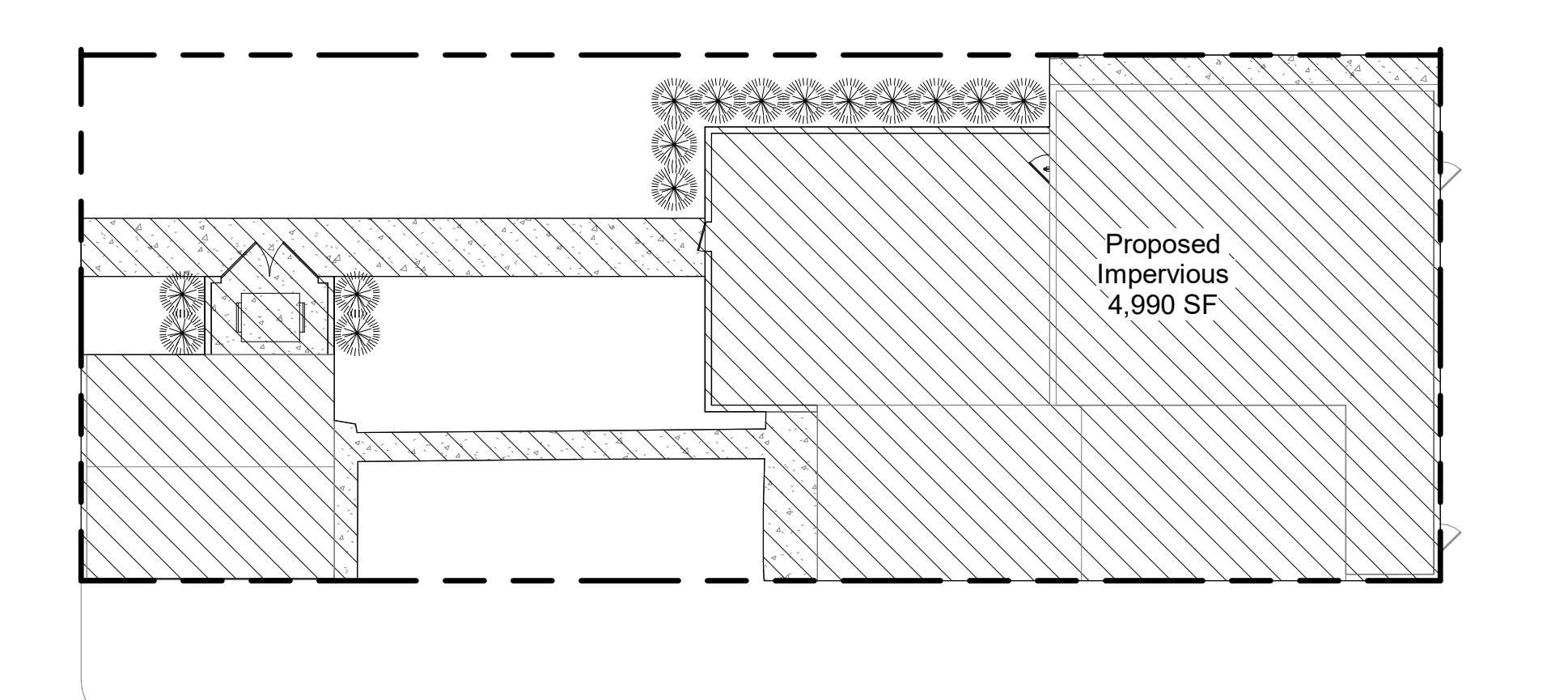
2 ZONING ELEVATION - NORTHEAST
Z-1
1/16" = 1'-0"



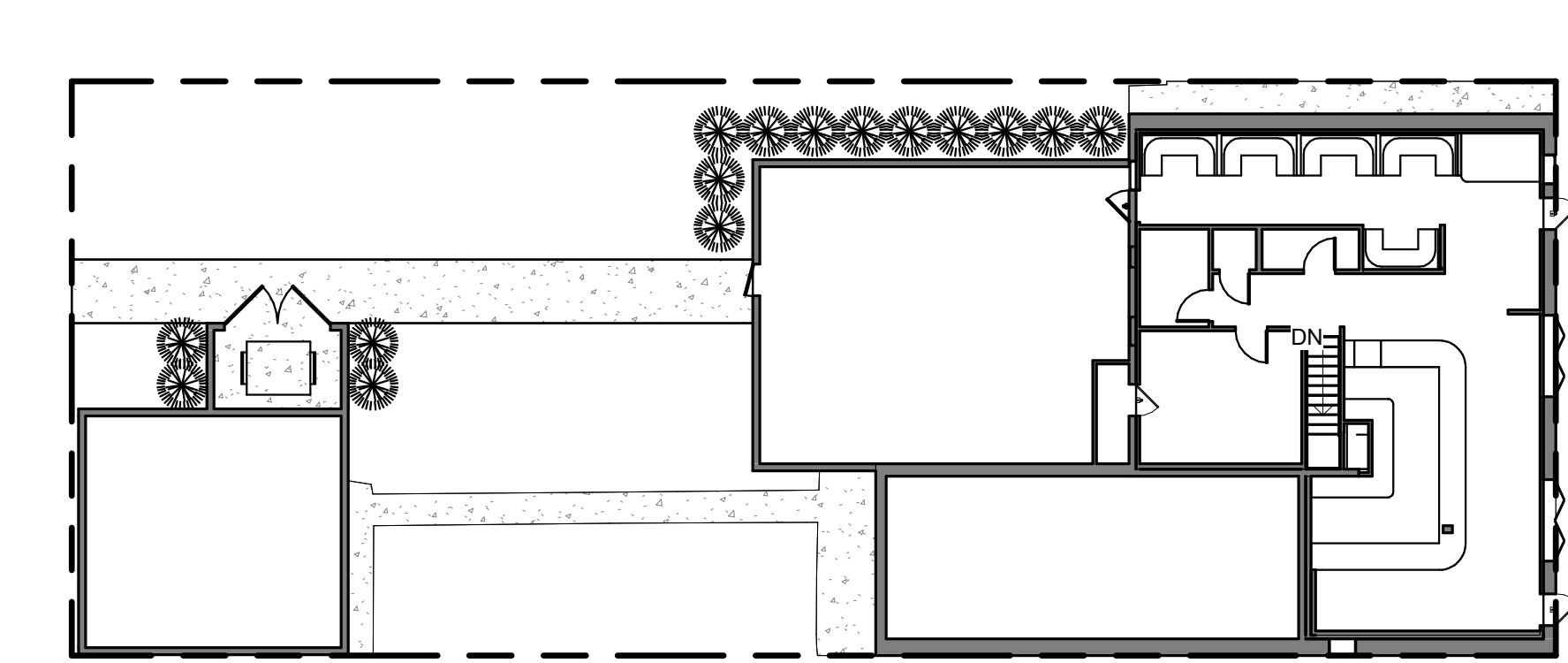
4 IMPERVIOUS COVERAGE PLAN - EXISTING
Z-1
1/16" = 1'-0"



3 ZONING ELEVATION - SOUTHEAST
Z-1
1/16" = 1'-0"



5 IMPERVIOUS COVERAGE PLAN - PROPOSED
Z-1
1/16" = 1'-0"



6 FIRST FLOOR - ZONING PLAN
Z-1
1/16" = 1'-0"

Prepared by and Return to:

Land Services USA, LLC
1835 Market St, Suite 420
Philadelphia, PA 19103
215-563-5468

File No. PACLT23-4916AK
UPI # 05-00-08984-00-2

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
05-00-08984-00-2 CONSHOHOCKEN BOROUGH
201 W SIXTH AVE
HICKEY CAROL A \$15.00
B 027 L U 092 4241 01/12/2024 JH

This Indenture, made the 9th day of January, 2024,

Between

CAROL A. HICKEY

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

CONSHOHOCKEN AVILA REAL ESTATE LLC, A PENNSYLVANIA LIMITED LIABILITY COMPANY

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

Witnesseth, that the said Grantor for and in consideration of the sum of **Seven Hundred Seventy-Five Thousand And 00/100 Dollars (\$775,000.00)** lawful money of the United States of America, unto her 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 message and tract or piece of land, situate in the Borough of Conshohocken, County of Montgomery and State of Pennsylvania, bounded and described as follows, viz:

BEGINNING at a stake on the Westerly corner of Sixth Avenue and Maple Street; thence along the Southwesterly side of Sixth Avenue, North forty nine degrees West fifty four and thirteen hundredths feet to a stake; thence South forty one degrees West one hundred forty feet to a stake on the Northeasterly side of an alley, twenty feet in width; thence extending along said side of said alley, South forty nine degrees East, fifty four and thirteen hundredths feet to a point of intersection of said side of said alley with the Northwesterly side of Maple Street, aforesaid; thence extending along said side of said Maple Street, North forty one degrees, East, one hundred forty feet to the place of beginning.

BEING known as 201 West Sixth Avenue.

BEING Tax Parcel #05-00-08984-00-2.

BEING the same premises which Dennis R. Deery and Loretta A. Deery, by Deed dated 7/23/1990 and recorded 7/27/1990 in the County of Montgomery in Deed Book 4953 page 86, conveyed unto Carol A. Hickey, 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 her, 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.

Under and Subject to certain restrictions of record, if any.

And the said Grantor, for herself and her heirs, executors and administrators, does, by these presents, covenant, grant and agree, to and with the said Grantee, its successors and assigns, that she, the said Grantor, and her heirs, 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 her, the said Grantor, and her heirs, will **WARRANT SPECIALLY** and defend against the lawful claims of all persons claiming by, through or under the said Grantor but not otherwise.

[Signature Page Will Follow]

In Witness Whereof, the party of the first part has hereunto set her hand and seal. Dated the day and year first above written.

Sealed and Delibered
IN THE PRESENCE OF US:

Carol A. Hickey

Carol A. Hickey {SEAL}

State/Commonwealth of Pennsylvania

County of Montgomery

This record was acknowledged before me on January 9, 2024 by Carol A. Hickey.

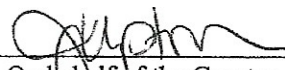
Danielle DeLuizio

Notary Public
My commission expires 9/2/2026

Commonwealth of Pennsylvania - Notary Seal
DANIELLE DeLUZIO, Notary Public
Montgomery County
My Commission Expires September 2, 2026
Commission Number 1037825

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

770 TAMALPAIS DR
Suite 401B
Corte Madera CA 94925



On behalf of the Grantee

File No. **PACLT23-4916AK**

Record and return to:
Land Services USA, LLC
1835 Market St, Suite 420
Philadelphia, PA 19103

Deed

UPI # 05-00-08984-00-2

Carol A. Hickey

TO

Conshohocken Avila Real Estate LLC, a
Pennsylvania limited liability company

Land Services USA, LLC
1835 Market St, Suite 420
Philadelphia, PA 19103



BOROUGH OF CONSHOHOCKEN

Zoning Administration

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

ZONING NOTICE APRIL 17, 2023, ZONING HEARING BOARD MEETING

ZONING HEARING Z-2023-03

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on April 17, 2023, 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: TS 16, LLC
15 St. Asaphs Road, Bala Cynwyd, PA 19004

PREMISES INVOLVED: 5 Colwell Lane
Conshohocken, PA 19428
LI - Limited Industrial District/Research
FP - Floodplain Conservation District

OWNER OF RECORD: TS 16, LLC
15 St. Asaphs Road, Bala Cynwyd, PA 19004

The petitioner is appealing a zoning enforcement notice and seeking a variance from Sections 27-817.H.(2), 27-817.H.(3), 27-1404.9, 27-1714 and 27-1726.1F of the Conshohocken Zoning Ordinance related to outdoor storage of materials and materials that may be transferred off the lot by natural causes or forces within the floodplain conservation overlay district. The petitioner is proposing continuation of an existing nonconforming use under Section 27-701.

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



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

Zoning Application

Application: 2-2023-03
Date Submitted: 2/10/23
Date Received: 2/10/23

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 Continuation of Non-Conforming Use

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

27-817H(2), 27-817H(3), 27-1404.9, 27-1714 and 1726.1.F

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

5 Colwell Lane, Conshohocken, PA

4. Applicant's Name: TS 16 LLC

Address: 15 St. Asaphs Road

Phone Number (daytime): 610 888 3035

E-mail Address: soldonmike@gmail.com

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

6. Property Owner: TS 16, LLC

Address: 15 St. Asaphs Road, Bala Cynwyd, PA 19004

Phone Number: 610 888 3035

E-mail Address: soldonmike@gmail.com

7. Lot Dimensions: irregular Zoning District: LI-Limited Industrial

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

Yes No If yes, please describe.

None by current owner. Prior zoning history is not known.

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 an irregularly shaped lot, 1.103 acres in size improved with a 1 story masonry garage building of approx 1650 Square feet in area. The property is used as a contractor's office with storage and parking and as contractor's yards for two other businesses. See Deed, Exhibit "A", Survey, Exhibit "B."

10. Please describe the proposed use of the property.

Same as above.

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

None proposed.

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

Applicant appeals the determination of the Zoning Officer dated January 12, 2023, attached as Exhibit C. See paragraph 14, below. Additionally, the current use should be permitted as a continuation of the pre-existing non conforming use, applicant seeks a variance from the provisions of the ordinance per Section 2, above and applicant is awaiting copies of flood maps from FEMA to ascertain the accuracy of the conclusions of the Zoning Officer. Applicant reserves all rights and remedies at law and in equity including those afforded by the Pennsylvania and United States Constitutions.

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

a. The unique characteristics of the property: Most of the property is located within the flood plain district based upon the maps relied upon by the Borough staff.

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

The property has historically been used as an office and storage yard and that use should be permitted to continue. The use of the property pre-dates the provisions of the zoning code relating to floodplains. The property cannot be reasonably adapted to another use, without complete redevelopment. The property's current use is entirely consistent with the neighboring properties and the actions of the enforcement officer concerning this property are inconsistent with the actions of the zoning officer concerning other similar properties.

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

The current use is entirely consistent with the LI zoning district and with neighboring uses as well as the uses in other flood plain areas in the borough.

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.

Applicant seeks approval to use the property in manner consistent with historical uses of the property and neighboring properties.

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).

By way of example and not limitation Code sections 27-817 h(2), 27-817 h (3), 27-1409.9, 27-1714 and 27-1726.1 F. See letter of January 12, 2023, Exhibit "C". The zoning officer also references Chapter 13 concerning "Licenses, Permits and General Business Regulations all of which are disputed.

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

By way of example and not limitation, the zoning officer's determinations are in error as follows: 27-817 H(2)- the property is not used for outdoor storage of "fuel, raw materials and products." Rather is used as a contractors office and storage as permitted in the LI district consistent with many other neighboring properties. 27-817 h (3) There are no materials which may be transferred off the lot by "natural forces". 27-1404.9- The use of the property complies with applicable law and regulation. 27-1714 It is unclear which of the 11 provisions of this section the zoning officer contends applicant has violated. 27-1726.1 F Applicant is not aware of any "buoyant, flammable or explosive" material stored on the property. Chapter 13- This is not the zoning code and the zoning officer's reference thereto in a notice of zoning violation is improper. By way of

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.

Appeal from zoning officer's determination 27-307, 27-605 and for variance, in the alternative and for continuation of non-conforming use 27-701 et seq.

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

All sections referenced by the zoning officer in Exhibit "C"

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

See all prior responses

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

a. Attorney's Name: Daniel S. Coval, Jr., Esquire

b. Address: 15 St. Asaphs Road, Bala Cynwyd, PA 19004

c. Phone Number: 610 617 1776

d. E-mail Address: dcoval@amillerlaw.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.

TS 16, LLC

Applicant

Michael Reed

Legal Owner

10 February, 2023

Date

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

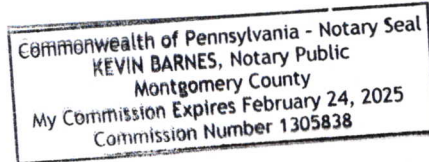
As subscribed and sworn to before me this 10th day of February

February, 2023

[Signature]

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:

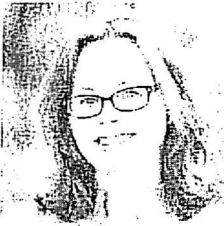
BY ORDER OF THE ZONING HEARING BOARD

	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: _____

Exhibit “A”

Deed



DEED BK 6032 PG 00240 to 00242.1
 INSTRUMENT # : 2017007630
 RECORDED DATE: 01/27/2017 10:45:13 AM



3434607-0006Q

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 4


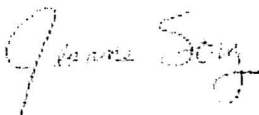
Document Type: Deed	Transaction #: 3510441 - 1 Doc (s)
Document Date: 01/17/2017	Document Page Count: 2
Reference Info:	Operator Id: msanabia

RETURN TO: (Wait) MONTGOMERY COUNTY TAX CLAIM BUREAU ONE MONTGOMERY PLAZA SUITE 610 NORRISTOWN, PA 19401	PAID BY: MONTGOMERY COUNTY TAX CLAIM BUREAU
--	---

PROPERTY DATA:

Parcel ID #: 05-00-00108-00-4
 Address: 5 COLWELL LN
 PA
 Municipality: Conshohocken Borough (100%)
 School District: Colonial

ASSOCIATED DOCUMENT(S):

CONSIDERATION/SECURED AMT: \$300,000.00	DEED BK 6032 PG 00240 to 00242.1
TAXABLE AMOUNT: \$290,941.00	Recorded Date: 01/27/2017 10:45:13 AM
FEES / TAXES:	I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.
Recording Fee: Deed \$95.00	  Jeanne Sorg Recorder of Deeds
Oath Affidavit Fee \$1.50	
State RTT \$2,909.41	
Conshohocken Borough RTT \$1,454.70	
Colonial School District RTT \$1,454.71	
Total: \$5,915.32	

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

Case# 2017-03193-0 Docketed at Montgomery County Recorder of Deeds

Prepared by: Montgomery County Tax Claim Bureau
Returned To: Montgomery County Tax Claim Bureau
Parcel No. 05-00-00108-00-4

RECORDER OF DEEDS
MONTGOMERY COUNTY

2017 JAN 27 A 9 22

**TAX CLAIM BUREAU DEED
UPSET SALE**

This Deed Made this 17th day of January, 2017
Between the TAX CLAIM BUREAU, of the County of Montgomery, Pennsylvania, as Trustee,
Grantor, and

**TS 16, LLC
15 ST. ASAPHS ROAD
BALA CYNWYD, PENNSYLVANIA 19004**

GRANTEE, his, her or their heirs, assigns, and successors.

Witnesseth, that in consideration of \$300,000.00 in hand paid, receipt whereof is hereby
acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, his, her,
their heirs, assigns and successors, in accordance with the Real Estate Tax Sale Law of July 7,
1947, P.L. 1368, as amended, (72 P.S. 5860.101 et seq.)

ALL THAT CERTAIN PROPERTY SITUATE AND BEING KNOWN AS

**BLOCK 006 UNIT 030
5 COLWELL LN
Conshohocken
County of Montgomery
Commonwealth of Pennsylvania
Parcel No. 05-00-00108-00-4**

"Being the property formerly owned or reputed to be owned by WRUBEL BERENICE, the
same having been sold at Upset Sale held on September 22, 2016 under the provisions of the
Real Estate Tax Sale Law.

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
05-00-00108-00-4 CONSHOHOCKEN
5 COLWELL LN

WRUBEL BERENICE
B 006 U 030 L 4280 DATE: 01/27/2017

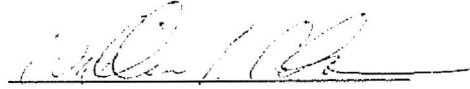
\$15.00
TG

{00488826;v1}

Case# 2017-03193-0 Docketed at Montgomery County Prothonotary on 02/16/2017 9:36 AM, Fee = \$270.00

In Witness Whereof, said Grantor has hereunto caused this Deed to be executed by its Director the day and year first above written.

Tax Claim Bureau of Montgomery County, Trustee



First Deputy Director of Tax Claim

COMMONWEALTH OF PENNSYLVANIA }ss:
COUNTY OF MONTGOMERY

On this, the 19th day of January, 2016, before me, the undersigned officer, personally appeared William Caldwell, First Deputy Director of the Tax Claim Bureau of the County of Montgomery, Commonwealth of Pennsylvania, known to me to be the person described in the foregoing instrument and acknowledged that he executed the same in the capacity therein stated and for the purpose therein contained

In Witness Whereof, I have hereunto set my hand and official seal.

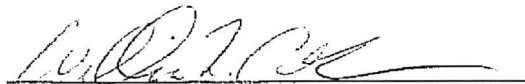


PROTHONOTARY

CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the Grantee herein is:

**TS 16, LLC
15 ST. ASAPHS ROAD
BALA CYNWYD, PENNSYLVANIA 19004**



For the Grantee

Exhibit “B”

Survey

Exhibit “C”
Zoning Officer’s Letter



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 Serma, Member
Karen Tutino, Member

Stephanie Cocco
Borough Manager

SENT VIA CERTIFIED MAIL AND U.S. MAIL

January 12, 2023

TS 16, LLC
15 St. Asaphs Road
Bala Cynwyd, PA 19004

**Re: 5 Colwell Lane
ZONING ENFORCEMENT NOTICE**

Please be advised, the subject property is in violation of the terms of the Borough Zoning Code. Specifically, all objects located on a property within the Floodplain Conservation District pose a potential risk to human, animal, and plant life by impounding floodwater and raising flood elevations. Additionally, any object that is not permanently affixed to the ground can be washed away by floodwaters, creating a safety hazard by obstructing and/or contaminating waterways. Therefore, all objects that are in violation of the outlined ordinances shall be removed from the property.

Based on visual observations from our Building Codes Inspector, there are materials currently stored on-site; including but not limited to, box trailers, large cable/wire spools, port-o-potties, and trash dumpster. Along with these unsecured materials, with the exception of the trash dumpster, there are contractor company vehicles that are parked on-site and which are not accessory to the current landscaping business; and therefore, is in violation of *Chapter 13 – Licenses, Permits, and General Business Regulations* of Conshohocken Borough's Code of Ordinances since there are no record of licensing nor permits of the additional use for the lot in the Borough records.

In addition, an unscreened outdoor trash dumpster has been placed adjacent the entrance to the existing building for the current landscaping business. The trash dumpster must be placed inside the building.

All unsecured materials observed on-site are located within the Floodplain Conservation District. Therefore, the property remains in violation of Zoning Code Sections 27-817.H(2) and (3), -1404.9, -1714, and -1726.1.F.

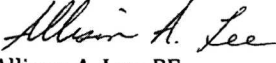
By **February 13, 2023**, you must come into compliance with the Borough ordinance by removing all existing box trailers and unsecured materials from within the Floodplain Conservation District.

YOU HAVE THE RIGHT TO APPEAL TO THE ZONING HEARING BOARD WITHIN 30 DAYS OF RECEIPT OF THIS NOTICE.

YOUR FAILURE TO COMPLY WITH THIS NOTICE WITHIN THE TIME SPECIFIED UNLESS EXTENDED BY APPEAL TO THE ZONING HEARING BOARD CONSTITUTES A VIOLATION OF THE ZONING ORDINANCE WHICH MAY RESULT IN A JUDGEMENT AGAINST YOU OF \$500.00 PLUS ALL COURT COSTS AND REASONABLE ATTORNEY RESULT IN A JUDGEMENT AGAINST YOU OF \$500.00 PLUS ALL COURT COSTS AND REASONABLE ATTORNEY FEES INCURRED BY THE BOROUGH. EACH DAY THAT THE VIOLATION CONTINUES MAY CONSTITUTE A SEPARATE VIOLATION.

If you have any questions or concerns, please feel free to contact the undersigned at 484-243-6073 or zoning@conshohockenpa.gov.

Sincerely,


Allison A. Lee, PE
Zoning Officer
PENNONI ASSOCIATES INC.

cc: Ray Sokolowski
Stephanie Cecco
Chris Small



BOROUGH OF CONSHOHOCKEN

Zoning Administration

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

ZONING NOTICE AUGUST 21, 2023, ZONING HEARING BOARD MEETING

ZONING HEARING Z-2023-15

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on August 21, 2023, 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: TS 16, LLC
15 St. Asaph's Road, Bala Cynwyd, PA 19004

PREMISES INVOLVED: 5 Colwell Lane
Conshohocken, PA 19428
LI - Limited Industrial District/Research
FP - Floodplain Conservation District

OWNER OF RECORD: TS 16, LLC
15 St. Asaph's Road, Bala Cynwyd, PA 19004

The petitioner is appealing the three (3) zoning Use & Occupancy permit application denials for the site and is seeking a Special Exception pursuant to Sections 27-703.B & E and a Variance from Sections 27-1713, 27-1703, 27-817.H.(3), 27-1402, 27-1714.1.A & H, 27-1713, 27-1717, 27-1718, 27-1718.2, and 27-1718.3 of the Conshohocken Zoning Ordinance related to multiple uses permitted on the site; outdoor storage of materials and materials that may be transferred off the lot by natural causes or forces; and variance conditions within the floodplain conservation overlay district. The petitioner is proposing continuation of an existing nonconforming status of the site under Part 7 of the 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



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

Zoning Application

Application: Z-2023-15
Date Submitted: 7/20/23
Date Received: 7/20/23

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 Continuation of a non-conforming use

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

See attached.

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

5 Colwell Lane, Conshohocken, PA

4. Applicant's Name: TS 16, LLC

Address: 15 St. Asaph's Road, Bala Cynwyd, PA 19004

Phone Number (daytime): (610) 888-3035

E-mail Address: soldonmike@gmail.com

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

6. Property Owner: TS 16, LLC

Address: 15 St. Asaph's Road, Bala Cynwyd, PA 19004

Phone Number: (610) 888-3035

E-mail Address: soldonmike@gmail.com

7. Lot Dimensions: Irregular Zoning District: L1 - Limited Industrial

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

Yes No If yes, please describe.

There is a pending Zoning Application filed February 10, 2023, appealing a January 12, 2023 determination of the Zoning Officer and requesting other relief.

That appeal is designated 7-2023-03. This Application should be made part of that application or, in the alternative, consolidated with it.

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

See attached Supplement to Application.

10. Please describe the proposed use of the property.

See attached Supplement to Application.

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

See attached Supplement to Application.

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

See attached Supplement to Application.

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

See attached Supplement to Application.

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. See attached Supplement to Application.
- 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. See attached Supplement to Application.

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: Daniel S. Coval, Jr., Esquire

b. Address: 15 St. Asaph's Road, Bala Cynwyd, PA 19004

c. Phone Number: (610) 617-1776

d. E-mail Address: dcoval@amillerlaw.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.

