



# 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

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Stephanie Cecco  
Borough Manager

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## **AUGUST 21, 2023 ZONING HEARING BOARD MEETING PACKET**

334 East 7<sup>th</sup> Avenue  
150 West 8<sup>th</sup> Avenue  
46 Fayette Street  
5 Colwell Lane (Z-2023-03)  
5 Colwell Lane (Z-2023-15)  
701 Fayette Street

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# BOROUGH OF CONSHOHOCKEN

*Zoning Administration*

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Stephanie Cecco  
Borough Manager

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## ZONING NOTICE JULY 17, 2023, ZONING HEARING BOARD MEETING

### ZONING HEARING Z-2023-10

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on July 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: Richard