TS 16, LLC

Applicant

Michael Bauer 7-19-23

Legal Owner

Date

COMMONWEALTH OF PENNSYLVANIA

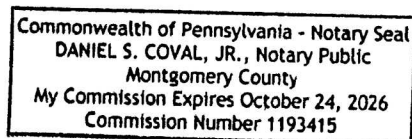
COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 19th day of

July 2023

[Signature]
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: _____

SUPPLEMENT TO ZONING APPEAL
APPEAL OF TS 16, LLC
Property at 5 Colwell Lane, Conshohocken, PA

The following Supplement includes the information requested in the Zoning Application. The numbered paragraphs of this Supplement conform with the printed form Zoning Application.

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 an irregularly shaped lot, 1.103 acres in size, improved with a one-story masonry garage building with a footprint of approximately 3,300 square feet. The building has a vestibule and there are paved areas adjacent to the building. There is also a small trailer and porta potties on the site. The building is used for storage and office by a landscaping contractor, with adjacent parking, and has been used for similar uses for many years. Other areas of the property are used by two contractor tenants for parking and dispatch of vehicles. The property is divided into three areas by owner, designated A, B and C, as shown on the attached Plan, which are leased to the tenants.

10. Please describe the proposed use of the property.

No change of the present use is proposed. Rather, Applicant seeks approval of the present use(s).

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

No improvements are proposed. Applicant appeals the determinations of the Zoning Officer, who denied applications for use and occupancy permits for each of the the three uses. Applicant asserts that the current use(s) of the property should be permitted for the reasons set forth at length in this Application. A copy of the Deed of January 17, 2017, vesting title to the property in Applicant, is attached as Exhibit “A”. A copy of a site plan of the property is attached as Exhibit “B”.

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

Applicant appeals three determinations of the Zoning Officer dated June 22, 2023, which are attached as Exhibits C-1, C-2 and C-3. The Zoning Officer’s decisions denied applications by the Applicant for use and occupancy permits for the property. In the alternative to appealing the zoning officer’s determination, the Applicant seeks variances to allow the uses, if required, and also asserts that the uses are non-conforming uses which are entitled to remain and seeks a special exception, if necessary, to expand the non-conforming use. The determinations made in each of the Zoning Officer’s letters are addressed separately as follows:

C-1 – Novvex Green, LLC d/b/a Patkin Landscaping – Permit Application # 23-00427

The Applicant agrees with the Zoning Officer’s determination that the current use of the Property by Novvex Green, LLC, d/b/a Patkin Landscaping (“Patkin”) is a pre-

existing, non-conforming use which may continue. To the extent that the Zoning Officer's determination is that the use of the property by Patkin is other than a lawful use, Applicant appeals that determination. To the extent that the Zoning Officer's determination is interpreted to hold that any portion or aspect of the use of the property by Patkin is unlawful because it violates the Code or is outside of the scope of the pre-existing non-conformity, Applicant challenges that determination and, in the alternative, requests variance(s) to allow the current use to remain.

Applicant challenges the Zoning Officer's determination that the non-conforming use does not extend to the entire tract, if that is her determination. In the alternative, Applicant requests a variance from Section 27-1713 of the Borough Zoning Ordinance (the "Code"), and any other applicable provisions, to permit the existing use in the Floodplain Conservation District ("FCD").

Applicant appeals the Zoning Officer's determination that the existing trash dumpster located outside the building may be transferred off the property by natural causes or force and therefore is in violation of Section 27-817.H(3) of the Code. In the alternative, if it is determined that the dumpster violates the Code, Applicant seeks a variance from Section 27-817.H(3) of the Code to allow the dumpster to remain.

Applicant also appeals the Zoning Officer's determination that, since the Borough of Conshohocken "does not have record of the portion of the property identified in the permit application as Section "A" and no outdoor storage of materials or waste may be transferred off the lot by natural causes or forces is permitted, the permit application is denied at this time". Applicant appeals the denial of the permit for the use. In the

alternative, Applicant avers that the current use by Patkin is permitted as the continuation of a pre-existing, non-conforming use. In the alternative, and if necessary, Applicant requests a variance from the Code Section 27-1713 and any other provisions of the Code cited in the letter to allow the described use.

C-2 – Safe Zone Line Services, LLC – Permit Application # 23-00428

Applicant appeals the Zoning Officer’s determinations in her letter of June 22, 2023, attached hereto as C-2, relating to the use and occupancy permit application for Safe Zone Line Services, LLC (“Safe Zone”). Applicant appeals the Zoning Officer’s determinations as follows.

Applicant appeals any implied determination by the Zoning Officer that portions of this commercial zoned property cannot be leased to or used by more than one entity. Applicant has leased portions of this property to three separate tenants, each of whom occupies a designated area. Nothing in the Zoning Code prohibits the occupancy of a commercial property by more than one tenant or requires subdivision of a property to permit multiple uses. To the extent that the Zoning Code prohibits use of a single property by multiple tenants, Applicant seeks a variance from any applicable provisions of the Code, which Code sections are not cited by the Zoning Officer, to permit the use.

Applicant appeals the Zoning Officer’s characterization of the extent of the FEMA floodplain on the property and will show the actual extent of the floodplain through evidence presented at hearing. Therefore, Applicant appeals the Zoning Officer’s determination that, in accordance with Sections 27-1702.1 and 27-1709.1.B, the entirety of the property is subject to the FP – Floodplain Conservation Overlay District.

Applicant agrees with the Zoning Officer's determination that the use of the property by Safe Zone, for parking of vehicles, and as an area for staging and dispatching of its vehicles, is a "warehouse, storage or distribution center". See Code 27-1402.F and I (use of the "same general character" permitted). Applicant also asserts that prior owners of the property had used the entire property for parking and dispatch of commercial vehicles, and this use is a pre-existing, non-conforming use, or a use of the same general character as the pre-existing, non-conforming use and is entitled to continue pursuant to Part 7 of the Zoning Code, 27-701 – 27-704. To the extent it is determined that the pre-existing, non-conforming use did not extend throughout the portion of the Property occupied by Safe Zone, then Applicant seeks a special exception for other required relief pursuant to Code Section 27-703(A), (B), (D) and (E), and applicable law, extension or expansion of that use. To the extent the Zoning Officer has determined that the current use is different than the pre-existing, non-conforming use, then Applicant appeals that determination and, in the alternative, seeks a special exception pursuant to Code § 27-703(B) to change to a non-conforming use which is equally appropriate or more appropriate to the LI District and is no more detrimental. In the alternative, Applicant seeks a variance from Sections 27-1402, 27-1713 and 27-1703, and any other Code section set forth in the Zoning Officer's letter, as appropriate, to allow the use of the property by Safe Zone as currently conducted.

Applicant appeals the determination of the Zoning Officer that the existing trailers, equipment (which term is not further defined), porta-potty, and loose materials on the site are in violation of Section 27-817.H(3) of the Code and must be removed. In the

alternative, Applicant seeks a variance from Code Section 27-817.H(3) to allow those items to remain on the property.

Applicant appeals the Zoning Officer's determination that, pursuant to Section 27-1714.1(A) and (H) of the Code, the use by the Applicant is a parking lot or otherwise prohibited within the Floodplain Conservation District ("FCD"). In the alternative, the Applicant seeks a variance from Code Section 27-817.H(3) and 27-1714.1.A and H, and pursuant to 27-1717, 27-1718, including 27-1718(3), and any other applicable Code provisions, to permit outdoor storage of materials, permanent structures, and to utilize the site for parking and dispatch of contractor vehicles and equipment within the floodplain.

Applicant appeals the Zoning Officer's determination denying a permit for the Safe Zone use. See Exhibit C-2.

C-3, letter of June 22, 2023 regarding Asplundh Tree Expert, LLC – 5 Colwell Lane (Section C) – Permit Application # 23-00429

Applicant appeals the Zoning Officer's determinations in its letter of June 22, 2023, attached hereto as C-3, relating to the use and occupancy permit application for Asplundh Tree Expert, LLC ("Asplundh"). Applicant appeals the Zoning Officer's determinations as follows.

Applicant appeals any implied determination by the Zoning Officer that portions of this commercial zoned property cannot be leased to or used by more than one entity. Applicant has leased portions of this property to three separate tenants, each of whom occupies a designated area. Nothing in the Zoning Code prohibits the occupancy of a commercial property by more than one tenant or requires subdivision of a property to

permit multiple uses. To the extent that the Zoning Code prohibits use of a single property by multiple tenants, Applicant seeks a variance from any applicable provisions of the Code.

Applicant appeals the Zoning Officer's characterization of the extent of the FEMA floodplain on the property and will show the actual extent of the floodplain through evidence presented at hearing. Therefore, Applicant appeals the Zoning Officer's determination in accordance with Sections 27-1702.1 and 27-1709.1.B that the entirety of the property is subject to the FP – Floodplain Conservation Overlay District.

Applicant agrees with the Zoning Officer's determination that the use of the property by Asplundh, for parking of vehicles, and as an area for staging and dispatching of its vehicles, is "a warehouse, storage or distribution center", permitted within the LI – Limited Industrial District. See Code 27-1402.F and I (use of "the same general character" permitted). Applicant also asserts that prior owners of the property had used the entire property for parking and dispatch of commercial vehicles, and this use is a pre-existing, non-conforming use, and is entitled to continue pursuant to Part 7 of the Zoning Code, 27-701 – 27-704. To the extent it is determined that the pre-existing, non-conforming use did not extend throughout the portion of the Property occupied by Asplundh, then Applicant seeks a special exception or other required relief pursuant to Code Section 27-703(A), (B), (D) and (E), and applicable law, to permit an extension or expansion of the pre-existing, non-conforming use. In the alternative, Applicant seeks a variance from Sections 27-1402, 27-1713 and 27-1703, and any other Code section set

forth in the Zoning Officer's letter, as appropriate, to allow the use of the property by Asplundh as currently conducted.

Applicant appeals the determination of the Zoning Officer that the existing portapotty is in violation of Section 27-817.H(3) of the Code and must be removed. In the alternative, Applicant seeks a variance from Code Section 27-817.H(3) to allow the portapotty to remain.

Applicant appeals the Zoning Officer's determination that, pursuant to Section 27-1714.1(A) and (H) of the Code, the use by the Applicant is a parking lot or otherwise prohibited within the Floodplain Conservation District. In the alternative, the Applicant seeks a variance from Code Section 27-817.H(3) and 27-1714.1.A and H, and pursuant to 27-1717, 27-1718, including 27-1718(3), and any other applicable Code provisions, to permit outdoor storage of materials, and to utilize the site for parking, permanent structures, and dispatch of contractor vehicles and equipment within the floodplain.

Applicant appeals the Zoning Officer's determination denying a permit for the Asplundh use. See Exhibit C-3.

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

a. The unique characteristics of the property:

A substantial portion of the property is located within the Floodplain Conservation District based upon the maps relied upon by the Borough staff. However, Applicant believes that most, if not all, of the property is located within the floodplain fringe, or outside the floodplain, and is not subject to flooding. The location of the property within

the FCD is a unique characteristic of the property which unduly impacts its use and development.

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

The property has historically been used as an office, warehouse and storage yard and that use should be permitted to continue. The use of the property predates the enactment of the provisions of the Zoning Code establishing the FCD. The property cannot reasonably be adapted to another use, without complete redevelopment. No use permitted within the floodplain is viable for the property and therefore the property will suffer a hardship if relief is not granted. The current use of the property is entirely consistent with the use of neighboring properties. The actions of the enforcement officer concerning this property are inconsistent with the actions of the zoning officer concerning other similar properties in this area and in the Borough.

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

The current use is entirely consistent with the LI Zoning District and with neighboring uses as well as uses within the FCD areas in the Borough. The use is less intensive than others permitted in the FCD. The property, and the neighborhood, consists of similar, if not more intensive, commercial uses. The current use of the property is permitted in the LI District or is "of the same general character" as permitted uses and is not a prohibited use. See Code § 27-1402(I). The use of the property as proposed will not adversely affect public health, safety of the general welfare. There are no residential uses which are proximate to this property. There is substantial and unimpeded access to

and from the property. The proposed use of the property will not overburden municipal services, increase the Base Flood Elevation beyond the level permitted by the Code, or cause any impact off of 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 to the determination).**

Please see the attached letters, Exhibits C-1, C-2 and C-3. Applicant incorporates its prior statements in this Application, particularly those contained in response to Section 12 above. The applicable provisions of the Zoning Ordinance which are subject to challenge are set forth in the Zoning Officer's letter and set forth previously in this application, and are also set forth in response to Sections 15a and b.

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

Applicant incorporates the prior sections of this Application, particularly those set forth in Section 12. In further answer, and by way of example and not limitation, the Zoning Officer's determination that the uses of the property by Safe Zone and Asplundh are not permitted, non-conforming uses or reasonable continuations or extensions of the pre-existing uses is in error. The Zoning Officer's implied determination that no more than one tenant or entity may be permitted to occupy this property is an error. There is no provision in the Zoning Code which prohibits multiple tenants at the same commercial property. The Zoning Officer's determination relating to the flood zone of the property is

incorrect and the dimensions and nature of the floodplain will be shown by engineering testimony. The Zoning Officer's determination that the trailer, equipment, porta-potty and other materials are subject to being transferred off the lot by natural causes or forces is not correct. See 27-817.H(3). Further, the Applicant will demonstrate that the existing uses of the property, and these same proposed uses, do not result in an increase in the Base Flood Elevation of more than one foot at any point as required by Sections 27-1718(3), and if located in a floodway, will cause no increase in the BFE, and therefore, if required, a variance should be granted to permit the use of the property as currently exists 27-1718(2).

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.

The Applicant is appealing the Zoning Officer's determinations, as indicated, and asserts that the uses of the property should be permitted as a continuation of the non-conforming use. If necessary, a special exception should be granted to permit a change of non-conforming use and expansion of the pre-existing, non-conforming use, pursuant to 27-701, 27-703. In the alternative, Applicant requests variances as previously set forth.

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

All sections referenced by the Zoning Officer in Exhibits C-1, C-2 and C-3, and previously in this Application, including the following:

- Appeal from the determinations of the Zoning Officer's letters dated June 22, 2023 attached as Exhibits C-1, C-2 and C-3.

- Variance from Section 27-1713 of the Code to permit existing uses in the Floodplain Conservation District.
- Variance, if necessary, from Code Section 27-817.H(3) to allow dumpster, trailer and porta-potty and other equipment to remain on property, for each of the tenants.
- Variance from Section 27-1402, if necessary, to permit use of property by existing tenants.
- Determination that the current uses of the property are a continuation of the previously existing, non-conforming uses.
- In the alternative, a special exception from Code Section 27-703.B and E, if required, to allow non-conforming use, which is equally appropriate or more appropriate in the LI District and is no more detrimental.
- A special exception pursuant to Code Section 27-703.B and E, and other applicable code sections, to permit expansion of existing, non-conforming use.
- Variance, if necessary, from Code Sections 27-817.H(3) and 27-1714.1(A) and (H) and any other applicable provisions to permit outdoor storage of materials and to utilize the site for parking of contractor vehicles and equipment within the floodplain.
- A variance pursuant to Code Sections 27-1713, 27-1717 and 27-1718, including 27-1718(3), to allow the existing/proposed use of the property within the floodplain.
- A variance from Section 27-1718(2) to allow for use within a floodway, if required.
- A request for relief from any other provisions of the Code referred to previously in this Application.

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

The property is improved as a commercial property and has long been used for commercial purposes, as a contractor's office and for parking and storage associated with

that use. The Applicant is entitled to continue the non-conforming use of the property. The use of the property at present, by Safe Zone and Asplundh, is nothing more than a continuation of the prior, pre-existing contractor storage use. The use is reasonable and is consistent with the uses permitted in the underlying LI District.

The property, though located in a floodplain, is not subject to flooding. The proposed use will not increase the base flood elevation by more than one foot. Further, the use of the property for storage or parking of vehicles is consistent with both the LI District and the floodplain district.

The grant of relief will not adversely affect the public health, safety or general welfare, and will cause no adverse effect. Without the grant of a variance from the floodplain regulations, this property will suffer a hardship as none of the uses permitted in the floodplain district are economically feasible for this property.

In further response, Applicant incorporates its prior statements in this Application.

EXHIBIT A



DEED BK 6032 PG 00240 to 00242.1
 INSTRUMENT # : 2017007630
 RECORDED DATE: 01/27/2017 10:45:13 AM



3434607-0006Q

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 4

Document Type: Deed	Transaction #: 3510441 - 1 Doc (s)
Document Date: 01/17/2017	Document Page Count: 2
Reference Info:	Operator Id: msanabia

RETURN TO: (Wait)
 MONTGOMERY COUNTY TAX CLAIM BUREAU
 ONE MONTGOMERY PLAZA SUITE 610
 NORRISTOWN, PA 19401

PAID BY:
 MONTGOMERY COUNTY TAX CLAIM BUREAU

PROPERTY DATA:
 Parcel ID #: 05-00-00108-00-4
 Address: 5 COLWELL LN
 Municipality: PA
 Conshohocken Borough
 (100%)
 School District: Colonial

ASSOCIATED DOCUMENT(S):

CONSIDERATION/SECURED AMT:
300,000.00
 TAXABLE AMOUNT:
290,941.00
 FEES / TAXES:

Recording Fee: Deed	\$95.00
Affidavit Fee	\$1.50
State RTT	\$2,909.41
Conshohocken Borough RTT	\$1,454.70
Colonial School District RTT	\$1,454.71
Total:	\$5,915.32

DEED BK 6032 PG 00240 to 00242.1
 Recorded Date: 01/27/2017 10:45:13 AM
 I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.



Jeanne Sorg

Jeanne Sorg
 Recorder of Deeds

Case# 2017-03193-0 Docketed via 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: Montgomery County Tax Claim Bureau
Returned To: Montgomery County Tax Claim Bureau
Parcel No. 05-00-00108-00-4

RECORDER OF DEEDS
MONTGOMERY COUNTY
2017 JAN 27 A 9 22

**TAX CLAIM BUREAU DEED
UPSET SALE**

This Deed Made this 17th day of January, 2017
Between the TAX CLAIM BUREAU, of the County of Montgomery, Pennsylvania, as Trustee,
Grantor, and

**TS 16, LLC
15 ST. ASAPHS ROAD
BALA CYNWYD, PENNSYLVANIA 19004**

GRANTEE, his, her or their heirs, assigns, and successors.

Witnesseth, that in consideration of \$300,000.00 in hand paid, receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, his, her, their heirs, assigns and successors, in accordance with the Real Estate Tax Sale Law of July 7, 1947, P.L. 1368, as amended, (72 P.S. 5860.101 et seq.)

ALL THAT CERTAIN PROPERTY SITUATE AND BEING KNOWN AS

**BLOCK 006 UNIT 030
5 COLWELL LN
Conshohocken
County of Montgomery
Commonwealth of Pennsylvania
Parcel No. 05-00-00108-00-4**

"Being the property formerly owned or reputed to be owned by WRUBEL BERENICE, the same having been sold at Upset Sale held on September 22, 2016 under the provisions of the Real Estate Tax Sale Law.

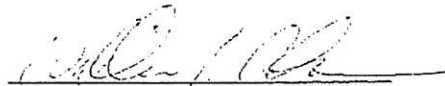
MONTGOMERY COUNTY COMMISSIONERS REGISTRY
05-00-00108-00-4 CONSHOHOCKEN
5 COLWELL LN
WRUBEL BERENICE \$15.00
B 006 U 030 L 4280 DATE: 01/27/2017 TG

{00488826;v1}

Case# 2017-03193-0 Docketed at Montgomery County Prothonotary on 02/16/2017 9:36 AM, Fee = \$270.00

In Witness Whereof, said Grantor has hereunto caused this Deed to be executed by its Director the day and year first above written.

Tax Claim Bureau of Montgomery County, Trustee



First Deputy Director of Tax Claim

COMMONWEALTH OF PENNSYLVANIA }ss:
COUNTY OF MONTGOMERY

On this, the 19th day of January, 2017, before me, the undersigned officer, personally appeared William Caldwell, First Deputy Director of the Tax Claim Bureau of the County of Montgomery, Commonwealth of Pennsylvania, known to me to be the person described in the foregoing instrument and acknowledged that he executed the same in the capacity therein stated and for the purpose therein contained

In Witness Whereof, I have hereunto set my hand and official seal.



PROTHONOTARY

CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the Grantee herein is:

**TS 16, LLC
15 ST. ASAPHS ROAD
BALA CYNWYD, PENNSYLVANIA 19004**



For the Grantee

EXHIBIT B

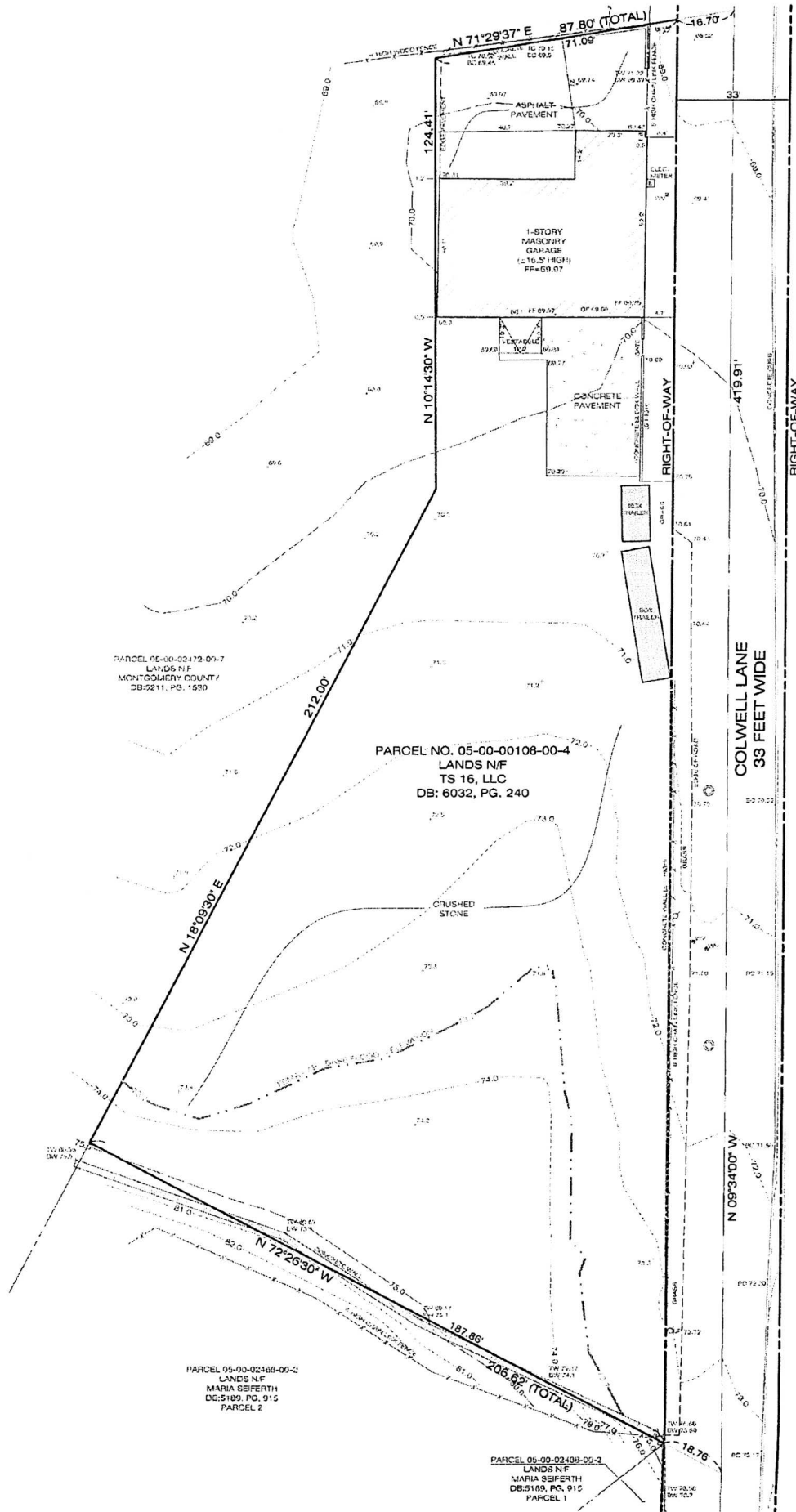


EXHIBIT C-1



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

June 22, 2023

Applicant:

Novvex Green, LLC, d/b/a Patkin Landscaping
Michael Sherick, Managing Member
613 Woodcrest Avenue
Ardmore, PA 19003

Property Owner:

TS 16, LLC
15 St. Asaphs Road
Bala Cynwyd, PA 19004

**Re: 5 Colwell Lane (Section "A")
Use and Occupancy (U&O) Permit Application #23-00427**

Conshohocken Borough is in receipt of your Use and Occupancy (U&O) Permit Application #23-00427 for Section "A" of the above referenced property. Upon review of this permit application, there is currently an active U&O permit for a landscaping business, and more specifically for a "warehouse" use to store landscaping equipment, which is utilizing the existing nonconforming building on the site. The current application states a change in tenant to "Novvex Green, LLC" (the prior application only identified the owner, TS 16, LLC). No change in use is stated. The Borough only has record of the above referenced property as one entire tract and does not have record of the portion of the above referenced property identified as Section "A" in the permit application. A site plan shall be provided documenting Section "A" of the above referenced property to accompany the U&O permit application.

The property is identified to be located within the LI - Limited Industrial District/Research. Based on the FEMA Flood Insurance Rate Map (FIRM), panel no. 42091C0358G, effective March 2, 2016, the majority of the property is located within Zone AE, which is determined by FEMA to be Special Flood Hazard areas with base flood elevations or depths defined. The remaining small sliver of the subject property along the southern property line is located within Zone X, which is determined by FEMA to be Other Areas of Flood Hazard of 0.2% annual chance flood hazard, areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile. In accordance with Sections §27-1702.1 and §27-1709.1.B of the Borough Zoning Ordinance, the property is subject to the FP - Floodplain Conservation Overlay District.

Per § 27-1402.F of the Borough Zoning Ordinance, the "warehouse, storage, or distribution center" use is a permitted use within the LI-Limited Industrial District/Research. However, per §27-1713 of the Borough Zoning Ordinance, a warehouse, storage, or distribution center use is not permitted by right within the Floodplain Conservation District. Since the above referenced property is also subject to the FP - Floodplain Conservation Overlay District the more restrictive provisions of the Zoning Ordinance shall apply in accordance with §27-1703 of the Borough Zoning Ordinance.

However, since the existing building and current use are considered nonconforming, the nonconforming status shall continue, and a property may continue to be used as nonconforming until it complies with the requirements of the Zoning Ordinance in accordance with §27-703 and §27-1715 of the Borough Zoning Ordinance. To the extent any change in use (rather than just a change in tenant) is proposed, the Borough reserves the right to review such change in use.

Based on visual observations of the site, and in accordance with §27-1404.6 and pursuant to §27-817.H.(3) of the Zoning Ordinance, no outdoor storage of materials or wastes shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural causes or forces. The existing trash dumpster located outside and adjacent the existing building is in violation of §27-817.H.(3). The existing outdoor trash dumpster will need to be relocated inside the existing nonconforming building; be removed off-site; or otherwise, a variance from Zoning Ordinance Section §27-817.H.(3) for approval by the Conshohocken Borough Zoning Hearing Board is required to permit the outdoor storage of materials within the floodplain.

Should any variances be granted, compliance to the technical provisions of Part 17 of the Floodplain Conservation Overlay District, Article G shall be required.

Since the Borough of Conshohocken does not have record of the portion of the property identified in the permit application as Section "A"; and no outdoor storage of materials or waste that may be transferred off the lot by natural causes or forces is permitted, this U&O permit application is **denied** at this time.

If you have any questions or concerns, please feel free to contact the undersigned at 484-243-6073 or zoning@conshohockenpa.gov.

Sincerely,



Allison A. Lee, PE

Zoning Officer

PENNONI ASSOCIATES INC.

cc: Ray Sokolowski
Stephanie Cecco
Chris Small

EXHIBIT C-2



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

June 22, 2023

Applicant:

Safe Zone Line Services, LLC
Victoria Legra, Supervisor
234 Dogwood Drive
Crawfordville, FL 32327

Property Owner:

TS 16, LLC
15 St. Asaphs Road
Bala Cynwyd, PA 19004

**Re: 5 Colwell Lane (Section "B")
Use and Occupancy (U&O) Permit Application #23-00428**

Conshohocken Borough is in receipt of your Use and Occupancy (U&O) Permit Application #23-00428 for Section "B" of the above referenced property. Upon review of this permit application, the Borough only has record of the above referenced property as one entire tract and does not have record of the portion of the above referenced property identified as Section "B" in the permit application. A site plan shall be provided documenting Section "B" of the above referenced property to accompany the U & O permit application.

The property is identified to be located within the LI - Limited Industrial District/Research. Based on the FEMA Flood Insurance Rate Map (FIRM), panel no. 42091C0358G, effective March 2, 2016, the majority of the property is located within Zone AE, which is determined by FEMA to be Special Flood Hazard areas with base flood elevations or depths defined. The remaining small sliver of the subject property along the southern property line is located within Zone X, which is determined by FEMA to be Other Areas of Flood Hazard of 0.2% annual chance flood hazard, areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile. In accordance with Sections §27-1702.1 and §27-1709.1.B of the Borough Zoning Code, the property is subject to the FP - Floodplain Conservation Overlay District.

Per § 27-1402.F of the Borough Zoning Ordinance, the "warehouse, storage, or distribution center" use is a permitted use within the LI-Limited Industrial District/Research. However, per §27-1713 of the Borough Zoning Ordinance, a warehouse, storage, or distribution center use is not permitted by right within the Floodplain Conservation District. Since the above referenced property is also subject to the FP - Floodplain Conservation Overlay District the more restrictive provisions of the Zoning Ordinance shall apply in accordance with §27-1703 of the Borough Zoning Ordinance. A variance from §27-1713 of the Borough Zoning Code for approval from the Conshohocken Borough Zoning Hearing Board is required to permit the proposed new use to be located within the FP - Floodplain Conservation Overlay District.

Based on visual observations of the site, and in accordance with §27-1404.6 and pursuant to §27-817.H.(3) of the Zoning Ordinance, no outdoor storage of materials or wastes shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural causes or forces. The existing trailers, equipment, port-a-potty, and loose materials currently stored onsite is in violation of §27-817.H.(3). The existing loose materials will be required to be removed off-site. In addition, pursuant to §27-1714.1.A and H of the Zoning Ordinance, no new construction, alteration, or improvement of any buildings and any other type of permanent structure, including fences, shall be permitted in the floodway or the one-hundred-year floodplain and parking lots are prohibited uses within the Floodplain Conservation Overlay District. A variance from Zoning Ordinance Sections §27-817.H.(3) and §27-1714.1.A and H for approval by the Conshohocken Borough Zoning Hearing Board is required to permit the outdoor storage of materials, permanent structures, and utilizing the site as a parking lot for contractor vehicles and equipment within the floodplain.

Should any variances be granted, compliance to the technical provisions of Part 17 of the Floodplain Conservation Overlay District, Article G shall be required.

Since the Borough of Conshohocken does not have record of the portion of the property identified in the permit application as Section "B"; the proposed new use is not a permitted use by right within the more restrictive FP – Floodplain Conservation Overlay District; and no permanent structures nor outdoor storage of materials or waste that may be transferred off the lot by natural causes or forces is permitted, this U&O permit application is **denied** at this time.

If you have any questions or concerns, please feel free to contact the undersigned at 484-243-6073 or zoning@conshohockenpa.gov.

Sincerely,



Allison A. Lee, PE
Zoning Officer

PENNONI ASSOCIATES INC.

cc: Ray Sokolowski
Stephanie Cecco
Chris Small

EXHIBIT C-3



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

June 22, 2023

Applicant:

Asplundh Tree Expert, LLC
Elizabeth Bolger, Director Region 021
575 A Virginia Drive
Fort Washington, PA 19034

Property Owner:

TS 16, LLC
15 St. Asaphs Road
Bala Cynwyd, PA 19004

**Re: 5 Colwell Lane (Section "C")
Use and Occupancy (U&O) Permit Application #23-00429**

Conshohocken Borough is in receipt of your Use and Occupancy (U&O) Permit Application #23-00429 for Section "C" of the above referenced property. Upon review of this permit application, the Borough only has record of the above referenced property as one entire tract and does not have record of the portion of the above referenced property identified as Section "C" in the permit application. A site plan shall be provided documenting Section "C" of the above referenced property to accompany the U & O permit application.

The property is identified to be located within the LI - Limited Industrial District/Research. Based on the FEMA Flood Insurance Rate Map (FIRM), panel no. 42091C0358G, effective March 2, 2016, the majority of the property is located within Zone AE, which is determined by FEMA to be Special Flood Hazard areas with base flood elevations or depths defined. The remaining small sliver of the subject property along the southern property line is located within Zone X, which is determined by FEMA to be Other Areas of Flood Hazard of 0.2% annual chance flood hazard, areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile. In accordance with Sections §27-1702.1 and §27-1709.1.B of the Borough Zoning Code, the property is subject to the FP - Floodplain Conservation Overlay District.

Per § 27-1402.F of the Borough Zoning Ordinance, the "warehouse, storage, or distribution center" use is a permitted use within the LI-Limited Industrial District/Research. However, per §27-1713 of the Borough Zoning Ordinance, a warehouse, storage, or distribution center use is not permitted by right within the Floodplain Conservation District. Since the above referenced property is also subject to the FP - Floodplain Conservation Overlay District the more restrictive provisions of the Zoning Ordinance shall apply in accordance with §27-1703 of the Borough Zoning Ordinance. A variance from §27-1713 of the Borough Zoning Code for approval from the Conshohocken Borough Zoning Hearing Board is required to permit the proposed new use to be located within the FP - Floodplain Conservation Overlay District.

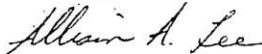
Based on visual observations of the site, and in accordance with §27-1404.6 and pursuant to §27-817.H.(3) of the Zoning Ordinance, no outdoor storage of materials or wastes shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural causes or forces. The existing port-a-potty currently stored onsite is in violation of §27-817.H.(3). The existing port-a-potty will be required to be removed off-site. In addition, pursuant to Section §27-1714.1.H of the Zoning Ordinance, parking lots is a prohibited use within the Floodplain Conservation Overlay District. A variance from Zoning Code Sections §27-817.H.(3) and §27-1714.1.H for approval by the Conshohocken Borough Zoning Hearing Board is required to permit the outdoor storage of the port-a-potty and utilizing the site as a parking lot for contractor vehicles within the floodplain.

Should any variances be granted, compliance to the technical provisions of Part 17 of the Floodplain Conservation Overlay District, Article G shall be required.

Since the Borough of Conshohocken does not have record of the portion of the property identified in the permit application as Section "C"; the proposed new use is not a permitted use by right within the more restrictive FP – Floodplain Conservation Overlay District; and no outdoor storage of materials or waste that may be transferred off the lot by natural causes or forces is permitted, this U&O permit application is **denied** at this time.

If you have any questions or concerns, please feel free to contact the undersigned at 484-243-6073 or zoning@conshohockenpa.gov.

Sincerely,

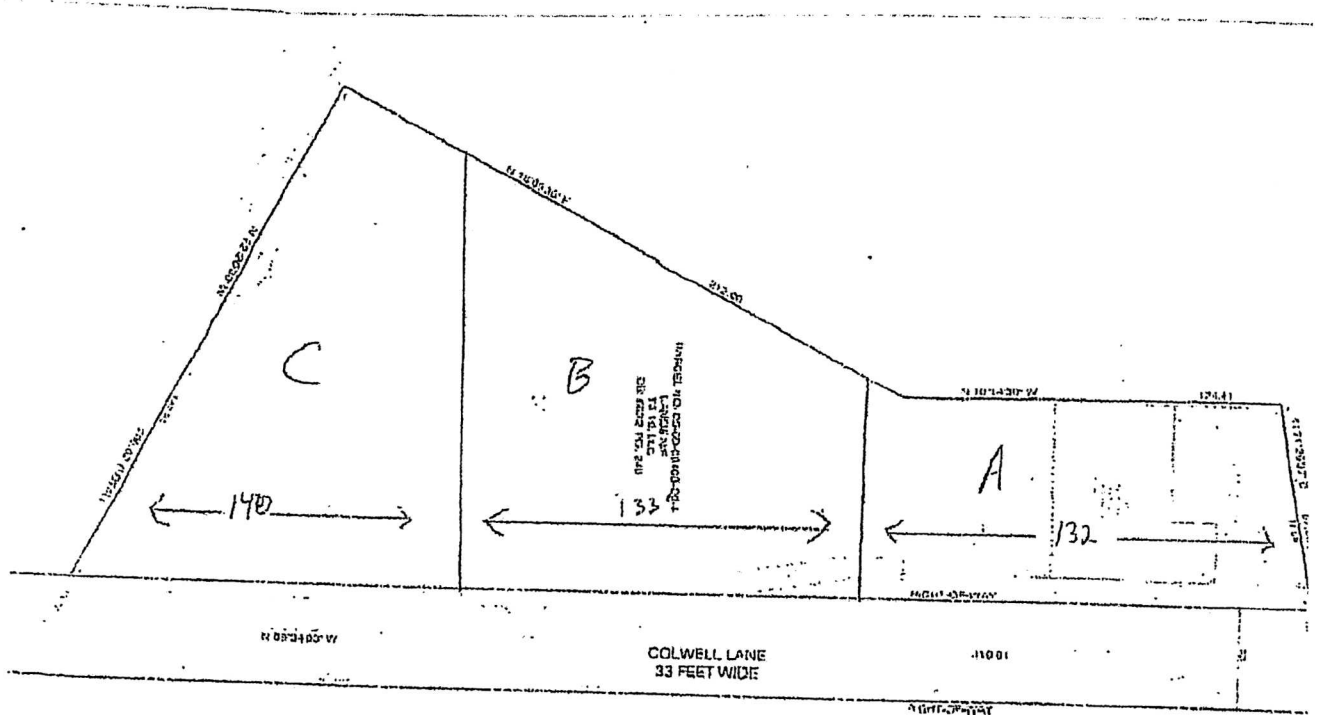


Allison A. Lee, PE
Zoning Officer

PENNONI ASSOCIATES INC.

cc: Ray Sokolowski
Stephanie Cecco
Chris Small

EXHIBIT D



Not to Scale
 All measurements are approximate

Exhibit "A"

MJS

100



BOROUGH OF CONSHOHOCKEN

Zoning Administration

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Tina Sokolowski, President
Kathleen Kingsley, Vice-President
Anita Barton, Senior Member
Alan Chmielewski, Member
Stacy Ellam, Member
Ralph Frey, Member
Adrian Serna, Member

Stephanie Cecco
Borough Manager

ZONING NOTICE SEPTEMBER 16, 2024 ZONING HEARING BOARD MEETING

ZONING HEARING Z-2024-22

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on September 16, 2024 at 6:30 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: Southeastern Pennsylvania Transportation Authority (SEPTA)
1234 Market Street, 5th Floor
Philadelphia, PA 19103

PREMISES INVOLVED: 101 Washington Street
Conshohocken, PA 19428
SP-3 - Specially Planned District 3
FP - Floodplain Conservation Overlay District

OWNER OF RECORD: Southeastern Pennsylvania Transportation Authority (SEPTA)
1234 Market Street, 5th Floor, Philadelphia, PA 19103

The Petitioner is seeking a Variance from Sections §27-1714.1.A, B, D, H, and K to permit the construction of a surface parking lot and the associated clearing, filling, and installation of curbing, landscape islands, and stormwater facilities on the site, whereas, such use and activities are prohibited within the 100-year floodplain.

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



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Tina Sokolowski, President
Kathleen Kingsley Vice-President
Anita Barton, Senior Member
Alan Chmielewski, Member
Stacy Ellam, Member
Ralph Frey, Member
Adrian Serna, Member

Stephanie Cecco
Borough Manager

Date: September 3, 2024
To: Stephanie Cecco, Brittany Rogers
From: Allison A. Lee, PE
Re: SEPTA Surface Parking Lot – Zoning Determination

History of the Site:

The property is currently a 6.32-acre parcel consisting of vacant land that have been used more recently as a construction staging area for the redevelopment of the Southeastern Pennsylvania Transportation Authority (SEPTA) Conshohocken train station. The site was formerly a portion of the Neve industrial property located at 101 Washington Street, and used for warehouses and storage that have since been demolished and removed from the site.

The site is located within the SP-3 - Specially Planned District 3 and subject to the FP - Floodplain Conservation overlay district regulations. The site is bounded by the SEPTA's regional rail line from the City of Philadelphia through Conshohocken Borough to Norristown to the north; the Schuylkill River to the South; the Matson Mill residential condominium development to the east; and additional vacant land to the west.

The Applicant had previously appeared before the Conshohocken Borough Zoning Hearing Board under application no. Z-2022-07, and based on the Zoning Decision and Order dated May 16, 2022, the Applicant was granted variances from the terms of Sections §27-1608.6, §27-1609.1B, C, and F, §27-1610.1.C, §27-1714, and §27-2007.F(1) of the Conshohocken Borough Zoning Ordinance of 2001 for the construction of a parking garage and parking lot facilities on the site. However, the Applicant did not obtain all the required permits within twelve (12) months of the date of the Zoning Decision; and therefore, the prior variances have expired. In addition, the Applicant has since revised the proposed site improvements under this zoning application.

Current Request:

The Applicant has amended the site layout to exclude a parking garage on the property and is proposing to extend the existing roadway access along Washington Street from the adjoining Matson Mill development to construct a new surface parking lot, curbing, landscaping, light poles, stormwater management facilities, a riverfront multi-use trail, and site amenities which includes benches, picnic tables, and trash and recycling receptacles.

The Applicant is seeking a variance from Sections §27-1714.1.A, B, D, H, and K to permit the construction of a surface parking lot and the associated clearing, filling, and installation of curbing, landscape islands,

multi-use trail, site amenities, and stormwater facilities on the site, whereas, such use, activities, and permanent structures are prohibited within the 100-year floodplain.

Zoning Determination:

The Applicant, SEPTA, is considered a "Public Utility" per Section 27-202, which is defined as "*an agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with communication, gas, power, rail transportation, sewer or water facilities, or other similar service.*"

The Applicant is proposing new construction to the site which will include associated clearing, grading, and filling for a new surface parking lot, curbing, landscaping, light poles, stormwater management facilities, a riverfront multi-use trail, and site amenities which includes benches, picnic tables, and trash and recycling receptacles.

The subject parcel is located within the underlying SP-3 zoning district, and per Section 27-1602.E and F, a public and private parking lot and recreation, open space, and river-oriented recreation are permitted uses within the underlying SP-3 zoning district. However, since the subject parcel is also located within the Floodplain Conservation Overlay District, the subject parcel must comply with the regulations of the Floodplain Conservation Overlay District per Section 27-1702.1.A.

In accordance with the FEMA Flood Insurance Rate Map (FIRM) panel No. 42091C0358G, effective 3/2/2016, and LOMR No. 16-03-0726P effective 1/30/2017, the southern portion of the parcel along the top of banks and south towards the Schuylkill River is located within the Schuylkill River regulated floodway Zone AE; and the remainder of the site is located within the 100-year floodplain (1% annual chance flood) Zone AE, which are special flood hazard areas with base flood elevations defined; therefore, the entire site is subject to the FP - Floodplain Conservation Overlay District regulations. New development and construction is generally prohibited in the Floodplain Conservation District because of the risk of inundation of flood waters.

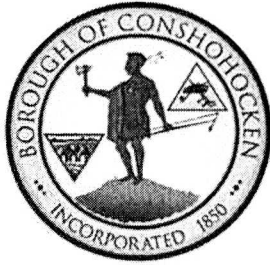
Per Section §27-1714, any use or activity not authorized within Section §27-1713 of the Zoning Ordinance shall be prohibited within the Floodplain Conservation Overlay District. Prohibited uses pertaining to the proposed development include the following relevant uses and activities under Section §27-1714:

- A. *No new construction, alteration, or improvement of any buildings and any other type of permanent structure, including fences, shall be permitted in the floodway or the one-hundred-year floodplain.*
- B. *New construction of buildings or placement of fill within the one-hundred-year floodplain is prohibited.*
- D. *Clearing of all existing vegetation, except where such clearing is necessary to prepare land for a use permitted under § 27-1713, and where the effects of these actions are mitigated by re-establishment of vegetation.*
- H. *Parking lots.*
- K. *Stormwater basins, including necessary berms and outfall facilities.*

As a result, the Applicant is required to seek a variance from Sections §27-1714.1.A, B, D, H, and K to permit the construction of the new surface parking lot, riverfront recreational activities, and associated landscaping, lighting, and stormwater facilities.

The Applicant is not proposing any watercourse encroachments, alterations, or improvement of any kind to the adjacent Schuylkill River.

Relief requested from the code provisions of Part 17, FP - Floodplain Conservation overlay district of the Zoning Ordinance, is subject to Articles F - Variances and Article G - Technical provisions Upon Grant of Variances. In particular, per §27-1722.3, if a variance is granted by the Zoning Hearing Board, the Applicant shall be notified in writing that the granting of the variance may result in increased premium rates for flood insurance and may increase risks to life and property.



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

Zoning Application

Application: Z-2024-22
Date Submitted: 7/26/24
Date Received: 7/26/24

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:

27-1714.1.A

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

101 Washington Avenue

4. Applicant's Name: Southeastern Pennsylvania Transportation Authority

Address: Attn: Robert Tangi
1234 Market Street; 5th Floor; Philadelphia, PA 19103

Phone Number (daytime): 215-570-7068

E-mail Address: RTangi@septa.org

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

6. Property Owner: Same.

Address: _____

Phone Number: _____

E-mail Address: _____

7. Lot Dimensions: 81,809 sq. ft. Zoning District: SP-3

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

Yes No If yes, please describe.

Application No. 2022-07 - Request for variances for a parking lot and garage.

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

Vacant.

10. Please describe the proposed use of the property.

Surface parking lot.

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

Parking lot consisting of 183 parking spaces together with landscape islands, buffering, multi-use trail and amenities.

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

Site was located immediately adjacent to the existing railroad tracks operated by the Applicant and will provide convenient parking to service commuters at the Conshohocken Railroad Station.

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

a. The unique characteristics of the property: A significant portion of the property is located within the AE zone of the floodplain area which is outside of the floodway but within the 100-year floodplain designation.

b. How the Zoning Ordinance unreasonably restricts development of the property:
Zoning Ordinance unduly restricts the development of the property by prohibiting any new construction, alteration or improvement of any structure within the 100-year floodplain designation.

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

The property is adjacent to an existing railway line and in the vicinity of commercial and multi-family real estate development.

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 surface parking lot will have minimal impact on the base floodplain elevation and will not impact the flow of floodwater.

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

b. Address: 1920 S. Broad St., Suite 230, P.O. Box 1479
Lansdale, PA 19446-5422

c. Phone Number: (215) 661-0400

d. E-mail Address: cweiner@hrmml.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.

R.J. G.
Applicant

SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY
Legal Owner

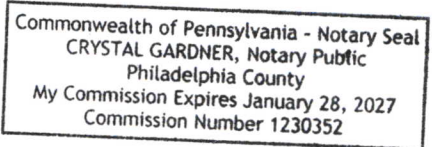
7-17-24
Date

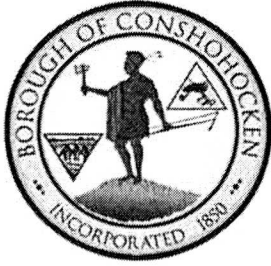
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ~~MONTGOMERY~~ PHILADELPHIA

As subscribed and sworn to before me this 17th day of July, 2024.

Crystal Gardner
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: _____



DEED BK 6308 PG 01621 to 01629.5
INSTRUMENT # : 2022104302
RECORDED DATE: 11/16/2022 03:23:41 PM



6169969-0020+

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 14

Document Type: Deed	Transaction #: 6686884 - 1 Doc(s)
Document Date: 11/09/2022	Document Page Count: 8
Reference Info:	Operator Id: sford
RETURN TO: (Simplifile) Chicago Title Philadelphia Commercial - 1515 Market St Ste 1325 PA 19102-1930 1700 Market St Ste 2100 Philadelphia, PA 19103-3919 (215) 875-4146	PAID BY: CHICAGO TITLE PHILADELPHIA COMMERCIAL - 1515 MARKET ST STE 1325 PA 19102-1930

*** PROPERTY DATA:**

Parcel ID #:	05-00-00040-00-9
Address:	101 WASHINGTON ST
Municipality:	PA Conshohocken Borough (100%)
School District:	Colonial

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT: \$9,750,000.00	DEED BK 6308 PG 01621 to 01629.5
TAXABLE AMOUNT: \$0.00	Recorded Date: 11/16/2022 03:23:41 PM
FEES / TAXES:	I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.
Recording Fee:Deed \$86.75	
Affidavit Fee \$1.50	
Additional Pages Fee \$8.00	
Affordable Housing Pages \$8.00	
Total: \$104.25	
	Jeanne Sorg Recorder of Deeds

Rev1 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 INFORMATION

Digitally signed 07/25/2024 by montgomery.county.rod@govos.com

Certified and Digitally Signed

Validation may require Adobe 'Windows Integration'

eCertified copy of recorded # 2022104302 (page 1 of 14)
 Montgomery County Recorder of Deeds



Prepared by:

Rosemary J. Loverdi, Esq.
 Dilworth Paxson LLP
 1500 Market Street, Suite 3500E
 Philadelphia, PA 19102
 (215) 575-7000

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
 05-00-00040-00-9 CONSHOCKEN BOROUGH
 101 WASHINGTON ST
 NEVE SARA R 2015 RIVERFRONT PROPERTY TRUST \$15.00
 B 011 L U 005 2209 11/16/2022 JG

Return to:

Chicago Title Insurance Company
 1700 Market Street, Suite 2100
 Philadelphia, PA 19102
 (215) 732-9700
 Order No. PHI220647

Tax Parcel Number: 05-00-00040-00-9

DEED IN LIEU OF CONDEMNATION

THIS INDENTURE made the 9th day of November, 2022 between **MICHAEL V. SENCINDIVER, INDEPENDENT TRUSTEE OF THE SARA R. NEVE 2015 RIVERFRONT PROPERTY TRUST**, a Pennsylvania irrevocable trust, hereinafter called the Grantor, of the one part,

AND

SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY, a body corporate and politic which exercises the public powers of the Commonwealth of Pennsylvania as an agency and instrumentality thereof, hereinafter called the Grantee, of the other part,

WHEREAS, Grantee is a metropolitan transportation authority created pursuant to the Metropolitan Authorities Transportation Act, 74 Pa. C.S.A. § 1701 *et seq.* and has the power of eminent domain pursuant to 74 Pa. C.S.A. § 1744; and

WHEREAS, pursuant to Resolution entitled "Acquisition from Sara R. Neve 2015 Riverfront Property Trust of a Parcel of Property located at 101 Washington Street in the Borough of Conshohocken, Montgomery County, for Use in SEPTA's ADA Station Upgrade Project and Construction of a New Parking Garage at Conshohocken Station" approved on April 28, 2022, the Board of the Southeastern Pennsylvania Transportation Authority, the Grantee hereunder, authorized the acquisition of the property described herein by condemnation or by a negotiated purchase price in lieu of condemnation; and

WHEREAS, Grantor and Grantee have agreed upon the negotiated purchase price for the transfer of the property described herein in lieu of condemnation, as set forth below.

WITNESSETH, That the said Grantor, for and in consideration of the sum of Nine Million and Seven Hundred Fifty Thousand Dollars (\$9,750,000.00), 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, its successors and assigns,

ALL THAT CERTAIN PARCEL OF LAND as described on Exhibit "A" attached hereto,
UNDER AND SUBJECT, however, to the matters of record as of the date hereof.

TOGETHER with all and singular the structures, improvements, ways, streets, alleys, passages, waters, water-courses, mineral rights, gas and oil rights, liberties, privileges, hereditaments and appurtenances, whatsoever thereunto 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 it the said Grantor in law as in equity, or otherwise howsoever, of, in, and to the same and every part thereof.

TO HAVE AND TO HOLD the said parcel of land above described, with the improvements and structures thereon erected and the 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.

UNDER AND SUBJECT to matters of record, as aforesaid.

AND the said Grantor, for itself and its successors, 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, all and singular the hereditaments and premises herein above described and granted, or mentioned and intended so to be, with appurtenances, unto the said Grantee, its successors and assigns, against the said Grantor and its successors, and against all and every person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under Grantor, or any of them, shall and will, UNDER AND SUBJECT as aforesaid, WARRANT and forever DEFEND.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]



IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal the day and year first above written.

GRANTOR:

THE SARA R. NEVE 2015 RIVERFRONT PROPERTY TRUST, a Pennsylvania irrevocable trust

By: [Signature]

Name: Michael V. Sencindiver

Title: Independent Trustee

STATE OF Pennsylvania
COUNTY OF Philadelphia

:
:
: ss.

On this, the 9th day of November, 2022, before me, a Notary Public, the undersigned officer personally appeared, Michael V. Sencindiver, known to me (or satisfactorily proven) to be the Independent Trustee of THE SARA R. NEVE 2015 RIVERFRONT PROPERTY TRUST, a Pennsylvania irrevocable trust, acknowledged that he as such Independent Trustee, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Trust as such Independent Trustee.

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

[Signature]
Notary Public

Commonwealth of Pennsylvania - Notary Seal
KAREN C. MORRISSEY, Notary Public
Philadelphia County
My Commission Expires January 4, 2023
Commission Number 1116067



I hereby certify that the address of
the above Grantee is:

Southeastern Pennsylvania Transportation Authority
1234 Market Street
10th Floor
Philadelphia, PA 19107-3780

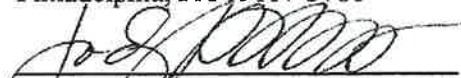

On behalf of Grantee



EXHIBIT "A"**LEGAL DESCRIPTION**

ALL THAT CERTAIN lot or piece of ground located in the Borough of Conshohocken, County of Montgomery, Commonwealth of Pennsylvania, identified as "Lot 2" on certain plan entitled "Lot Consolidation/Subdivision Plan" prepared by Bohler Engineering dated June 28, 2019 and last revised July 7, 2020, consisting of two sheets, which was recorded in the Office of the Montgomery County Recorder of Deeds in Plan Book 53 Page 401 as more particularly described as follows:

BEGINNING at a point on the dividing line between Block 13, Unit 49, lands now or formerly Sarah R. Neve 2015 Riverfront Property Trust and lands now or formerly SEPTA, said point being distant the following three (3) courses and distances from the common corner of Block 13, Unit 49 and Block 13, Unit 55, lands now or formerly 51 Washington Local LLC and from said point of beginning running, thence

The following three (3) courses and distances along the dividing line between Block 13, Unit 49 and lands now or formerly SEPTA:

A. North 53 degrees - 58 minutes - 55 seconds west, a distance of 70.21 feet to a point, thence

B. North 34 degrees - 56 minutes - 00 seconds East, a distance of 17.67 feet to a point, thence

C. North 52 degrees - 13 minutes - 00 seconds West, a distance of 29.76 feet to the true point and place of beginning and from said point of beginning running, thence;

The following twelve (12) courses and distances along the dividing line between proposed Lot 1 and proposed Lot 2;

1. South 37 degrees - 28 minutes - 22 seconds west, a distance of 35.69 feet to a point; thence

2. South 32 degrees - 24 minutes - 39 seconds East, a distance of 10.00 feet to a point, thence;

3. South 37 degrees - 28 minutes - 22 seconds West, a distance of 5.43 feet to a point of curvature; thence

4. along the arc of a circle curving to the right, having a radius of 10 feet, a central angle of 90 degrees - 18 minutes - 36 seconds, an arc length of 15.76 feet, a chord bearing South 82 degrees - 37 minutes - 40 seconds West and chord distance of 14.18 feet to a point tangency; thence

5. North 52 degrees - 13 minutes - 02 seconds West, a distance of 168.10 feet to point of curvature; thence



6. Along the arc of a circle curving to the right, having a radius of 76.00 feet, a central angle of 35 degrees - 14 minutes - 42 seconds, an arc length of 46.75 feet, a chord bearing North 34 degrees - 35 minutes - 41 seconds West and a chord distance of 46.02 feet to a point of reverse curvature; thence

7. Along the arc of a circle curving to the left, having a radius of 124.00 feet, a central angle of 35 degrees - 04 minutes - 32 seconds, an arc length of 75.91 feet, a chord bearing North 34 degrees - 30 minutes - 37 seconds West and a chord distance of 74.73 feet to a point of tangency; thence

8. North 52 degrees - 13 minutes - 02 seconds West, a distance of 436.94 feet to a point; thence

9. South 37 degrees - 46 minutes - 58 seconds West, a distance of 24.00 feet to a point; thence

10. North 52 degrees - 12 minutes - 58 seconds West, a distance of 68.67 feet to a point of curvature; thence

11. Along the arc of a circle curving to the left, having a radius of 15.00 feet, a central angle of 90 degrees - 00 minutes - 02 seconds, an arc length of 23.56 feet, a chord bearing South 82 degrees - 47 minutes - 01 seconds West and a chord distance of 21.21 feet to a point of tangency; thence

12. South 37 degrees - 47 minutes - 00 seconds West, a distance of 249.35 feet to a point on the title line on the Schuylkill River (navigable by law); thence

The following seven (7) courses and distances along the title line on the Schuylkill River

13. North 51 degrees - 25 minutes - 30 seconds West, a distance of 183.43 feet to a point; thence

14. North 45 degrees - 11 minutes - 55 seconds West, a distance of 336.02 feet to a point; thence

15. North 23 degrees - 44 minutes - 51 seconds West, a distance of 239.00 feet to a point; thence

16. North 29 degrees - 38 minutes - 35 seconds West, a distance of 125.59 feet to a point; thence

17. North 29 degrees - 44 minutes - 23 seconds East, a distance of 22.00 feet to a point, thence;

18. North 77 degrees - 26 minutes - 43 seconds West, a distance of 25.00 feet to a point, thence;

19. North 28 degrees - 37 minutes - 15 seconds West, a distance of 437.24 feet to a point; thence



The following twelve (12) courses and distances along the dividing line between Block 10, Unit 7; Block 10, Unit 9 and lands now or formerly SEPTA:

20. South 56 degrees - 05 minutes - 20 seconds East, a distance of 226.36 feet to a point; thence
21. South 40 degrees - 24 minutes - 00 seconds East, a distance of 237.00 feet to a point; thence;
22. South 36 degrees - 08 minutes - 58 seconds East, a distance of 111.22 feet to a point; thence;
23. South 46 degrees - 04 minutes - 50 seconds East, a distance of 144.70 feet to a point; thence;
24. South 48 degrees - 47 minutes - 00 seconds East, a distance of 217.93 feet to a point; thence
25. South 52 degrees - 57 minutes - 00 seconds East, a distance of 241.21 feet to a point; thence
26. South 52 degrees - 08 minutes - 00 seconds East, a distance of 250.04 feet to a point; thence;
27. South 51 degrees - 48 minutes - 00 seconds East, a distance of 250.24 feet to a point; thence;
28. South 53 degrees - 02 minutes - 00 seconds East, a distance of 182.57 feet to a point; thence;
29. South 52 degrees - 13 minutes - 00 seconds East, a distance of 222.77 feet to the point and place of beginning.

This description was written based upon a Map entitled "Conditional Use and Preliminary/Final Subdivision and Land Development Plans for High Street Conshohocken LLC, Matson Mill Apartments, Washington Street and Oak Street, Borough of Conshohocken, Montgomery County, Pennsylvania, Lot Consolidation/ Subdivision Plan (Record Plan 1 and 2 of 2)", prepared by Bohler Engineering, dated 06/28/2019, Project No. PC191274, Sheets C-204 and C-205, Revision No 11 dated 7/07/2020.

Being the same premises which Sarah R. Neve, widow of James J. Neve by Deed dated 7-31-2018 and recorded 7-31-2018 in Montgomery County in Deed Book 6100 page 2086 conveyed unto The Sarah R. Neve 2015 Riverfront Property Trust, under deed of trust dated 5-8-2015 of Sarah R. Neve, in fee.

Being the same premises which Michael V. Sencindiver, Independent Trustee of the Sara R. Neve 2015 Riverfront Property Trust by Deed of Consolidation dated 8-28-2020 and recorded



10-1-2020 in Montgomery County in Deed Book 6195 page 413 conveyed unto Michael V. Sencindiver, Independent Trustee of the Sara R. Neve 2015 Riverfront Property Trust, in fee.

BEING Tax ID/Parcel No. 05-00-00040-00-9





REV-183 BUREAU OF INDIVIDUAL TAXES PO BOX 280603 HARRISBURG, PA 17128-0603

1830019105

REALTY TRANSFER TAX STATEMENT OF VALUE COMPLETE EACH SECTION

RECORDER'S USE ONLY table with fields: State Tax Paid: \$0.00, Book: 6308, Instrument Number: 01621, Date Recorded: 11/16/2022 03:23:41 PM

SECTION I TRANSFER DATA

Form for Section I: Date of Acceptance of Document, Grantor(s)/Lessor(s) The Sara R. Neve 2015 Riverfront, Telephone Number (610) 804-9856, Grantee(s)/Lessee(s) Southeastern Pennsylvania, Telephone Number (215) 580-7619, Mailing Address c/o 717 Main Street, City Riverton, State NJ, ZIP Code 08077, Mailing Address 1234 Market Street, 10th Floor, City Philadelphia, State PA, ZIP Code 19107

SECTION II REAL ESTATE LOCATION

Form for Section II: Street Address 101 Washington Street, City, Township, Borough Conshohocken, County Montgomery, School District Colonial, Tax Parcel Number 05-00-00040-00-9

SECTION III VALUATION DATA

Form for Section III: Was transaction part of an assignment or relocation? NO, 1. Actual Cash Consideration 9,750,000.00, 2. Other Consideration + 0.00, 3. Total Consideration = 9,750,000.00, 4. County Assessed Value 155,080.00, 5. Common Level Ratio Factor x 2.53, 6. Computed Value = 392,352.40

SECTION IV EXEMPTION DATA - Refer to instructions for exemption status.

Form for Section IV: 1a. Amount of Exemption Claimed \$ 9,750,000.00, 1b. Percentage of Grantor's Interest in Real Estate 100 %, 1c. Percentage of Grantor's Interest Conveyed 100 %

- 2. Fill in the Appropriate Oval Below for Exemption Claimed.
Will or intestate succession.
Transfer to a trust.
Transfer from a trust.
Transfer between principal and agent/straw party.
Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation.
Transfer from mortgagor to a holder of a mortgage in default.
Corrective or confirmatory deed.
Statutory corporate consolidation, merger or division.
Other

SECTION V CORRESPONDENT INFORMATION - All inquiries may be directed to the following person:

Form for Section V: Name Gretchen Wischart, Deputy General Counsel - Corporate - SEPTA, Telephone Number (215) 580-7619, Mailing Address 1234 Market Street, 5th Floor, City Philadelphia, State PA, ZIP Code 19107

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 and Date 11/8/22

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.




1830019105



CERTIFICATE

The undersigned, duly qualified and acting as Secretary of the Southeastern Pennsylvania Transportation Authority, certifies that the following is a true and correct copy of a Resolution adopted at a legally convened meeting of the Board of the Southeastern Pennsylvania Transportation Authority on April 28, 2022, which Resolution continues in full force and effect as of this date.



Carol R. Looby

Date: May 4, 2022

(Seal)



4/28/22

R E S O L U T I O N

re

ACQUISITION FROM SARA R. NEVE 2015 RIVERFRONT PROPERTY TRUST
OF A PARCEL OF PROPERTY LOCATED AT 101 WASHINGTON STREET IN
THE BOROUGH OF CONSHOHOCKEN, MONTGOMERY COUNTY, FOR USE IN
SEPTA'S ADA STATION UPGRADE PROJECT AND CONSTRUCTION
OF A NEW PARKING GARAGE AT CONSHOHOCKEN STATION

WHEREAS, SEPTA's existing Conshohocken Passenger Station ("Station") located at Mile Post 13.50 on the Norristown Regional Rail Line (Line Code 0329) is not compliant with the Americans with Disabilities Act (ADA) mandates, thereby requiring SEPTA to acquire additional property in order to construct the necessary improvements at the facility; and

WHEREAS, Sara R. Neve 2015 Riverfront Property Trust (the "Trust") owns a vacant parcel of property ("Parcel") located at 101 Washington Street in the Borough of Conshohocken, Montgomery County, consisting of 6.5 acres (283,140 +/- square feet) which is adjacent to the railroad right-of-way at the Station; and

WHEREAS, SEPTA desires to acquire the Parcel as part of its ADA Station Upgrade Project ("Project"), which will include the construction of a new Conshohocken Station and proposed parking garage that will accommodate approximately 500 motor vehicles; and

WHEREAS, a SEPTA commissioned independent appraisal determined that the fair market valuation (FMV) of Parcel (as of March 7,



2022) was \$9,500,000, which was supported by a subsequent in-house review appraisal; and

WHEREAS, following negotiations between the parties, an agreed upon consideration in the amount of \$9,750,000 was reached, with a closing date occurring on or before May 31, 2022; and

WHEREAS, acquisition of the Parcel is subject to completion by SEPTA of all necessary surface, environmental and geo-technical investigation of the subject property, and SEPTA obtaining any other consents, permits or assignment of rights in connection with the purchase of the Parcel; and

WHEREAS, SEPTA will also be responsible for payment of the customary charges incidental to the acquisition of the subject real estate, such as title insurance, closing costs and recording fees; and

WHEREAS, staff requested that the General Manager/Chief Executive Officer recommend that the Board authorize SEPTA to purchase from the Trust in lieu of condemnation or, if not successful, to acquire by condemnation the Parcel for a FMV or estimated just compensation capped at \$9,750,000, as required for the Project, under such terms as set forth above and more fully described in the pertinent staff summary; and

WHEREAS, the General Manager/Chief Executive Officer made the recommendation to the Board.



NOW, THEREFORE, BE IT RESOLVED, that the Board hereby authorizes SEPTA to purchase from Sara R. Neve 2015 Riverfront Property Trust, in lieu of condemnation or, if not successful, to acquire by condemnation the fee simple interests in the parcel of property located at 101 Washington Street in the Borough of Conshohocken, Montgomery County, under such terms as set forth within the pertinent staff summary, for a fair market value or estimated just compensation of \$9,750,000, plus costs that are incidental to the acquisition of real estate, or such alternative consideration as may be adjusted at the discretion of the General Manager/Chief Executive Officer to be in the best interests of the Authority.

FURTHER RESOLVED, that the Board hereby authorizes the General Manager/Chief Executive Officer or her designee, to execute all documents, in form approved by the Office of General Counsel, and to do any and all other things as shall be deemed necessary and proper in order to effectuate the purpose of this Resolution.

S/Corp/Resolutions/04-2022- Acquisition - Sara R. Neve 2015 Riverfront Property Trust - 101 Washington Street - ADA Station Upgrade Project at Conshohocken Station



REV	DATE	DESCRIPTION	BY	CHK	APP

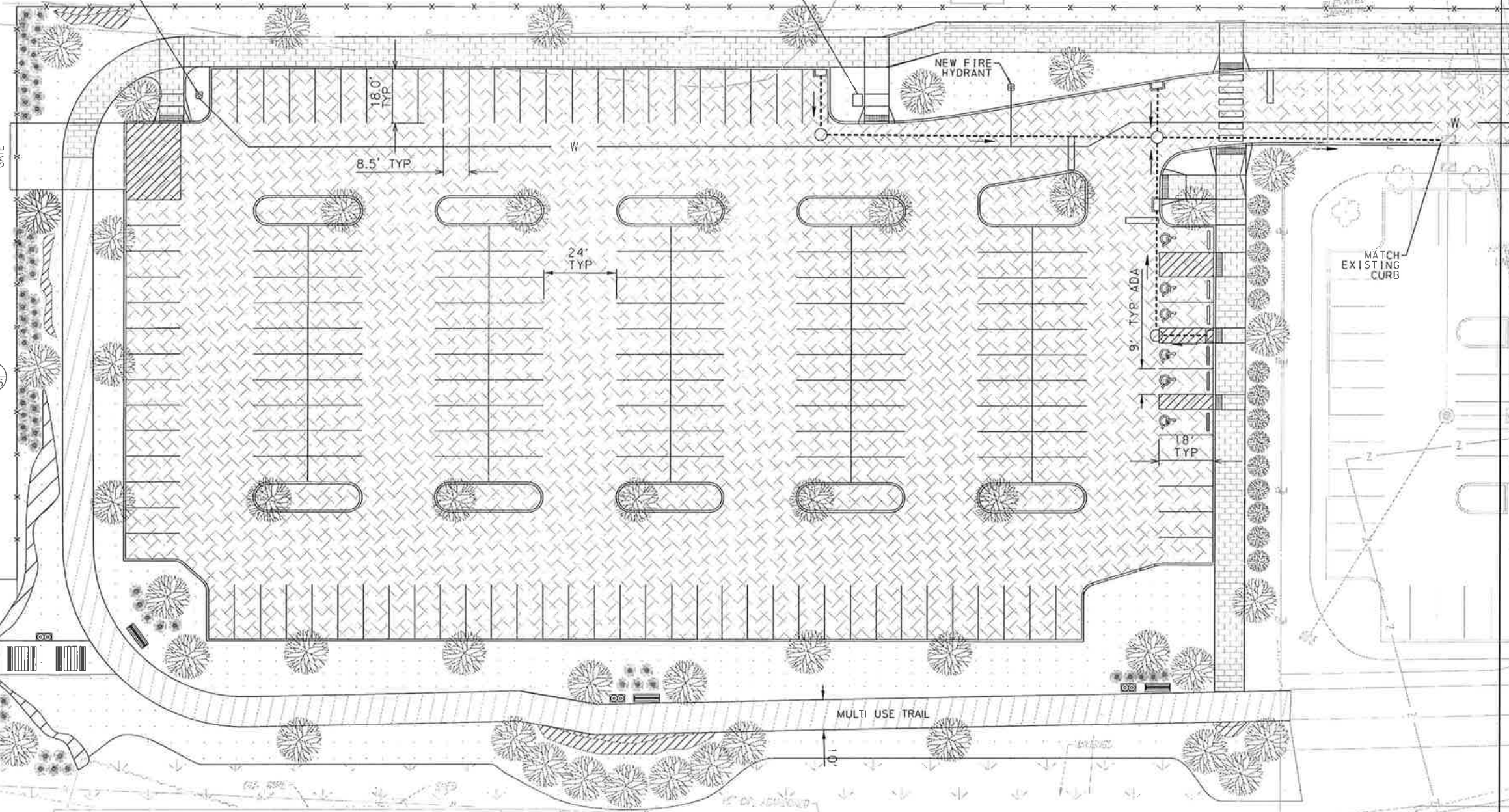
CONSHOHOCKEN RAILROAD STATION
 MANAYUNKI NORRISTOWN LINE
SURFACE PARKING LOT
 NEW CONSTRUCTION
 CIVIL
 ZONING PLAN

SCALE:	AS NOTED	SCALE FACTOR:	1:1
DATE:	6/7/2024	DRAWN BY:	AJ
WORK ORDER NO.:	GEC21D-24	CHECKED BY:	AD
DRAWING NUMBER:	Z101		
DWG NO.:	2001	OF	2003
SHE. NO.:	1	OF	3
COMPUTER FILE NO.:		REV. NO.:	0

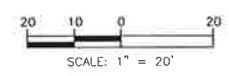
VARIANCE: 27-1714.1.A
 NEW CONSTRUCTION WITHIN THE
 100-YEAR FLOODPLAIN
 CONSERVATION DISTRICT

IMPROVEMENTS LEGEND

- NEW CONCRETE SIDEWALK
- NEW ASPHALT TRAIL
- NEW FULL DEPTH PAVING
- NEW PEDESTRIAN RAMP
- NEW CONCRETE CURB
- NEW FENCE
- NEW DEPRESSED CONCRETE CURB
- NEW TRASH/RECYCLING RECEPTACLES
- NEW BENCH
- 100-YEAR FLOODPLAIN BOUNDARY
- CONCRETE WHEEL STOP
- PROPOSED TREE
- PROPOSED SHRUB
- PICNIC TABLE
- HERBACIOUS PLANTS, GRASSES, AND PERENNIALS
- FORMULA B SEED MIX
- FORMULA L SEED MIX



SITE DESIGN REQUIREMENTS:	
EXISTING ZONING DISTRICT:	SP-3
PROPOSED ZONING:	SP-3
PROPOSED USE:	REGIONAL RAIL TRAIN STATION
GROSS SITE AREA (TOT TITLE LINES):	81,809SQFT
AREA WITH LEGAL R.O.W. LINE OF OAK ST:	4,668SQFT



REQUIRED BY CONSHOHOCKEN BOROUGH PART 16 SP-3 ZONING:	REQUIRED:	PROJECT:
MIN. LOT AREA:	1 ACRE	4.4 ACRE
MIN. BUILDING SETBACK TO CENTERLINE OF ROAD:	N/A	N/A
MIN. BUILDING SETBACK TO EDGE OF ROADWAY:	N/A	N/A
MIN. DISTANCE BETWEEN BUILDINGS:	N/A	N/A
MIN. PARKING SETBACKS (FROM PROP LINES):	15 FT	22 FT
MIN. BUILDING SETBACK TO RAILROAD R.O.W.:	N/A	N/A
MIN. ACCESS DRIVEWAY SETBACK (FROM PROP LINE):	5 FT	40 FT
MIN. WIDTH OF LANDSCAPE BUFFER AT PAVING:	10 FT	10 FT
MAX. SPACING OF TREES ALONG ROADWAY:	30 FT	30 FT
MAX. BUILDING COVERAGE:	N/A	N/A
MAX. IMPERVIOUS COVERAGE:	85%	70.5%
MIN. OPEN SPACE (OF TOTAL TRACT AREA):	15%	29.5%
MAX BUILDING HEIGHT:	N/A	N/A
MAX BUILDING PROFILE (IN HORIZONTAL LENGTH):	N/A	N/A

FHLA LIMIT OF FLOODWAY LINE

MATCHLINE SEE SHEET Z102

MANAGER: MFC/ENGINEERING

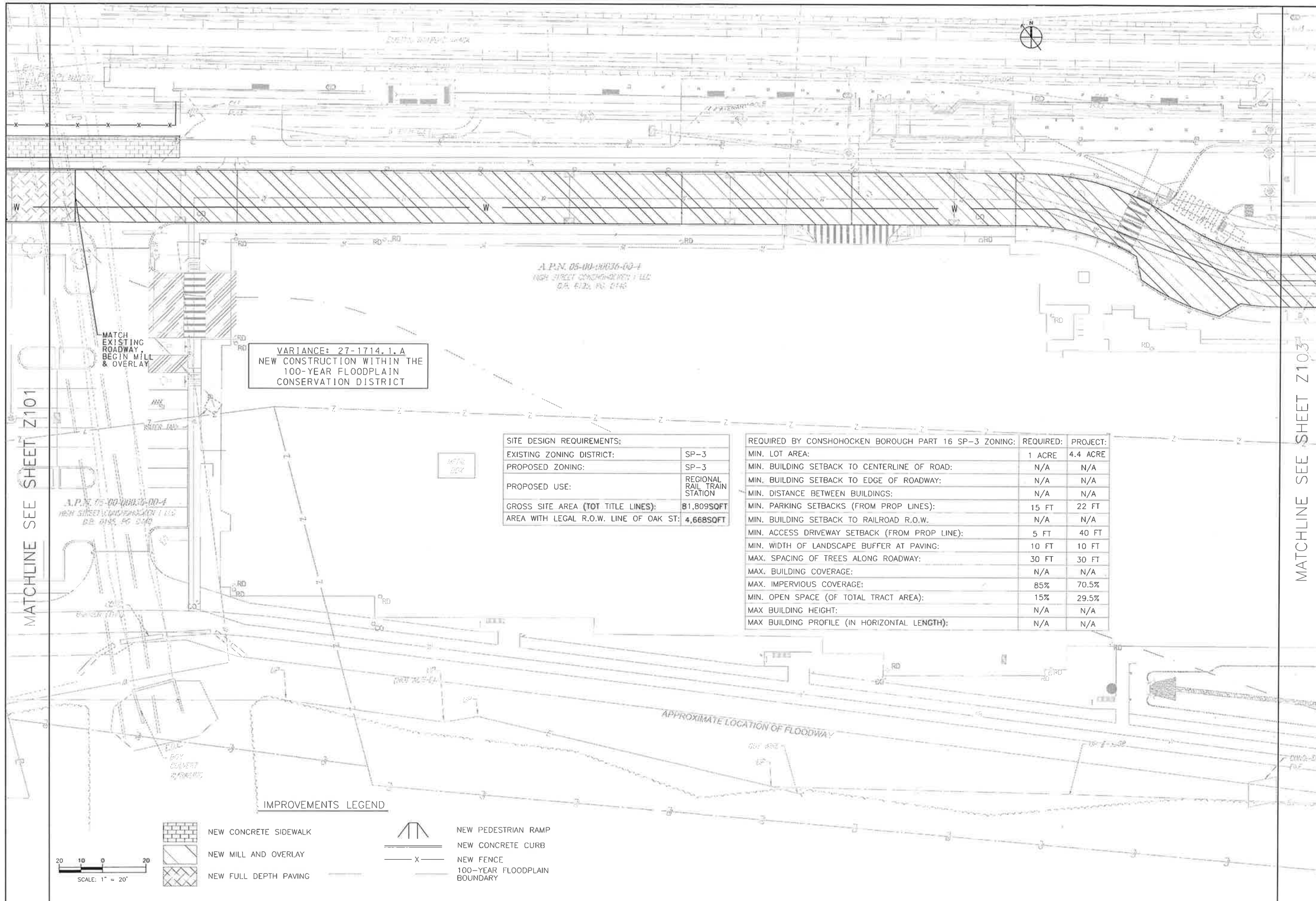
PROJECT MANAGER:



REV	DATE	DESCRIPTION	BY	CHKD	APD

CONSHOHOCKEN RAILROAD STATION
MANYUNK/NORRISTOWN LINE
SURFACE PARKING LOT
NEW CONSTRUCTION
CIVIL
ZONING PLAN

SCALE:	SCALE FACTOR:
AS NOTED	1.1
DATE:	DATE:
6/7/2024	6/7/2024
WORK ORDER NO.:	WORK ORDER NO.:
GEC21D-24	GEC21D-24
DRAWING NUMBER:	DRAWING NUMBER:
Z102	Z102
DWG NO.:	DWG NO.:
2002	2003
SHE. NO.:	SHE. NO.:
2	3
COMPUTER FILE NO.:	COMPUTER FILE NO.:
REVISIONS:	REVISIONS:
0	0



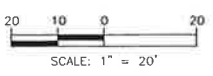
VARIANCE: 27-1714.1.A
NEW CONSTRUCTION WITHIN THE
100-YEAR FLOODPLAIN
CONSERVATION DISTRICT

SITE DESIGN REQUIREMENTS:	
EXISTING ZONING DISTRICT:	SP-3
PROPOSED ZONING:	SP-3
PROPOSED USE:	REGIONAL RAIL TRAIN STATION
GROSS SITE AREA (TOT TITLE LINES):	81,809SQFT
AREA WITH LEGAL R.O.W. LINE OF OAK ST:	4,668SQFT

REQUIRED BY CONSHOHOCKEN BOROUGH PART 16 SP-3 ZONING:	REQUIRED:	PROJECT:
MIN. LOT AREA:	1 ACRE	4.4 ACRE
MIN. BUILDING SETBACK TO CENTERLINE OF ROAD:	N/A	N/A
MIN. BUILDING SETBACK TO EDGE OF ROADWAY:	N/A	N/A
MIN. DISTANCE BETWEEN BUILDINGS:	N/A	N/A
MIN. PARKING SETBACKS (FROM PROP LINES):	15 FT	22 FT
MIN. BUILDING SETBACK TO RAILROAD R.O.W.	N/A	N/A
MIN. ACCESS DRIVEWAY SETBACK (FROM PROP LINE):	5 FT	40 FT
MIN. WIDTH OF LANDSCAPE BUFFER AT PAVING:	10 FT	10 FT
MAX. SPACING OF TREES ALONG ROADWAY:	30 FT	30 FT
MAX. BUILDING COVERAGE:	N/A	N/A
MAX. IMPERVIOUS COVERAGE:	85%	70.5%
MIN. OPEN SPACE (OF TOTAL TRACT AREA):	15%	29.5%
MAX BUILDING HEIGHT:	N/A	N/A
MAX BUILDING PROFILE (IN HORIZONTAL LENGTH):	N/A	N/A

IMPROVEMENTS LEGEND

	NEW CONCRETE SIDEWALK		NEW PEDESTRIAN RAMP
	NEW MILL AND OVERLAY		NEW CONCRETE CURB
	NEW FULL DEPTH PAVING		NEW FENCE
			100-YEAR FLOODPLAIN BOUNDARY



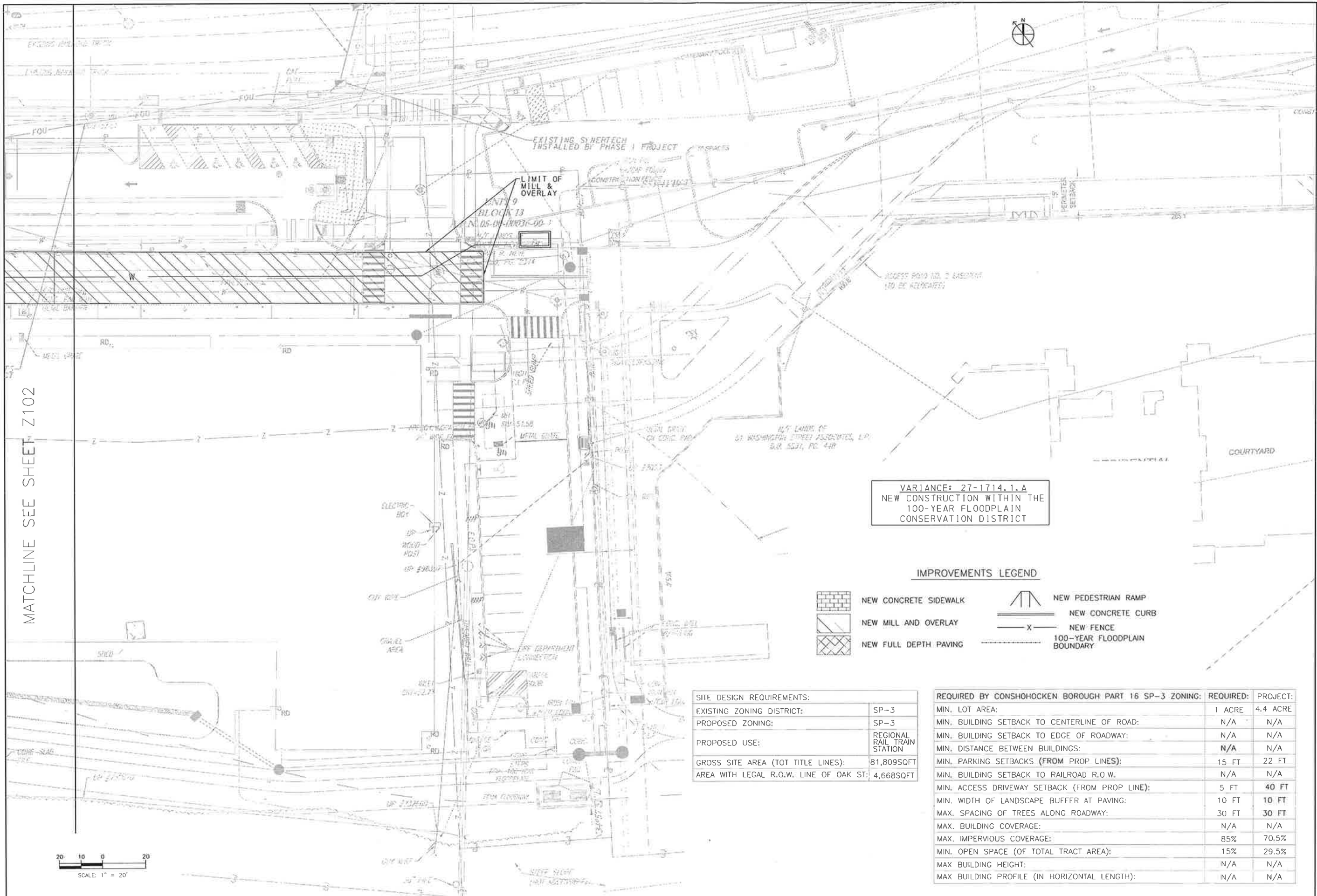
MATCHLINE SEE SHEET Z101

MATCHLINE SEE SHEET Z103

REV	DATE	DESCRIPTION	BY	CHKD	APPD

CONSHOHOCKEN RAILROAD STATION
 MANAYUNKI NORRISTOWN LINE
SURFACE PARKING LOT
 NEW CONSTRUCTION
 CIVIL
 ZONING PLAN

SCALE:	AS NOTED	SCALE FACTOR:	1:1
DATE:	6/7/2024	DESIGNED BY:	JAS
WORK ORDER NO.:	GEC21D-24	CHECKED BY:	
DRAWING NUMBER:	Z103		
DES. NO.:	2003	OF	2003
SHEET NO.:	3	OF	3
COMPLETION NO.:		REV. NO.:	0



MATCHLINE SEE SHEET Z102

SCALE: 1" = 20'



BOROUGH OF CONSHOHOCKEN

Zoning Administration

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Tina Sokolowski, President
Kathleen Kingsley, Vice-President
Anita Barton, Senior Member
Alan Chmielewski, Member
Stacy Ellam, Member
Ralph Frey, Member
Adrian Serna, Member

Stephanie Cecco
Borough Manager

ZONING NOTICE AUGUST 19, 2024 ZONING HEARING BOARD MEETING

ZONING HEARING Z-2024-20

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on August 19, 2024 at 6:30 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: Eleanor R. Hertrich, c/o Catania Concrete
137 West 7th Avenue, Conshohocken, PA 19428

PREMISES INVOLVED: 238 West 5th Avenue
Conshohocken, PA 19428
BR-1 - Borough Residential District 1

OWNER OF RECORD: Eleanor R. Hertrich
513 Wood Street, Conshohocken, PA 19428

The petitioner is seeking a zoning interpretation and a Variance from Sections §27-1005.C and §27-1007.1 to permit the demolition and construction of a new single-family detached dwelling with a 3.5-ft front yard setback facing W. 5th Avenue whereas a 25-ft front yard setback from the ultimate right-of-way line or the established building line of the majority of the buildings on the same side of the block is required; and to permit an off-street parking space in the front yard between the principal dwelling and Wood Street, whereas off-street parking is not permitted between the front wall of a principal structure and the curb of the street toward which that wall is oriented in the BR-1 zoning district.

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



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Tina Sokolowski, President
Kathleen Kingsley Vice-President
Anita Barton, Senior Member
Alan Chmielewski, Member
Stacy Ellam, Member
Ralph Frey, Member
Adrian Serna, Member

Stephanie Cecco
Borough Manager

Date: August 14, 2024
To: Stephanie Cecco, Brittany Rogers
From: Allison A. Lee, PE
Re: 238 West Fifth Avenue - Zoning Determination

History of the Site:

238 West Fifth Avenue is an existing 4,830 SF residential property, improved with a two (2) – story single-family detached dwelling constructed in 1861.

The site is a corner property located within the BR-1 – Borough Residential District 1 and subject to the HRC – Historic Residential Conservation Overlay District. The site is fronted by West Fifth Avenue (80' wide right-of-way) to the south and Wood Street (66' wide right-of-way) to the west; and residential properties also located within the BR-1 zoning district in all other directions. The existing lot size of the property is 69' wide by 70' long. There is an existing concrete and brick paver area located to the rear of the existing dwelling, and an existing walkway that leads into the adjoining corner parcel located behind the dwelling at 513 Wood Street which is under the same ownership as the subject property.

Current Request:

The Applicant, Eleanor R. Hertrich, C/o, Jason Catania with Catania Concrete, is proposing to demolish the existing single-family detached dwelling and abutting concrete pad, walks, steps, and walls to the existing dwelling on the site to construct a new 1,660 SF single-family detached dwelling with an attached garage and 20' wide x 36.3' driveway apron and driveway off of Wood Street. The proposed new single-family detached dwelling will be setback 3.5 feet from the West Fifth Avenue right-of-way line. The existing and proposed residential single-family detached dwelling use of the building is a permitted by right use in compliance with Section §27-1002.1 of the BR-1 zoning district.

The Applicant is requesting a variance from Sections §27-1005.C to permit the new single-family detached dwelling to be located at 3.5 feet front yard setback, whereas the front yard setback shall be 25 feet, to be measured from the ultimate right-of-way line; except where there is an established building line, then the building line of the majority of the buildings on that side of the block shall be used.

The Applicant is proposing an attached garage with a new driveway apron and driveway off of Wood Street which will accommodate up to two (2) off-street parking spaces. The Applicant is also requesting a variance from Section §27-1007.1 to permit off-street parking spaces to be located between the front wall of a principal structure and the curb of Wood Street toward which that wall is oriented in the BR-1 district.

In addition, the Applicant is requesting a zoning interpretation from the Zoning Hearing Board in regard to the front yard setback of Section §27-1005.C and the front yard off-street parking requirement of Section §27-1007.1.

Zoning Determination:

The subject property is a corner property located within the BR-1 – Borough Residential District 1 and subject to the HRC – Historic Residential Conservation overlay district regulations of the Zoning Ordinance.

Per Section §27-1902-C, a historic single-family detached dwelling is defined as a dwelling designed for and occupied exclusively as a residence for only one family and not attached to any other building or dwelling unit, which was constructed more than 50 years ago. In addition, demolition is defined as the complete removal of a structure or a cope of construction (alteration, addition, renovation or reconstruction) of a structure where only the foundation of the original structure remains.

Per the Montgomery County property records, the existing single-family detached dwelling was constructed in 1861 (163 years ago) which is greater than 50 years old and therefore is subject to the code provisions of Part 19-C of the HRC – Historic Residential Conservation Overlay District, specifically, Section §27-1905-C for demolition of the existing historic single-family detached dwellings. The Applicant had previously submitted documentation of structural deficiency to the Borough which has since been reviewed and approved by the Conshohocken Borough building code official for the demolition of the existing building.

Per Section §27-702.B, a nonconforming building or structure is any existing lawful building or structure that does not conform to the height, location, size, bulk, or other dimensional requirements of the district in which it is located. The existing dwelling is located at the front property line along West Fifth Avenue at zero (0) feet setback.

Per Section §27-1005.C, *the front yard setback shall be 25 feet, to be measured from the ultimate right-of-way line; except where there is an established building line, then the building line of the majority of the buildings on that side of the block shall be used.*

The established building line is defined under Section §27-202, that when determining the established building line to calculate the front yard setback of a building or structure, such setback shall be measured from the original front building wall of the existing, adjoining and adjacent structures and shall exclude all later additions, enclosed porches or other projections or modifications not original to the structure.

Per Section §27-202, building line is defined as *the line which serves as the rear boundary of the minimum front yard and which is used for the purpose of measuring lot width (See also “yard line”).*

Per Section §27-202, yard line is defined as *the line which locates and delineates the minimum yard setback requirements measured from the front, rear, and side lot lines.*

Per the Montgomery County property records, there is a total of thirteen (13) parcels fronting West Fifth Avenue. Based on the Building Line Plan provided by the Applicant, the existing building setbacks along West Fifth Avenue range from 0 feet to 12.9 feet, comprised as follows:

- One (1) property (the subject parcel) with an existing 0 feet setback from the West Fifth Avenue right-of-way line. (The plan dimensioned a 3.5 feet setback based on the proposed new single-family detached dwelling);
- One (1) property with an existing 2.1 feet setback from the West Fifth Avenue right-of-way line;
- Six (6) properties with an existing 3.5 feet setback from the West Fifth Avenue right-of-way line;
- One (1) property with an existing 6.7 feet setback from the West Fifth Avenue right-of-way line;
- One (1) property with an existing 9.1 feet setback from the West Fifth Avenue right-of-way line;
- One (1) property with an existing 9.3 feet setback from the West Fifth Avenue right-of-way line;
- and,
- Two (2) properties with an existing 12.9 feet setback from the West Fifth Avenue right-of-way line

The majority of the thirteen (13) buildings along the same side of the block would be seven (7). Since only six (6) existing properties have the same building setback of 3.5 feet, it does not constitute the “majority” of the buildings on the same side of the block. By definition, the established building line states that the setback shall be measured from the original front building wall of the existing structure. Per Section §27-1005.C, the front yard setback shall be based on 25 feet setback, or the established building line based on the “majority” of the buildings on the same side of the block, and allowance for an “average” measurement is not provided in any of the relevant code definitions under the current Zoning Ordinance.

Therefore, the existing single-family detached building is considered an existing non-conforming building because it does not meet the current front yard setback requirement of the BR-1 zoning district at zero (0) feet setback.

Since the Applicant is proposing to demolish the existing single-family detached building in its entirety, the Applicant will be required to comply with the BR-1 district dimensional requirements of the current Zoning Ordinance. The proposed new single-family dwelling will only have a proposed front yard setback of 3.5 feet; and as a result, the Applicant would be required to seek a variance from Section §27-1005.C to permit a 3.5 feet front yard setback, whereas a 25 feet front yard setback is required since there is no established building line for the majority of the buildings located along the same side of the block.

Per Section §27-808, *a lot fronting on two or more streets at their junction is considered a corner lot*. The existing property is considered a corner lot since it fronts on West Fifth Avenue to the south and Wood Street to the west.

Per Section §27-202, a yard is defined as the area(s) of a lot which must remain free of building or other structures, and may be used as lawn or planted area, parking or driveway space, in compliance with the provisions of the Zoning Ordinance. Per Section §27-1007.1, however, does not permit the required off-street parking spaces to be located between the front wall of a principal structure and the curb of the street toward which that wall is oriented in the BR-1 District.

The yard definition includes that it is measured at right angles from the right of way or lot line to the nearest building wall. A front yard is further defined as a yard which extends across the full width of a lot, for a depth equal to the minimum front yard setback distance required by the specific regulations of this Chapter, measured from the ultimate right-of-way line.

Since the proposed driveway off of Wood Street will provide the required off-street parking spaces for the proposed new single-family detached dwelling, and the off-street parking spaces will be located between the front wall of

the principal building facing Wood Street and the curb of Wood Street toward which that wall is oriented, the Applicant is required to seek a variance from Section §27-1007.1 to permit the off-street parking located in the front yard area facing Wood Street.



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

Zoning Application

Application: Z-2024-20
Date Submitted: 7/19/24
Date Received: 7/19/24

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:

27-1005(C) (Front Yard; 5th Avenue); 27-1007(1) (Parking space in front yard setback)

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

238 West 5th Avenue, Conshohocken, PA 19428

4. Applicant's Name: Eleanor R. Hertrich, c/o Catania Concrete (Attn: Jason Catania)

Address: 137 West 7th Avenue

Phone Number (daytime): 484-368-7478

E-mail Address: cataniajason@gmail.com

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

6. Property Owner: Eleanor R. Hertrich

Address: 513 Wood Street, Conshohocken, PA 19428

Phone Number: 484-368-7478

E-mail Address: cataniajason@gmail.com

7. Lot Dimensions: 69' x 70' 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.

The site is currently occupied by a 2-story, 691 SF masonry building (Existing Structure).

10. Please describe the proposed use of the property.

Demolition of Existing Structure and construction of one (1) single family detached dwelling per Plan attached as Exhibit "A".

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

See plan attached as Exhibit "A".

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

See Exhibit "C"

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

a. The unique characteristics of the property: _____

See Exhibit C.

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

See Exhibit C.

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

See Exhibits B and C.

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.

See Exhibit C.

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 27-1005(C)

Section 27-1007(1)

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

See attached Exhibit "D".

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.

Such other relief as the Zoning Hearing Board determines to be necessary and appropriate.

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

N/A

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

N/A

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

a. Attorney's Name: Alfred R. Fuscaldo (Fuscaldo Law Group LLC)

b. Address: 613 Patriot Lane, Phoenixville, PA 19460

c. Phone Number: 484-302-5481

d. E-mail Address: al@fuscaldolaw.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.

ELEANOR HEITRICH

Applicant

Eleanor Heitrich

Legal Owner

7/19/24

Date

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 19 day of

July, 2024

Gerita J. Keiser

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: _____

Exhibit "C"

Variance from Section 27-1005(C) (Front Yard Setback; 5th Avenue): Pursuant to Section 27-1005(C): "The front yard setback shall be 25 feet, to be measured from the ultimate right-of-way line; except where there is an established building line, then the building line of the majority of the buildings on that side of the block shall be used." Per the plan attached as Exhibit "B", only two buildings on the 5th Avenue block have identical building lines, with those building lines being 3.5'. The remainder of the buildings on the 5th Avenue block all have differing building lines of less than 25' from 5th Avenue. The proposed building line of 3.5 is consistent with the remainder of the block. The Existing Structure encroaches into the 5th Avenue front yard setback. Requiring the proposed dwelling to comply with two 25' front yard setbacks, as well as the rear and side yard setbacks would create an artificially small building envelope and a dwelling out of character with the rest of the block, creating hardship on the Applicant.

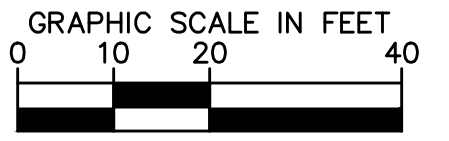
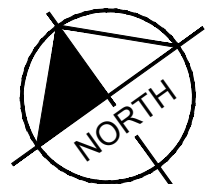
Variance from Section 27-1007(1) (Parking space in Wood Street Driveway): The Property is a corner lot with frontage on 5th Avenue and Wood Street. The proposed dwelling complies with the 25' front yard setback requirement from Wood Street. The proposed dwelling will contain a 1.5 car attached garage which complies with the 25' front yard setback. Section 27-2002 requires two off-street parking spaces per dwelling unit. Section 27-1007(1) does not permit a required off-street parking space to be located within a driveway located between the front wall of the house and curb. The Property has two front yards, necessitating the requested relief. The front of the dwelling is oriented towards 5th Avenue.

Exhibit "D"

Section 27-1005(C): The Applicant appeals from the determination of the Zoning Officer that the "established building line" of the 5th Avenue frontage is not 3.5'. Pursuant to Section 27-1005(C): "The front yard setback shall be 25 feet, to be measured from the ultimate right-of-way line; except where there is an established building line, then the building line of the majority of the buildings on that side of the block shall be used." Per the plan attached as Exhibit "B", only two buildings on the 5th Avenue block have identical building lines, with those building lines being 3.5'. The remainder of the buildings on the 5th Avenue block all have differing building lines. The Zoning Officer has previously advised the Applicant that the average of the building lines of the buildings on a block cannot be used to determine the established building line. Therefore, the building line of the majority of the buildings on the 5th Avenue block must be 3.5'. The Applicant seeks a determination from the Zoning Hearing Board that the 5th Avenue front yard setback is 3.5'.

Section 27-1007(1): The Applicant appeals from the determination of the Zoning Officer that this Section is applicable to the project. Section 27-1007(1) provides: "There shall be no parking lots or required off-street parking spaces permitted *between the front wall of a principal structure and the curb of the street toward which that wall is oriented* in the BR-1 District." The proposed dwelling has two front yards. The front wall of the dwelling faces 5th Avenue, not Wood Street. The driveway is between Wood Street and the side wall of the dwelling. The Applicant seeks a determination from the Zoning Hearing Board that Section 27-1007(1) is not applicable to the proposed dwelling.

Plotted By: Peterson, Matt | Sheet Set: 238 W. 5TH AVE | Layout: C-100 | July 18, 2024 | 07:50:51am | K:\PHI-PRJ\112967000 - 238 West 5th Ave - Borough of Conshohocken, Montgomery Co., PA\CAD\Exhibits_Zoning_Plans\2024-07-17 - Zoning Plan\Building Line Exhibit.dwg
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

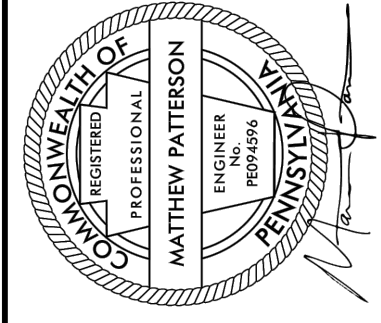


CALL BEFORE YOU DIG!
 PENNSYLVANIA LAW REQUIRES
 3 WORKING DAYS NOTICE FOR
 CONSTRUCTION PHASE AND 15 WORKING
 DAYS IN DESIGN STAGE - STOP CALL
 PA 1
 800-333-3776
 ONE CALL TICKET NUMBER: 20240610092

238 W 5TH AVENUE
 PREPARED FOR
 CATANIA CONCRETE
 SITUATED IN
 BOROUGH OF CONSHOHOKEN
 MONTGOMERY COUNTY, PA

BUILDING LINE PLAN

KHA PROJECT
 112967000
 DATE
 07/17/2024
 SCALE: AS SHOWN
 DESIGNED BY: MRP
 DRAWN BY: NRP
 CHECKED BY: MRP



Kimley>>>Horn
 © 2024 KIMLEY-HORN AND ASSOCIATES, INC.
 50 SOUTH 16TH ST, TWO LIBERTY PLACE, SUITE 3300
 PHILADELPHIA, PA 19102
 PHONE: 267-687-0150
 WWW.KIMLEY-HORN.COM

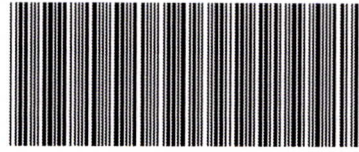
No.	REVISIONS	DATE	BY

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 5703 PG 02502 to 02506.2
INSTRUMENT # : 2008083417
RECORDED DATE: 08/12/2008 03:26:43 PM



0360679-0011Q

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Page 1 of 7

Document Type: Deed	Transaction #: 274417 - 1 Doc(s)
Document Date: 07/20/2007	Document Page Count: 4
Reference Info:	Operator Id: dcane
RETURN TO: (Mail) PAUL J RUBINO	SUBMITTED BY: PAUL J RUBINO

*** PROPERTY DATA:**

Parcel ID #: 05-00-03648-00-1
Address: 238 W FIFTH AVE

PA
19428
Municipality: Conshohocken Borough
School District: Colonial

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT:	\$1.00
FEES / TAXES:	
Recording Fee:Deed	\$46.50
Affidavit Fee	\$1.50
Total:	\$48.00

DEED BK 5703 PG 02502 to 02506.2
Recorded Date: 08/12/2008 03:26:43 PM

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



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.

Digitally signed 07/19/2024 by montgomery.county.rod@govos.com

Certified and Digitally Signed

Validation may require Adobe 'Windows Integration'

eCertified copy of recorded # 2008083417 (page 1 of 7)
Montgomery County Recorder of Deeds



Prepared By: Paul J. Rubino, Esquire
50 Darby Road
Paoli, PA 19301
610-647-5151

Return To: Paul J. Rubino, Esquire
50 Darby Road
Paoli, PA 19301
610-647-5151

UPI#

Parcel # : 05-00-03648-001
STATE TAX AFFIDAVIT FILED

2
4
3
1.50

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
05-00-03648-00-1 CONSHOHOCKEN
238 W FIFTH AVE
BELLERJEAU ROBERT BRUCE
B 027 U 050 L 1101 DATE: 08/12/2008

\$5.00
BR

This Deed, made this 20th day of July 2007 between, the Estate of Robert Bruce Bellerjeau by Eleanor R. Hertrich, Executrix (hereinafter called the "Grantor") of the one part, and Eleanor R. Hertrich (hereinafter called the "Grantee") of the other part.

Witnesseth, that in consideration of One (\$1.00) dollar in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey unto the said Grantees, their heirs and assigns:

ALL THAT CERTAIN lot or piece of land situate on the easterly corner of Fifth Avenue and Wood Street, in the Borough of Conshohocken, County of Montgomery, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a stake in the easterly corner of Fifth Avenue and Wood Street; thence North forty-one degrees East along the southeasterly side of Wood Street and at right angles with Fifth Avenue seventy feet to a stake a corner of this and land presently owned by Emanuel R. Hertrich and Anna M. Hertrich, his wife; thence South forty-nine degrees East along said line sixty-nine feet to a stake a corner of this and land of Charles Chell; thence South forty-one degrees West seventy feet along said land to Fifth Avenue aforesaid; thence along the northeasterly side thereof North forty-nine degrees West sixty-nine feet to a stake the first mentioned point and place of beginning.

BEING the same premises which Howard Bellerjeau, Executor under the will of Elizabeth V. Bellerjeau, deceased, by indenture dated September 28, 1968 and recorded in Montgomery County Deed Book No. 3529 at page 285, et sec, did grant and convey unto Robert Bruce Bellerjeau, in fee.

AND said Robert Bruce Bellerjeau departed this life on November 7, 2004, leaving a last Will and Testament dated July 22, 1999 which was probated in the Office of the Register of Wills of



Montgomery County on December 9, 2004 and known as file number 46-04-3682 whereas he appointed Eleanor R. Hertrich as Executrix and devised the aforesaid property to Eleanor R. Hertrich and Joanne C. McCann and said Joanne C. McCann renounced her bequest of said property by document dated July 10, 2007.

Together with all and singular the buildings, 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 the said Grantors, as well at law as in equity, of, in and to the same.

By These Presence, the said Grantor hereby warrants and forever defends.

In Witness Whereof, the parties of the first part hereunto set their hand and seal. Dated the day and year first above written.

Sealed and Delivered in the presence of us:

[Signature]
Witness

[Signature] (Seal)

Witness

(Seal)

RECORDED
Borough of Conshohocken
Date: 8/12/08 (pd)



Commonwealth of Pennsylvania :

SS:

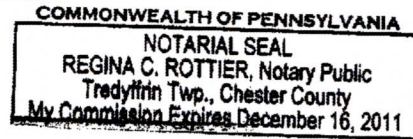
County of Chester :

On this the 20th day of July, 2007, before me, a Notary Public for the Commonwealth of Pennsylvania, residing in the said County and State, the undersigned Officer, personally appeared ELEANOR R. HERTRICH, known to me (satisfactorily proven) to be the person(s) whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purposes therein contained.

** Executrix of estate*

I hereunto set my hand and official seal.

Regina C. Rottier
Notary Public

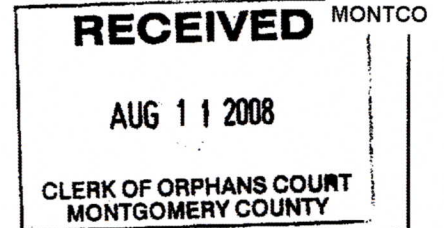


The address of the above-named Grantee is:

513 Wood St
Coshohocken, PA 19428

TAX EXEMPT: *ESTATE TRANSFER*





Renunciation

I, Joanne C. McCann a beneficiary of the Estate of Robert Bruce Bellerjeau by Will dated July 22, 1999 do hereby renounce the bequest thereunder of an interest in the premises located at 238 West Fifth Avenue, Conshohocken, Pennsylvania in favor of Eleanor R. Hertrich.

With intent to be legally bound hereby I set my hand and seal this 10th day of July, 2007.

Joanne C. McCann

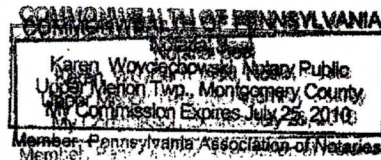
JOANNE C. MCCANN

On this the 10th day of JULY, 2007, before me a Notary Public for the Commonwealth of Pennsylvania, residing in the said County and State, the undersigned Officer, personally appeared JOANNE C. MCCANN, known to me (satisfactorily proven) to be the person(s) whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purposes therein contained.

I hereunto set my hand and official seal.

Karen Wojciszewski

Notary Public



LAW OFFICES
RUBINO & HOEY
LLC
50 DARBY ROAD
PAOLI, PA 19301-1416



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
PO BOX 280603
HARRISBURG PA 17128-0603

DEED BK 5703 PG 02506.1
**REALTY TRANSFER TAX
STATEMENT OF VALUE**

See Reverse for Instructions

RECORDER'S USE ONLY MONTCO

State Tax Paid 0
Book Number 5703
Page Number 2508
Date Recorded 8-12-08

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) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheet(s).

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

Name Paul Rubino, Esq Telephone Number: (410) 647-5151
Street Address 50 Dancy Rd City Poole State PA Zip Code 19381

B. TRANSFER DATA

Date of Acceptance of Document

Grantor(s)/Lessor(s) Estate of Robert Bruce Bollenjeau Grantee(s)/Lessee(s) Eleanor R. Henrich
Street Address 238 W Fifth Ave Street Address 513 Wood St
City Conshohocken State PA Zip Code 19388 City Conshohocken State PA Zip Code 19388

C. PROPERTY LOCATION

Street Address 238 West 5th Ave City, Township, Borough Conshohocken
County Montgomery School District Columbal Tax Parcel Number 05-00-03648-001

D. VALUATION DATA

1. Actual Cash Consideration 12 2. Other Consideration + 3. Total Consideration = 12
4. County Assessed Value 198,330 5. Common Level Ratio Factor x 1.97 6. Fair Market Value = 193,710.10

E. EXEMPTION DATA

1a. Amount of Exemption Claimed 2100 1b. Percentage of Interest Conveyed 100%

2. Check Appropriate Box Below for Exemption Claimed

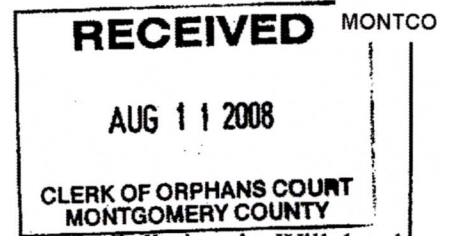
- Will or intestate succession Robert Bruce Bollenjeau 46-04-3682
(Name of Decedent) (Estate File Number)
- Transfer to Industrial Development Agency.
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)
- Transfers to the Commonwealth, the United States 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. Mortgage Book Number _____, Page Number _____
- Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed, if other than listed above.) _____

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 [Signature] Date 8/12/08

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.





Renunciation

I, Joanne C. McCann a beneficiary of the Estate of Robert Bruce Bellerjeau by Will dated July 22, 1999 do hereby renounce the bequest thereunder of an interest in the premises located at 238 West Fifth Avenue, Conshohocken, Pennsylvania in favor of Eleanor R. Hertrich.

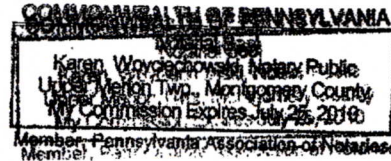
With intent to be legally bound hereby I set my hand and seal this 10th day of July, 2007.

Joanne C McCann
JOANNE C. MCCANN

On this the 10th day of July, 2007, before me a Notary Public for the Commonwealth of Pennsylvania, residing in the said County and State, the undersigned Officer, personally appeared JOANNE C MCCANN, known to me (satisfactorily proven) to be the person(s) whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purposes therein contained.

I hereunto set my hand and official seal.

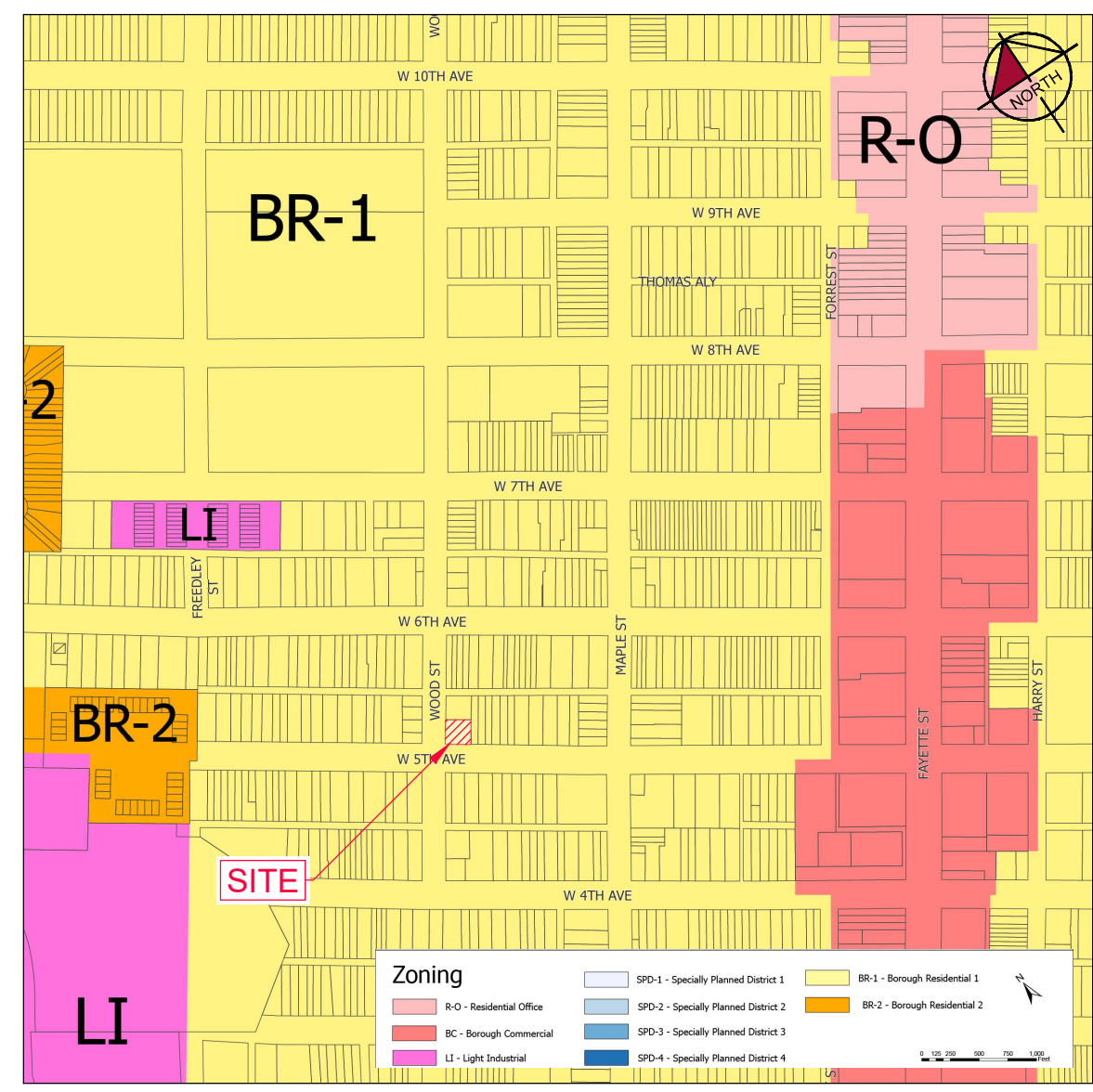
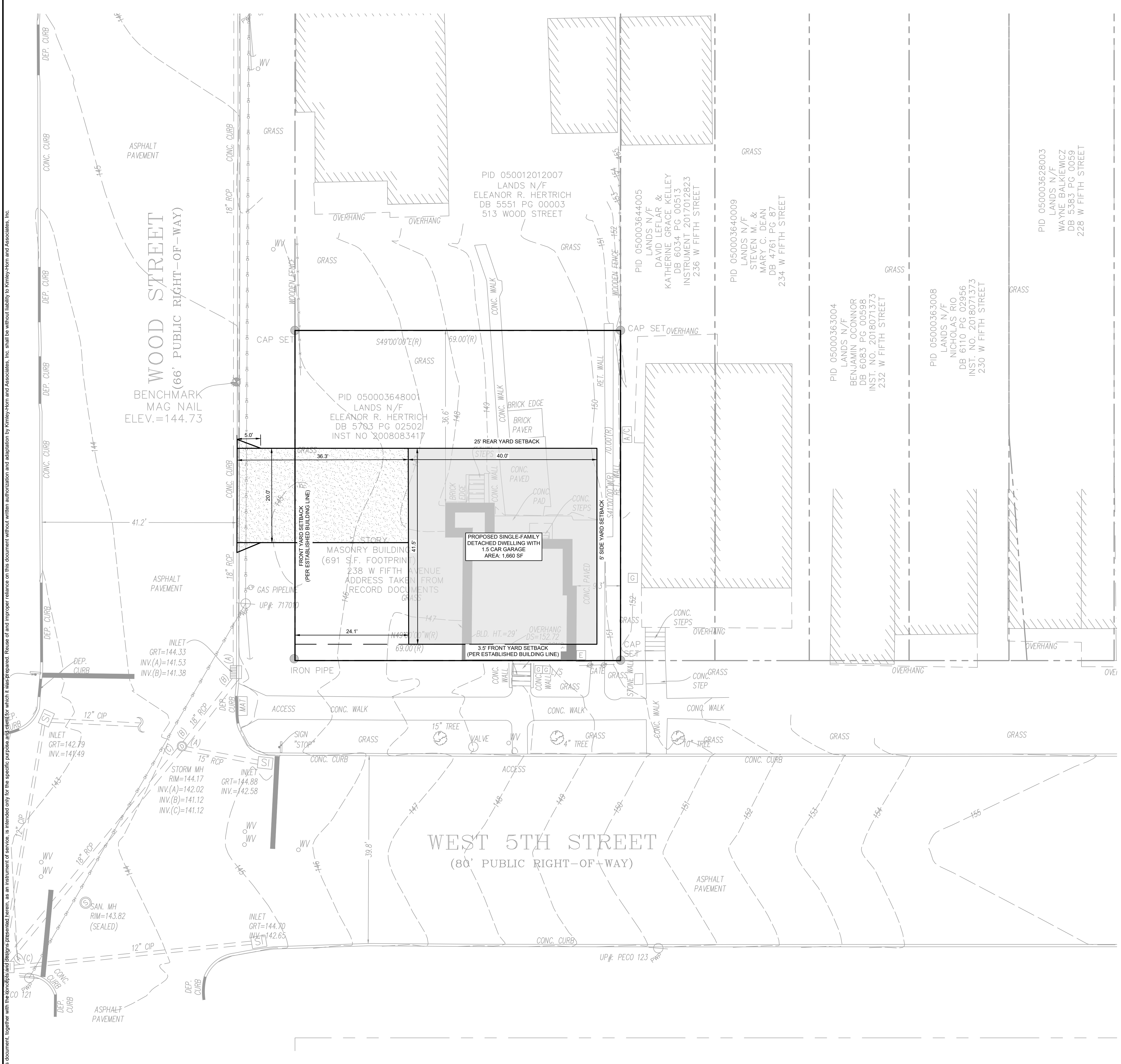
Karen Wojcikowski
Notary Public



LAW OFFICES
MINO & HOBY
LLC
DARBY ROAD
PA 19301-1416



This document, together with the geographic and design information presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



ZONING MAP OF CONSHOHOKEN BOROUGH (MONTGOMERY COUNTY, PENNSYLVANIA)
SCALE: 1" = 2,000'

SITE PLAN STATISTICS

SITE ADDRESS:	238 W 5TH AVENUE, CONSHOHOKEN, PA 19428
MUNICIPALITIES:	BOROUGH OF CONSHOHOKEN MONTGOMERY COUNTY
ZONING DISTRICT:	BOROUGH RESIDENTIAL DISTRICT ONE (BR-1)
PARCEL INFORMATION:	PARID: 050003648001
EXISTING USE:	SINGLE FAMILY DETACHED DWELLING
PROPOSED USE:	SINGLE FAMILY DETACHED DWELLING
EXISTING LOT AREA:	4830 SF (0.11 ACRES)
PROPOSED LOT AREA:	4830 SF (0.11 ACRES)
PLAN REFERENCE:	BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY VALLEY LAND SERVICES (DATED 03/27/2024)

PARKING REQUIREMENTS

SINGLE FAMILY DWELLINGS
REQUIRED: TWO (2) PARKING SPACES
PROPOSED: TWO (2) EXTERIOR PARKING SPACES

NOTE: A VARIANCE IS BEING REQUESTED FROM SECTION 27-1007.1 OF THE BOROUGH OF CONSHOHOKEN ZONING ORDINANCE TO ALLOW FOR OFF-STREET PARKING SPACES TO BE PERMITTED BETWEEN THE FRONT WALL OF A PRINCIPAL STRUCTURE AND THE CURB OF THE STREET WHICH THE WALL IS ORIENTED.

LEGEND

- ADJACENT PROPERTY LINE
- PROPOSED PROPERTY LINE
- BUILDING SETBACK LINE
- PROPOSED DWELLING UNIT
- PROPOSED STANDARD DUTY ASPHALT

BOROUGH OF CONSHOHOKEN DIMENSIONAL STANDARDS

REQUIREMENTS	BOROUGH RESIDENTIAL DISTRICT ONE	EXISTING	PROPOSED
BUILDING SETBACKS			
MINIMUM FRONT YARD*	25 FT	0 FT	3.5 FT (V)
MINIMUM SIDE YARD	5 FT	9.3 FT	5 FT (C)
AGGREGATE SIDE YARD**	10 FT	41.2 FT	5 FT (C)
MINIMUM REAR YARD	25 FT	36.6 FT	25 FT (C)
INTENSITY RATIOS			
MAXIMUM BUILDING AREA COVERAGE	35%	14.3% 691 SF/ 4830 SF	34.4% 1660 SF/ 4830 SF (C)
MAXIMUM IMPERVIOUS SURFACE COVERAGE	60%	25.9% 1253 SF/ 4830 SF	44.3% 2140 SF/ 4830 SF (C)
MISCELLANEOUS			
MAXIMUM BUILDING HEIGHT	35 FT	≤35 FT	≤35 FT (C)
MINIMUM LOT SIZE	4000 SF	4830 SF	4830 SF (C)
MINIMUM LOT WIDTH	40 FT	69 FT	69 FT (C)

* THE FRONT YARD SETBACKS SHOWN ARE PER THE ESTABLISHED BUILDING LINES ALONG WEST 5TH STREET AND WEST 5TH STREET. REFER TO THE ESTABLISHED BUILDING LINE EXHIBIT PREPARED BY KIMLEY-HORN AND ASSOCIATES (DATED 07/17/2024)
** THE EXISTING PROPERTY IS DEFINED AS A CORNER LOT AND THEREFORE ONLY HAS ONE ESTABLISHED SIDE YARD

LEGEND
(C) = COMPLIES
(V) = VARIANCE

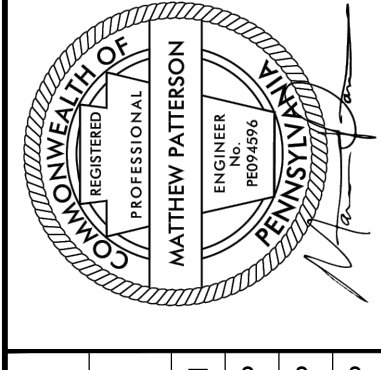
CALL BEFORE YOU DIG!
PENNSYLVANIA LAW REQUIRES 3 WORKING DAYS NOTICE FOR CONSTRUCTION PHASE AND 15 WORKING DAYS IN DESIGN STAGE - STOP CALL ONE CALL TICKET NUMBER: (202)461-9192

GRAPHIC SCALE IN FEET
0 5 10 20

NORTH

NO.	REVISIONS	DATE	BY

Kimley-Horn
© 2024 KIMLEY-HORN AND ASSOCIATES, INC.
50 SOUTH 16TH ST, TWO LIBERTY PLACE, SUITE 3300
PHILADELPHIA, PA 19102
PHONE: 267-687-0150
WWW.KIMLEY-HORN.COM



KHA PROJECT	112967000
DATE	07/17/2024
SCALE: AS SHOWN	DESIGNED BY: MRP
DRAWN BY: NRP	CHECKED BY: MRP

ZONING PLAN

238 W 5TH AVENUE
PREPARED FOR
CATANIA CONCRETE
SITUATED IN
BOROUGH OF CONSHOHOKEN
MONTGOMERY COUNTY, PA



BOROUGH OF CONSHOHOCKEN

Zoning Administration

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Tina Sokolowski, President
Kathleen Kingsley, Vice-President
Anita Barton, Senior Member
Alan Chmielewski, Member
Stacy Ellam, Member
Ralph Frey, Member
Adrian Serna, Member

Stephanie Cecco
Borough Manager

ZONING NOTICE AUGUST 19, 2024 ZONING HEARING BOARD MEETING

ZONING HEARING Z-2024-21

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on August 19, 2024 at 6:30 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: William J. Dipeso and Pei-Chih (Peggy) Dipeso
412 East 9th Avenue, Conshohocken, PA 19428

PREMISES INVOLVED: 135 West 1st Avenue
Conshohocken, PA 19428
BR-2 - Borough Residential District 2

OWNER OF RECORD: William J. Dipeso and Pei-Chih (Peggy) Dipeso
412 East 9th Avenue, Conshohocken, PA 19428

The petitioners are seeking a Special Exception pursuant to Section §27-703.E.(6)(a) and a Variance from Section §27-1105.E to permit the expansion and extension of the existing nonconforming dwelling and to further encroach into the western side yard setback to the existing adjacent retaining wall whereas a 5 feet wide side yard setback is required.

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



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Tina Sokolowski, President
Kathleen Kingsley Vice-President
Anita Barton, Senior Member
Alan Chmielewski, Member
Stacy Ellam, Member
Ralph Frey, Member
Adrian Serna, Member

Stephanie Cecco
Borough Manager

Date: August 14, 2024
To: Stephanie Cecco, Brittany Rogers
From: Allison A. Lee, PE
Re: 135 West First Avenue - Zoning Determination

History of the Site:

135 West Fifth Avenue is comprised of an existing non-conforming single-family detached residential dwelling that was constructed in 1900. The existing dwelling is a two and a half (2½)-story approximately 3,028 GSF stucco building. There is a street level basement entrance access located on the ground floor facing West First Avenue. Access into the main floor of the dwelling is along the front façade of the building facing West First Avenue. There is an existing front covered porch and two (2') feet wide concrete walkway along the eastern side of the dwelling that leads to a covered porch and three (3') feet wide concrete walkway located to the rear of the dwelling. In addition, there is a paved parking area located to the rear of the property adjacent the ten (10') feet wide alley.

The 2,700 SF property is located within the BR-2 – Borough Residential District 2 zoning district. The site is fronted by West First Avenue to the north; a five (5') feet wide private alleyway and adjoining St. Mary Catholic Church also located within the BR-2 zoning district to the west; a ten (10') feet wide alley located to the south; and residential properties in all other directions.

Current Request:

The Applicant is proposing to completely renovate and enlarge the existing single-family detached dwelling and remedy the unsafe conditions of the existing dwelling. The Applicant is seeking a Special Exception pursuant to Section §27-703.E.(6)(a) and a Variance from Section §27-1105.E to permit the expansion and extension of the existing nonconforming dwelling and to further encroach into the western side yard setback to the existing adjacent retaining wall whereas a five (5') feet wide side yard setback is required.

Zoning Determination:

The above referenced property is located within the BR-2 – Borough Residential District 2 zoning district, and is subject to provisions of Part 7 of the Conshohocken Borough Zoning Ordinance for nonconforming structures, uses, and lots. The existing and proposed residential single-family detached dwelling use of the building is a permitted by right use in compliance with Section §27-1102.1 of the BR-2 zoning district.

Per Section §27-702.B of the Borough Zoning Ordinance, a nonconforming building or structure is any existing lawful building or structure that does not conform to the height, location, size, bulk, or other dimensional requirements of the district in which it is located. The existing building is classified as an existing nonconforming building because the building does not conform to the following dimensional requirements of the BR-2 zoning district:

- Side yard setback is one (1') feet from the western side lot line (adjacent to 133 W. First Avenue) and two (2') feet from the eastern side lot line (adjacent to the 5 feet wide private alley), which do not conform to the required five (5') feet side yard setback within the BR-2 zoning district per Section §27-1105.E. However, the existing concrete walkway along the western side lot line is slightly encroaching into the five (5') feet wide private alley by approximately six (6") inches by measurement of the architectural plans provided with the zoning application.

Per Section §27-702.C of the Borough Zoning Ordinance, a nonconforming lot is any existing lawful lot which does not conform to the minimum area and/or width requirements for lots in the district in which it is located, the development of which, however, is in conformance with all other applicable regulations of this Chapter. The existing parcel is classified as an existing nonconforming lot because the lot does not conform to the following dimensional requirements of the BR-1 zoning district:

- The existing 2,700 SF parcel size for the existing single-family detached dwelling does not conform to the required 3,500 SF parcel within the BR-2 zoning district per Section §27-1105.A.
- The existing 17.8 feet front and 29.6 feet rear lot widths for the existing single-family detached dwelling do not conform to the required 40 feet lot width for single-family detached dwellings within the BR-2 zoning district per Section §27-1105.B.

Per Section §27-703.D of the Borough Zoning Ordinance, physical expansion of a nonconforming building shall be permitted only one time and shall be limited to 25% of the gross floor area of the existing building. The gross floor area of the existing two and a half (2½)-story nonconforming building is approximately 3,028 SF. The gross floor area of the existing building with the proposed expansion will be approximately 3,660 SF. The total physical expansion of the nonconforming building will increase by approximately 21%, which is less than the maximum 25% physical expansion permitted and will be in compliance with this code section.

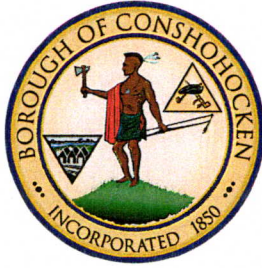
Pursuant to Sections 27-703.E.(5) & (6)(a) of the Borough Zoning Ordinance, a nonconforming building may be expanded only in compliance with § 27-703(E)(6) of this Chapter and extension and/or expansion as permitted in § 27-703(E)(1) through (5) above, shall be permitted only by special exception in accordance with Part 6 [Zoning Hearing Board] 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. Therefore, the Applicant is required to seek a Special Exception pursuant to Section §27-703.E.(6)(a) for approval by the Conshohocken Borough Zoning Hearing Board to permit the extension and expansion of the existing nonconforming building.

The Applicant is proposing to widen the existing dwelling from the back of the bedroom located on the first floor towards the rear. The widening will decrease the setback to almost zero (0') feet setback from the western lot line adjacent the existing five (5') feet wide private alley. The Applicant is proposing new exterior steps and concrete walk to encroach into the existing five (5') feet wide private alley towards the exterior face of the existing retaining wall of the church property. A variance will be required from Section §27-1105.E to permit the proposed dwelling to further reduce the side yard setback to zero (0') distance from the western lot line.

In addition, the Applicant is proposing site improvements with new exterior stairs and concrete walkway that will be located outside of the subject parcel and into the five (5') feet wide private alley. Improvements outside the property boundaries in the private alley should be investigated to determine the ownership of the existing five (5') feet wide private alley way, or if a vacation of the private alley would be required in order to permit the Applicants in constructing within the private alleyway.

The current building coverage on the site is approximately 812 SF (or approximately 30%). With the proposed building extension and expansion and site improvements, the total proposed building coverage on the site will increase to approximately 1,077 SF (or approximately 40%), which is in compliance with the required 40% maximum impervious coverage permitted within the BR-2 zoning district.

The current impervious coverage on the site is approximately 1,003 SF (or 37%). With the proposed building extension and expansion and site improvements, the total impervious coverage on the site will increase to approximately 1,156 SF (or approximately 43%), which is in compliance with the required 60% maximum impervious coverage of the BR-1 zoning district, including the two (2) off-street parking spaces allowance located to the rear of the property.



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

Zoning Application

Application: Z-2024-21
Date Submitted: 7/19/24
Date Received: 7/19/24

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:
27-1105E; 27-703E(6)

3. Address of the property, which is the subject of the application:
135 W. First Avenue, Conshohocken, PA 19428

4. Applicant's Name: William J. Dipeso & Pei-Chih (Peggy) Dipeso
Address: 412 E. Ninth Avenue, Conshohocken, PA 19428
Phone Number (daytime): 610-888-7779
E-mail Address: bdipeso@outlook.com

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

6. Property Owner: Same as Applicants
Address: _____
Phone Number: _____
E-mail Address: _____

7. Lot Dimensions: 17.6x110x29.6x110.6; 2,700 sf Zoning District: BR-2

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.

Structurally unsafe three story single family dwelling with a 799 sf footprint and 2,688 sf of floor area (including the basement) on a nonconforming undersized lot. Property in non-conforming as to lot area (3,500 sf required, 2,700 sf provided), lot width (40 feet required, 17.8 feet provided) and side yard setbacks (5 feet required, 1.0 on left side yard and 2.08 on the right side yard). The front yard is on the established line of the block at an 8 foot setback.

10. Please describe the proposed use of the property.

Renovate and enlarge the existing single family dwelling.

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

Renovate and enlarge the existing single family dwelling on a 1,036 sf footprint with 3,320 sf of floor area. The renovated and enlarged dwelling will encroach into the north side yard resulting in a side yard setback of .33 feet for the right side yard at the front of the proposed building and 5 feet at the rear of the proposed building where a minimum of 5 feet is required. The renovated and enlarged dwelling will expand the floor area of the dwelling by from 2,688 sf to 3,320 sf, an expansion of 23.5% where a maximum of 25% is permitted.

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

The existing dwelling is obsolete and structurally unsafe and in need of substantial and costly repair. The proposed renovated and enlarge dwelling will be consistent with the type of dwellings being newly constructed or substantially renovated in the Borough.

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

a. The unique characteristics of the property: Property is nonconforming as to lot area, lot width and side yard setbacks.

b. How the Zoning Ordinance unreasonably restricts development of the property: Strict compliance with the BR-2 dimensional standards renders the property unusable.

c. How the proposal is consistent with the character of the surrounding neighborhood. Complete renovation and enlargement of the structurally unsafe dwelling is consistent with the evolving character of new construction and renovation of single family dwellings in the Borough.

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. Complete renovation and enlargement of the dwelling is required to remedy the unsafe condition of the structure of the dwelling and to recoup the substantial costs of the repairs to the dwelling.

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.

N/A

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

N/A

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

N/A

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

a. Attorney's Name: Edward J. Hughes, George J. Ozorowski

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

c. Phone Number: 610-279-6800

d. E-mail Address: ehughes@hkolaw.com;gjo@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.

William J. Dipeso Pei-chih Dipeso
Applicant

William J. Dipeso & Pei-Chih Dipeso

Legal Owner

July 19, 2024

Date

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 19th day of July, 2024.

Gina M. Leasher
Notary Public

(Seal)

Commonwealth of Pennsylvania - Notary Seal
GINA M LEASHER, Notary Public
Montgomery County
My Commission Expires April 12, 2027
Commission Number 1093467



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"/>

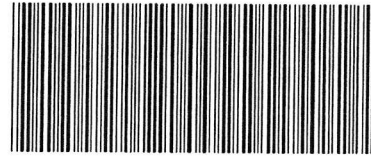
DATE OF ORDER: _____



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

DEED BK 6365 PG 00766 to 00770
INSTRUMENT # : 2024027856
RECORDED DATE: 06/05/2024 03:22:18 PM




6318752-0019Z

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Page 1 of 5

Document Type: Deed	Transaction #: 6940226 - 1 Doc(s)
Document Date: 05/28/2024	Document Page Count: 4
Reference Info:	Operator Id: dkrasley
RETURN TO: (Simplifile) Sage Premier 2002 Sproul Road, Suite 206 Broomall, PA 19008 (610) 356-9600	PAID BY: SAGE PREMIER
* PROPERTY DATA: Parcel ID #: 05-00-04088-00-2 Address: 135 W FIRST AVE CONSHOHOCKEN PA 19428 Municipality: Conshohocken Borough (100%) School District: Colonial	
* ASSOCIATED DOCUMENT(S):	
CONSIDERATION/SECURED AMT: \$254,000.00 TAXABLE AMOUNT: \$254,000.00 FEES / TAXES: Recording Fee:Deed \$86.75 State RTT \$2,540.00 Conshohocken Borough RTT \$1,270.00 Colonial School District RTT \$1,270.00 Total: \$5,166.75	DEED BK 6365 PG 00766 to 00770 Recorded Date: 06/05/2024 03:22:18 PM I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.  Jeanne Sorg Recorder of Deeds

Rev1 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 INFORMATION

Digitally signed 07/15/2024 by montgomery.county.rod@govos.com

Certified and Digitally Signed

validation may require Adobe "Windows Interation"

eCertified copy of recorded # 2024027856 (page 1 of 5)
Montgomery County Recorder of Deeds



Corporate Deed

Prepared By:

Sage Premier Settlements
2002 Sproul Road, Suite 206
Broomall, PA 19008
484-423-6520

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
05-00-04088-00-2 CONSHOHOCKEN BOROUGH
135 W FIRST AVE

RAD DIVERSIFIED REIT INC
B 009 L U 066 1101 06/05/2024

\$15.00
JG

Return To:

Sage Premier Settlements
2002 Sproul Road, Suite 206
Broomall, PA 19008
484-423-6520

Parcel Number: 05-00-04088-002
File No: 392556WCHS

This Deed Indenture

Made this 28 day of MAY, 2024

Effective this 30th day of May, 2024

Between

RAD Diversified REIT, Inc. a Maryland Corporation (hereinafter called the Grantor)

AND

William J. Dipeso and Pei-chih Dipeso, (hereinafter called the Grantees),

Witnesseth That the said Grantor for and in consideration of the sum of Two Hundred Fifty Four Thousand and 00/100 Dollars (\$254,000.00) lawful money of the United States of America, unto Grantor well and truly paid by the said Grantees and 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 Grantees,

Tax ID #: 05-00-04088-002

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, situate in the Borough of Conshohocken, County of Montgomery and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at the South corner of Front Avenue and Wood's Alley; thence extending along the Southwesterly side of Front Avenue Southeastwardly seventeen and eight tenths feet to a corner of



this and land late of Thomas Lee; thence Southwesterly at right angles to said Avenue along the Northwestern side of said Lee's lot one hundred ten feet to a ten feet wide alley and along the same Northwesternly parallel to the said Avenue twenty nine and six tenths feet more or less to line of Wood's alley and along said line Northeasterly one hundred ten and six tenths feet to the place of beginning.

BEING Parcel No. 05-00-04088-00-2

BEING the same premises which Catherine Ann Riley, Executrix of the Estate of Elizabeth F. Chabaud, deceased, by Deed dated December 17, 2021 and recorded March 23, 2022, in and for the Office of the Recorder of Deeds in the County of Montgomery, Pennsylvania in Deed Book 6273, Page 2475, granted and conveyed unto RAD Diversified REIT, Inc. a Maryland Corporation, in fee.

Together with all and singular the vacant lands and if any improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights liberties, privileges, hereditaments and appurtenances, whatsoever thereunto 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 the said Grantor, in law, equity, or otherwise howsoever, of, in, and to the same.

To Have And To Hold the said lot or piece of ground above-described, and its hereditaments and premises hereby granted, or mentioned, and intended so to be, with the appurtenances, unto the said Grantee as forever.

And the said Grantor, does by these presents, covenant, grant and agree, to and with the said Grantee, his/her/their heirs and assigns, by these presents, that the said Grantor, their heirs and assigns, all and singular the hereditaments and premises herein above described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, his/her/ their heirs and assigns, against the said Grantor, and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under him, her, them or any of them, shall and will Subject as aforesaid, WARRANT and forever DEFEND.



In Witness Whereof, the said party(ies) of the First Part, have/has caused these presents to be executed and set his/her/their signatures dated the day and year first above written.

Sealed And Delivered
In The Presence of Us

RAD Diversified REIT, Inc. a Maryland Corporation

[Handwritten Signature]

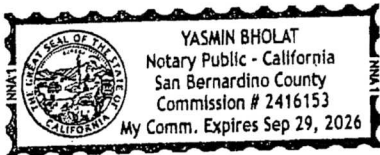
[Handwritten Signature: Taylor Ann Green]
By Taylor Ann Green, Authorized signer

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO :SS

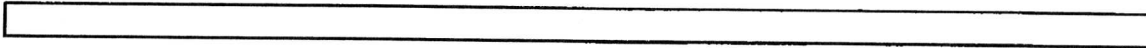
ON this, the 28 day of MAY, 2024, before me, a Notary Public, the undersigned Officer, personally appeared Taylor Ann Green, Authorized signer of RAD Diversified REIT, Inc. a Maryland Corporation. Known to me (satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

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



[Handwritten Signature]
Notary Public



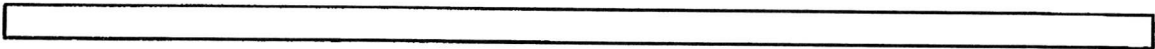


DEED

RAD Diversified REIT, Inc. a Maryland Corporation

TO

William J. Dipeso and Pei-chih Dipeso,



PREMISES:

*135 West 1st Avenue
Conshohocken, PA 19428*

Tax ID #: 05-00-04088-002

I HEREBY CERTIFY THE ADDRESS OF
THE GRANTEE is as follows:

*135 West 1st Avenue
Conshohocken, PA 19428*

[Signature]
On behalf of the Grantee



Conshohocken, Pennsylvania

Google Street View

Aug 2021

[See more dates](#)

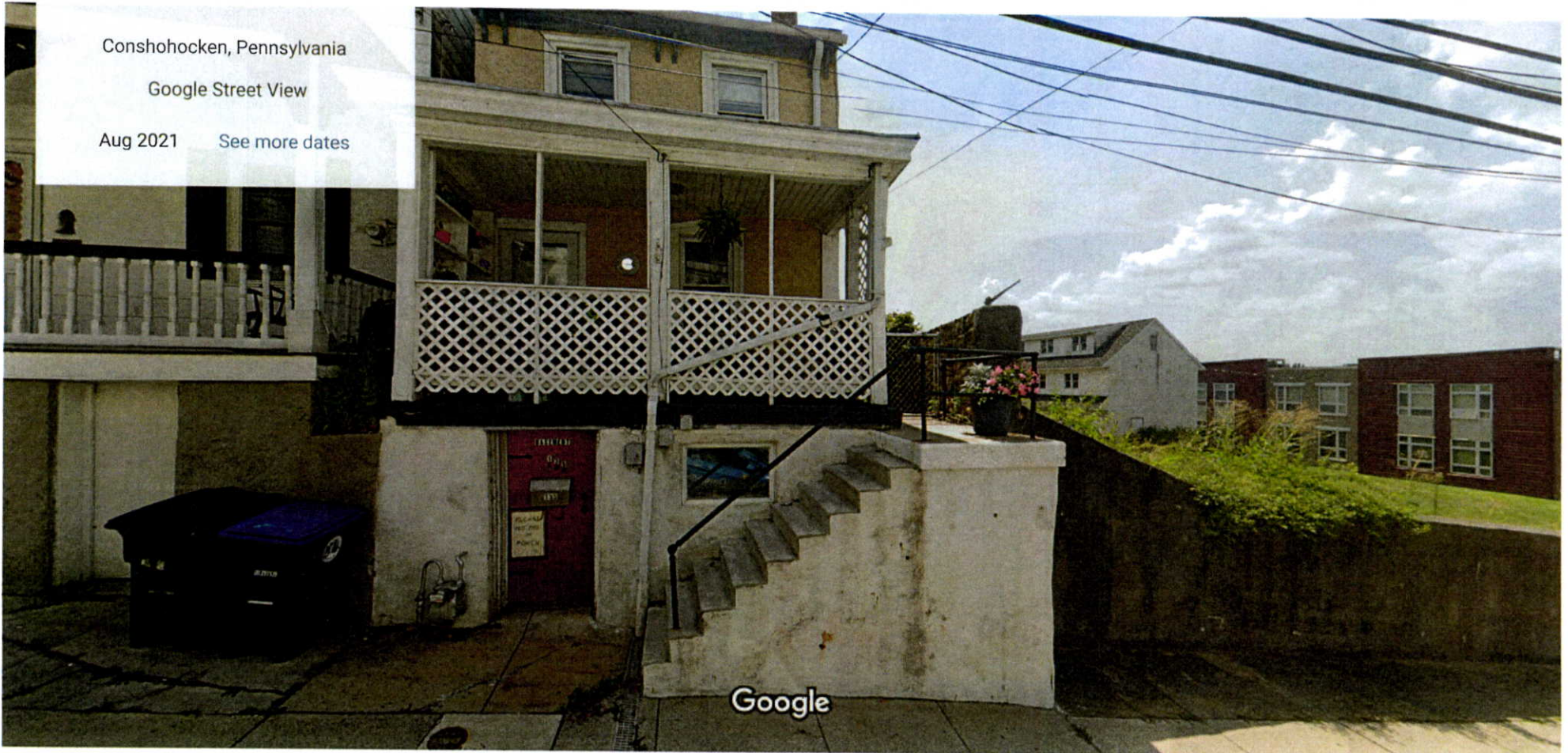


Image capture: Aug 2021 © 2024 Google



Parcel

TaxMapID	05009 066
Parid	05-00-04088-00-2
Land Use Code	1101
Land Use Description	R - SINGLE FAMILY
Property Location	135 W FIRST AVE
Lot #	
Lot Size	2700 SF
Front Feet	17
Municipality	CONSHOHOCKEN
School District	COLONIAL
Utilities	ALL PUBLIC//

Owner

Name(s)	DIPESO WILLIAM J & PEI-CHIH
Name(s)	
Mailing Address	135 W FIRST AVE
Care Of	
Mailing Address	
Mailing Address	CONSHOHOCKEN PA 19428

Current Assessment

Appraised Value	Assessed Value	Restrict Code
65,810	65,810	

Estimated Taxes

County	315
Montco Community College	26
Municipality	296
School District	1,690
Total	2,327
Tax Lien	Tax Claim Bureau Parcel Search

Last Sale

Sale Date	30-MAY-2024
Sale Price	\$254,000
Tax Stamps	2540
Deed Book and Page	6365-00766
Grantor	RAD DIVERSIFIED REIT INC
Grantee	DIPESO WILLIAM J & PEI-CHIH
Date Recorded	05-JUN-2024

Sales History

Sale Date	Sale Price	Tax Stamps	Deed Book and Page	Grantor	Grantee	Date Recorded
05-30-2024	\$254,000	2540	6365-00766	RAD DIVERSIFIED REIT INC	DIPESO WILLIAM J & PEI-CHIH	06-05-2024
12-17-2021	\$235,000	2350	6273-02475	CHABAUD KENNETH H & E F	RAD DIVERSIFIED REIT INC	03-23-2022
01-01-1954	\$0	0	-		CHABAUD KENNETH H & E F	

Lot Information

Lot Size 2700 SF
Lot #
Remarks
Remarks
Remarks

Residential Card Summary

Card 1
Land Use Code 1101
Building Style TWIN
Number of Living Units 1
Year Built 1900
Year Remodeled
Exterior Wall Material STUCCO
Number of Stories 2
Square Feet of Living Area 1,296
Total Rms/Bedrms/Baths/Half Baths 6/2/1/
Basement FULL
Finished Basement Living Area
Rec Room Area
Unfinished Area
Wood Burning Fireplace
Pre Fab Fireplace
Heating CENTRAL
System WARM FORCED AIR
Fuel Type GAS
Condo Level
Condo/Townhouse Type
Attached Garage Area
Basement Garage No. of Cars

Permits

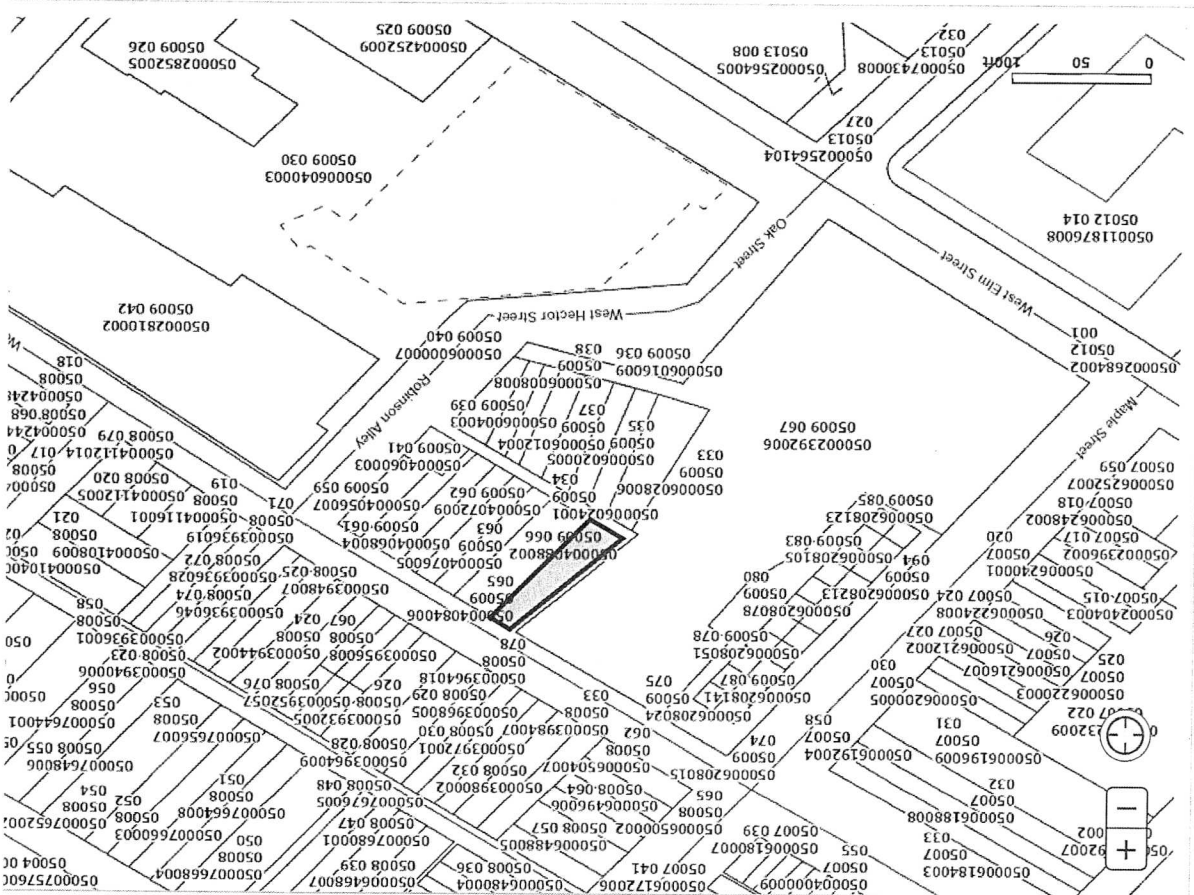
Permit Date 08-FEB-2013
Permit Number 121636
Amount
Purpose OTHER
Notes INSTALL 7 SMOKE DETECTORS 5 GFIC OUTLETS 4 LIGH FIXTURES
Notes
Notes
Status CLOSED

Assessment History

Appraised Value	Assessed Value	Restrict Code	Effective Date	Reason	Notice Date
65,810	65,810			O	16-MAY-1997
	65,810		01-JAN-1998	REASSESSMENT	
	2,300		01-JAN-1987		

PARID: 050004088002
DIPESO WILLIAM J & PEI-CHIH

- Profile
- Accessory Structures
- Assessment Breakdown
- Assessment History
- Commercial
- Lot
- Map
- Permits
- Photos
- Residential
- Sales
- Sketch
- Splits and Combinations



135 W 1ST AVE

CONSHOHOKEN, PA
RENOVATION

ARCHITECT

JEFFREY L. GROGAN ARCHITECTS

PHONE: 610-825-7780
ADDRESS: 906 FAYETTE STREET
CONSHOHOKEN, PA 19428

CODE SCHEDULE

CODES USED	IBC 2018	ADA 2010	IFC 2018	CONSHOHOKEN ZONING ORDINANCE	
USE GROUP	R-3				
CONSTRUCTION TYPE	TYPE IIB				
ZONING CLASSIFICATION	BR-2				
LOT SIZE	REQUIRED: 3500 SQFT MIN.			PROPOSED: EXISTING	
LOT WIDTH	REQUIRED: 40' MIN.			PROPOSED: EXISTING	
BUILDING COVERAGE	ALLOWED: 40% MAX.		EXISTING: 31%		PROPOSED: 40%
IMPERVIOUS SURFACE	ALLOWED: 60% MAX.		EXISTING: 57%		PROPOSED: 42%
HEIGHT LIMITATION	ALLOWED: 35' MAX.		EXISTING: 32'-0"		PROPOSED: 34'-6"
FRONT YARD SETBACK	REQ: 15' MIN.		EXISTING: 0'-0"	*	PROPOSED: 0'-0"
L SIDE YARD SETBACK	REQUIRED: 5' MIN.		EXISTING: 1'-0"		PROPOSED: 1'-0"
R SIDE YARD SETBACK	REQUIRED: 5' MIN.		EXISTING: 2'-1"		PROPOSED: 0'-4"
REAR YARD SETBACK	REQUIRED 25' MIN.		EXISTING: 57'-0"		PROPOSED: 50'-0"
AREAS (GROSS AREA)	EXISTING				PROPOSED
1ST FLOOR	744 SQFT				1036 SQFT
2ND FLOOR	848 SQFT				1036 SQFT
3RD FLOOR	323 SQFT				580 SQFT
BASEMENT	668 SQFT				668 SQFT

* FRONT YARD SETBACK ALONG EXISTING ESTABLISHED BUILDING LINE.

DRAWING INDEX

NO.	DRAWING TITLE
G-101	COVER PAGE
A-101	EXISTING SITE PLAN
A-102	EXISTING PLANS
A-103	PROPOSED PLANS
A-201	EXTERIOR ELEVATIONS
A-202	3D RENDERINGS

REVISED	BY

Jeffrey L. Grogan Architects
906 Fayette Street
Conshohocken, PA 19428
610-825-7780 Fax: 610-825-8620

BILL DIPESO
135 W 1ST AVE
CONSHOHOKEN, PA

PRINTED FOR REVIEW 7/12/24

DRAWN BY	<table border="1"> <tr><td>100</td><td>5</td></tr> <tr><td>100</td><td>5</td></tr> </table>	100	5	100	5
100	5				
100	5				
DATE	7.12.24				
SCALE	AS NOTED				
JOB NO.					
SHEET					
G-101					

NOTE: ALL WORK CONTAINED HEREIN IS THE SOLE INTELLECTUAL PROPERTY OF JEFFREY L. GROGAN ARCHITECTS. UNAUTHORIZED REPRODUCTION AND/OR USE IS STRICTLY PROHIBITED. © 2024

135 W 1ST AVE

CONSHOHOKEN, PA
RENOVATION

ARCHITECT

JEFFREY L. GROGAN ARCHITECTS

PHONE: 610-825-7780
ADDRESS: 906 FAYETTE STREET
CONSHOHOKEN, PA 19428

CODE SCHEDULE

CODES USED	IEC 2018 ADA 2010 IPC 2018 CONSHOHOKEN ZONING ORDINANCE		
USE GROUP	R-3		
CONSTRUCTION TYPE	TYPE IIB		
ZONING CLASSIFICATION	BR-2		
LOT SIZE	REQUIRED: 9500 SQFT MIN.	PROPOSED: EXISTING	
LOT WIDTH	REQUIRED: 40' MIN.	PROPOSED: EXISTING	
BUILDING COVERAGE	ALLOWED: 40% MAX.	EXISTING: 81%	PROPOSED: 40%
IMPERVIOUS SURFACE	ALLOWED: 60% MAX.	EXISTING: 57%	PROPOSED: 42%
HEIGHT LIMITATION	ALLOWED: 55' MAX.	EXISTING: 52'-0"	PROPOSED: 34'-6"
FRONT YARD SETBACK	REQ: 15' MIN.	EXISTING: 8'-0"	PROPOSED: 8'-0"
L SIDE YARD SETBACK	REQUIRED: 5' MIN.	EXISTING: 1'-0"	PROPOSED: 1'-0"
R SIDE YARD SETBACK	REQUIRED: 5' MIN.	EXISTING: 2'-1"	PROPOSED: 0'-4"
REAR YARD SETBACK	REQUIRED: 25' MIN.	EXISTING: 51'-0"	PROPOSED: 50'-0"
AREAS (GROSS AREA)	EXISTING	PROPOSED	
1ST FLOOR	799 SQFT	1036 SQFT	
2ND FLOOR	848 SQFT	1036 SQFT	
3RD FLOOR	828 SQFT	560 SQFT	
BASEMENT	668 SQFT	668 SQFT	

* FRONT YARD SETBACK ALONG EXISTING ESTABLISHED BUILDING LINE.

DRAWING INDEX

NO.	DRAWING TITLE
G-101	COVER PAGE
A-101	EXISTING SITE PLAN
A-102	EXISTING PLANS
A-103	PROPOSED PLANS
A-201	EXTERIOR ELEVATIONS
A-202	3D RENDERINGS

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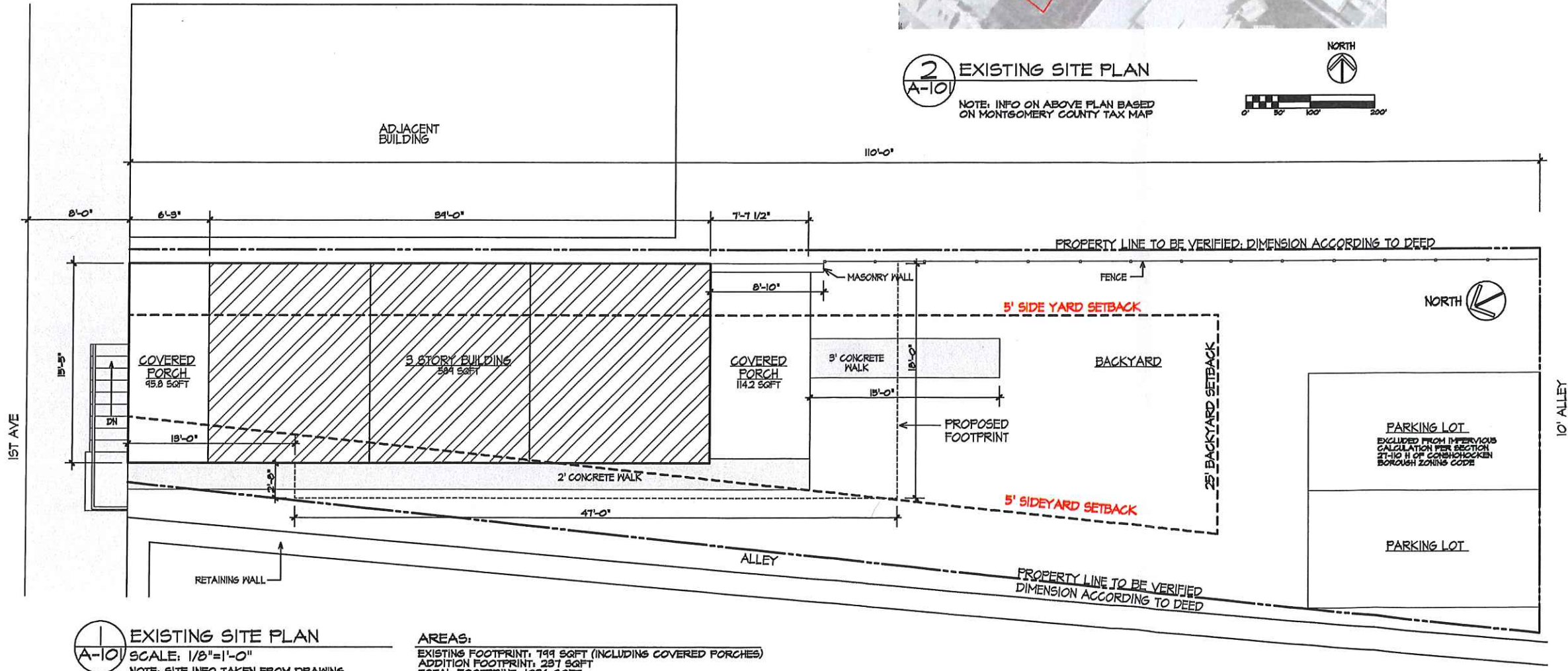
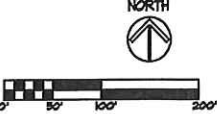
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2 EXISTING SITE PLAN
A-101

NOTE: INFO ON ABOVE PLAN BASED ON MONTGOMERY COUNTY TAX MAP



1 EXISTING SITE PLAN
A-101

SCALE: 1/8"=1'-0"
NOTE: SITE INFO TAKEN FROM DRAWING BY PMD CONSTRUCTION CONSULTING LLC PROJECT # 2023-D-02
ALL ZONING CALCULATION ARE ESTIMATES UNTIL PROPERTY LINES CAN BE VERIFIED

AREAS:
EXISTING FOOTPRINT: 799 SQFT (INCLUDING COVERED PORCHES)
ADDITION FOOTPRINT: 281 SQFT
TOTAL FOOTPRINT: 1080 SQFT

IMPERVIOUS SURFACE: ALLOWED MAX: 60%
EXISTING: 31%
PROPOSED: 42%

BUILDING COVERAGE: ALLOWED MAX: 40%
EXISTING: 31%
PROPOSED: 40%

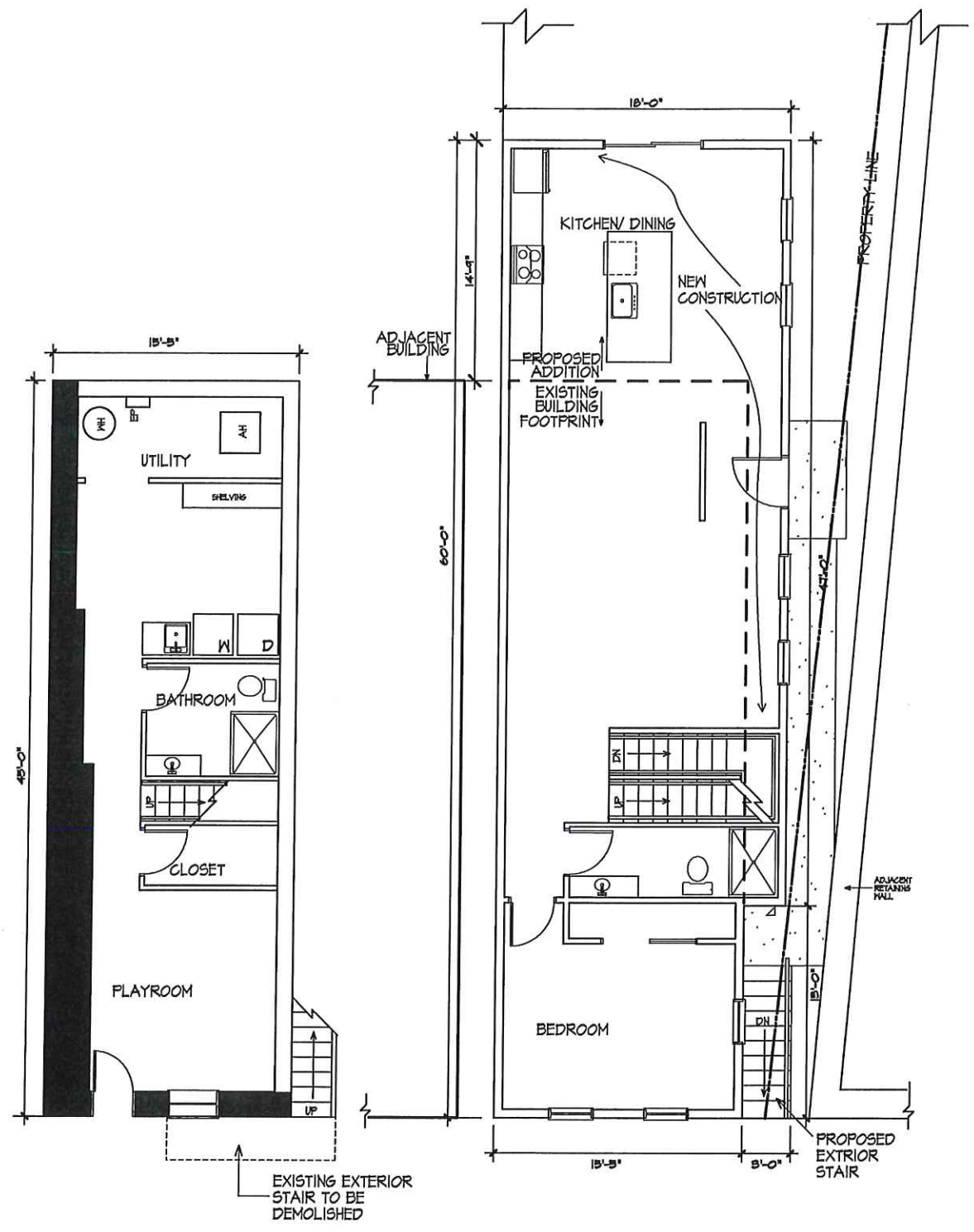
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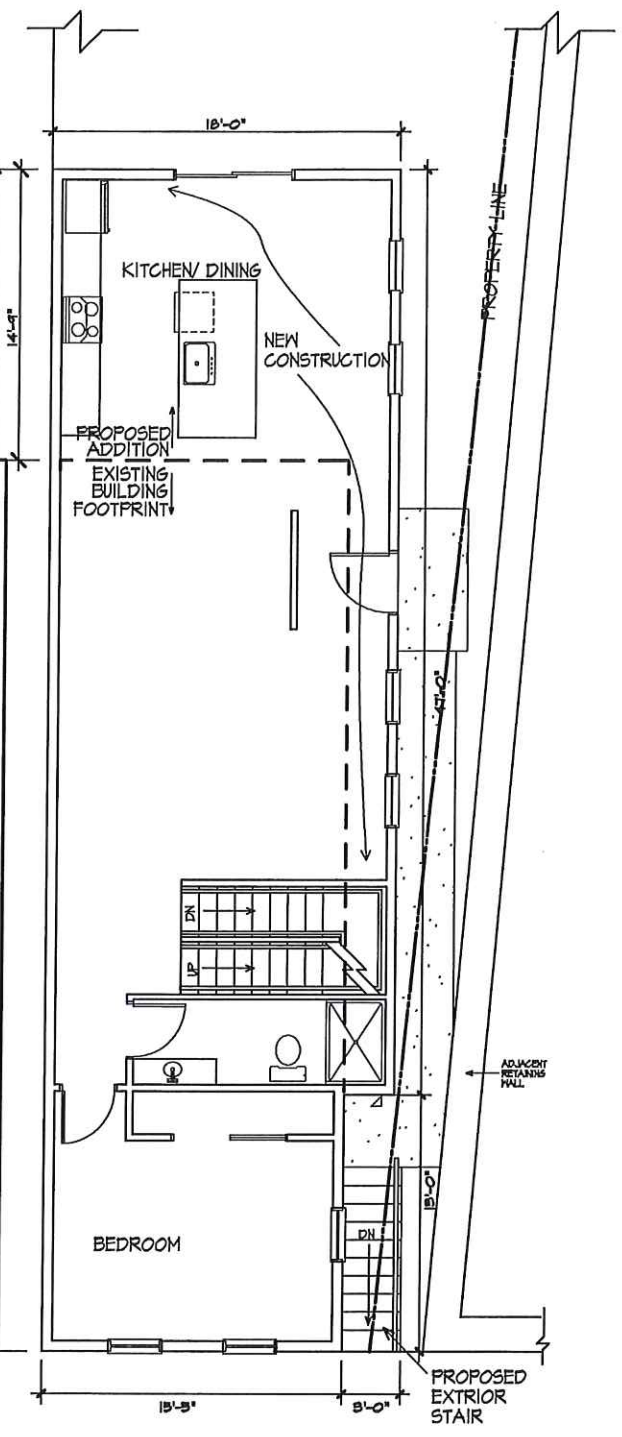
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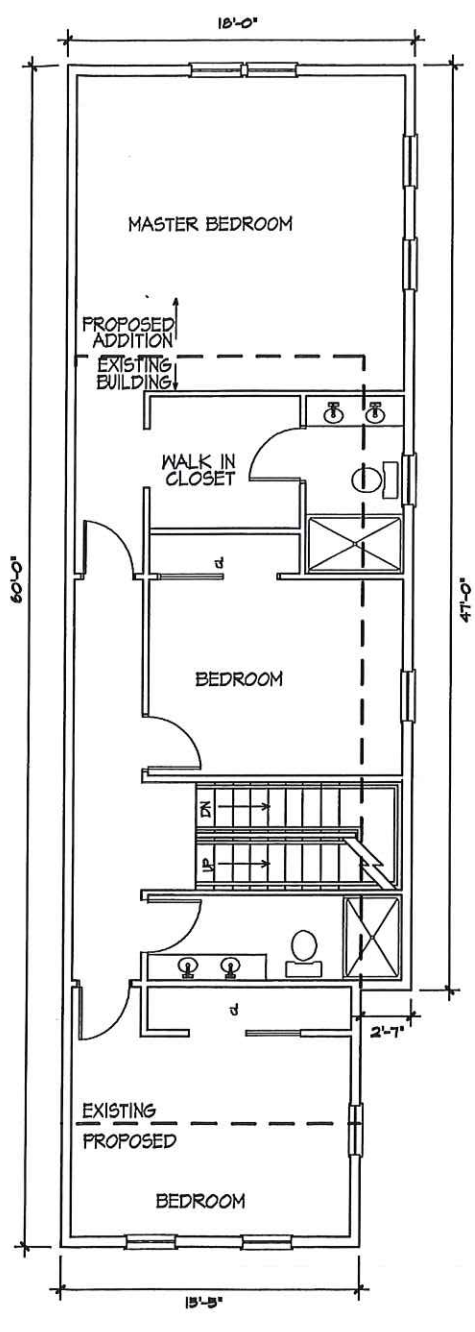
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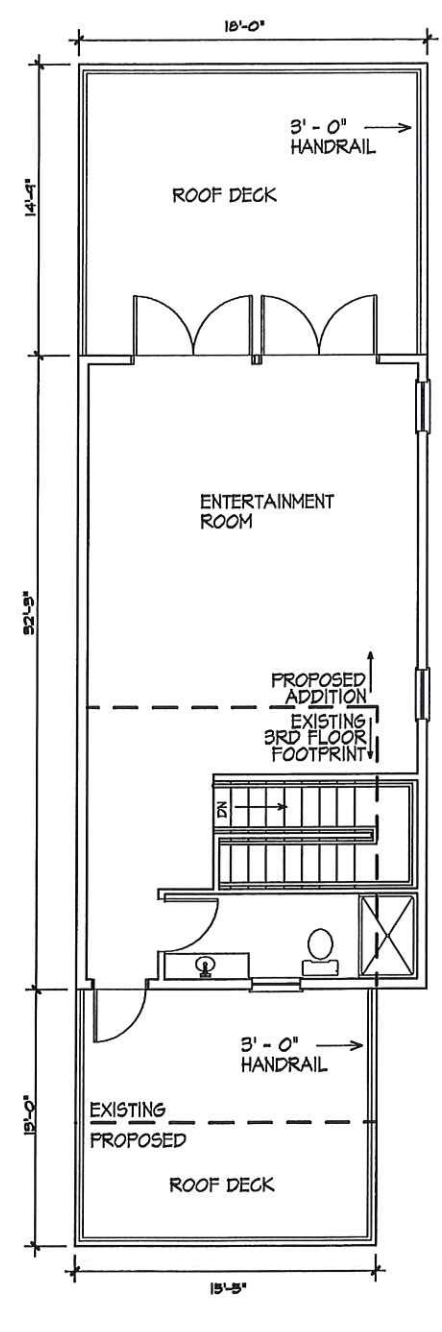
1 PROPOSED BASEMENT
 A103 SCALE: 1/8"=1'-0"
 AREA = 667 SQFT
 = EXISTING WALL



2 PROPOSED 1ST FLOOR
 A103 SCALE: 1/8"=1'-0"
 AREA = 1046 SQFT



3 PROPOSED 2ND FLOOR
 A103 SCALE: 1/8"=1'-0"
 AREA = 1046 SQFT



4 PROPOSED 3RD FLOOR
 A103 SCALE: 1/8"=1'-0"
 AREA = 1046 SQFT

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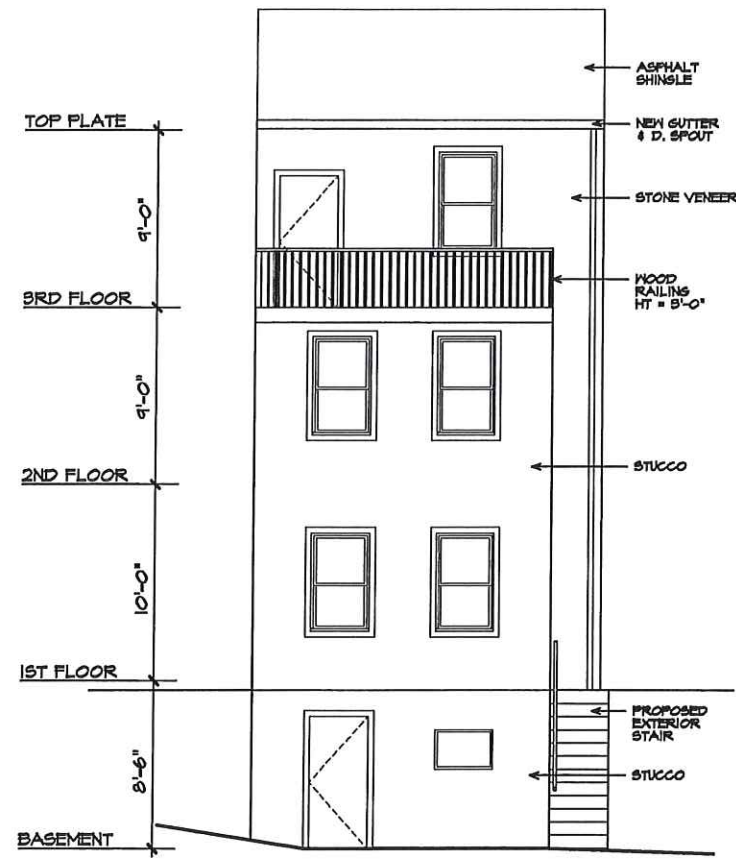
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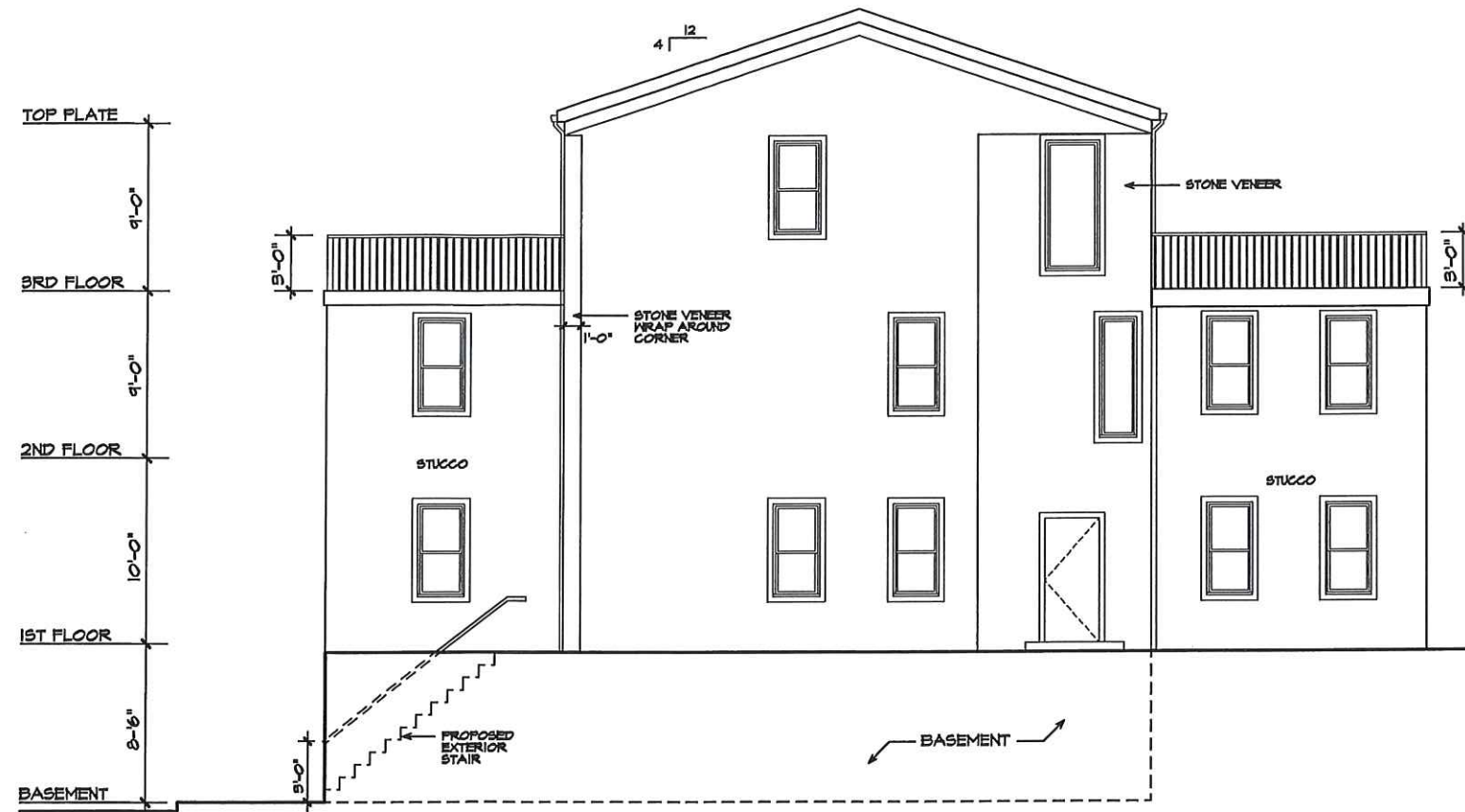
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1 PROPOSED FRONT ELEVATION
A201 SCALE: 1/8"=1'-0"



2 PROPOSED SIDE ELEVATION
A201 SCALE: 1/8"=1'-0"

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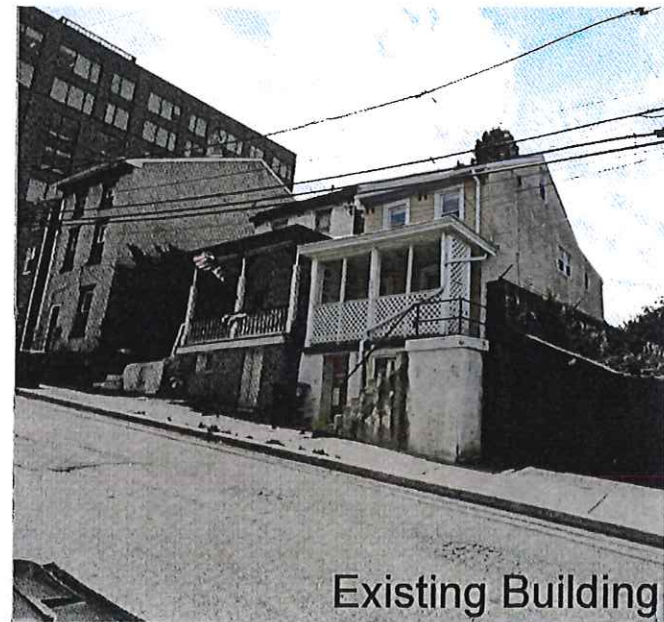
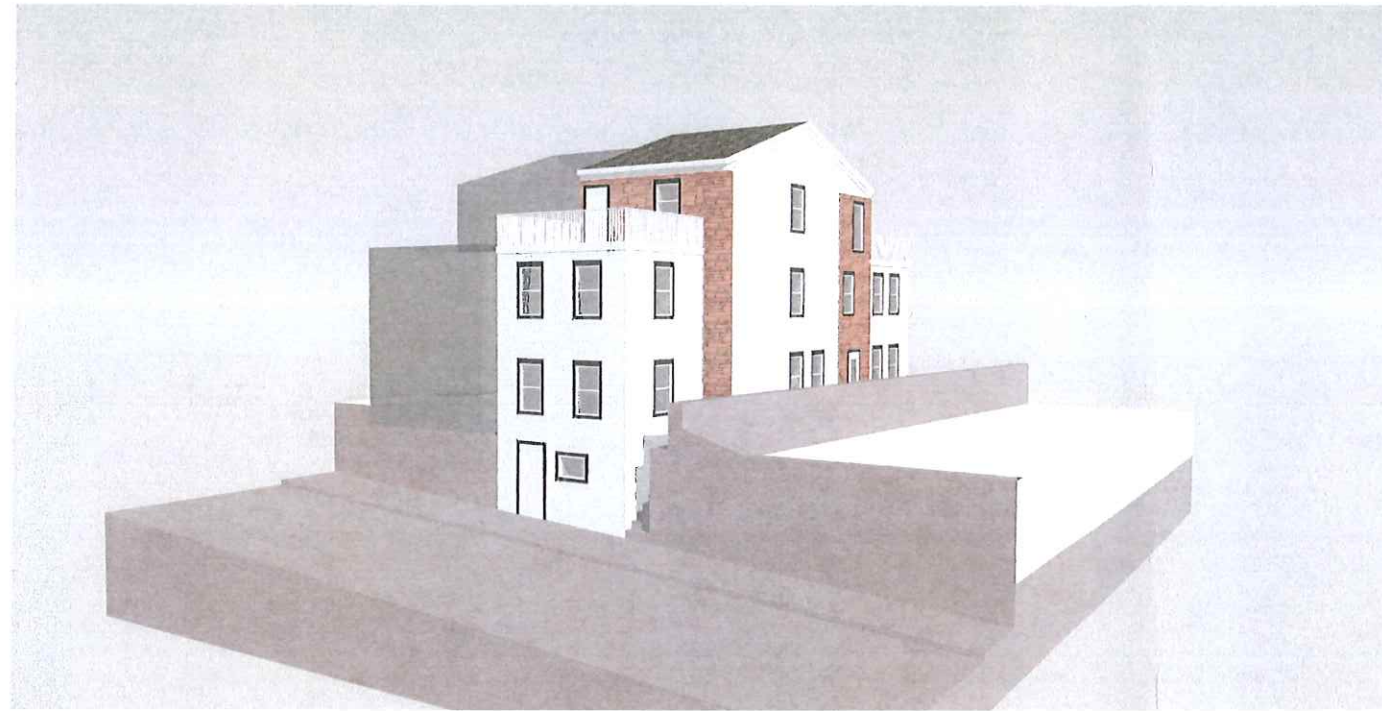
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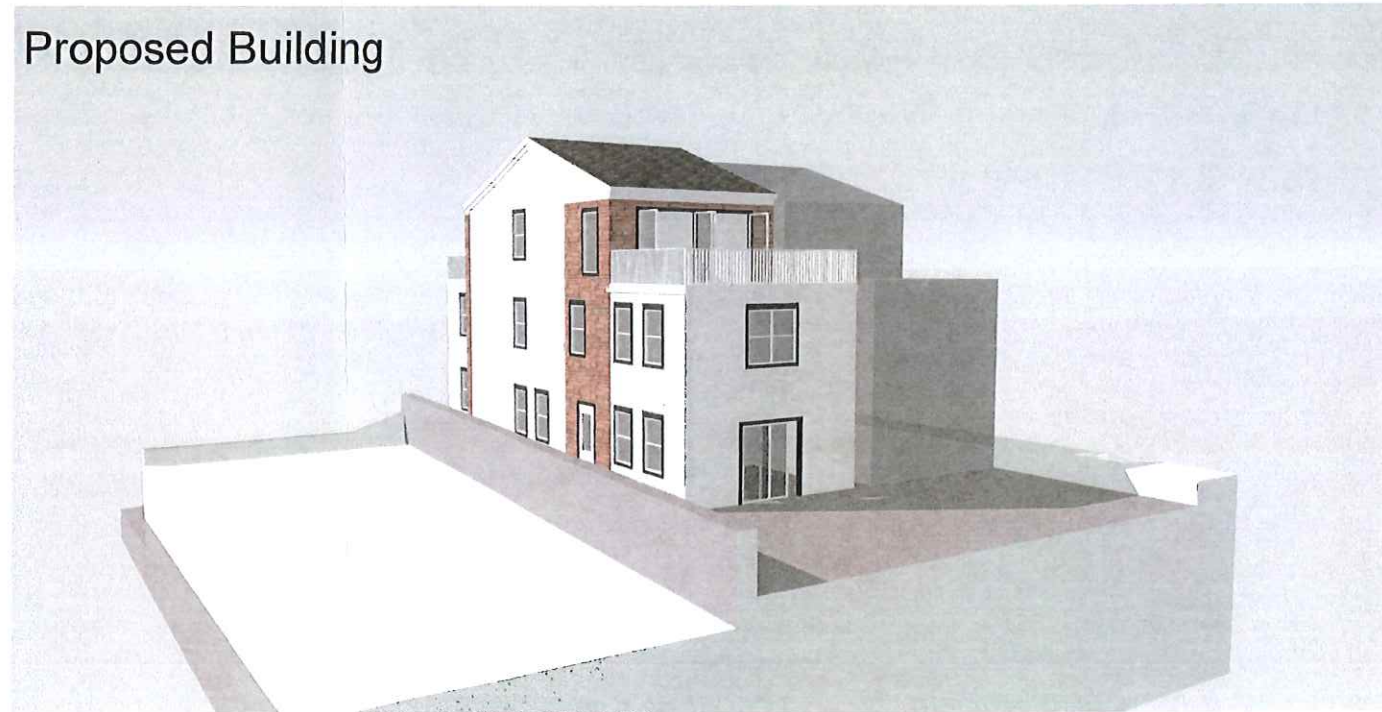
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Existing Building



Proposed Building

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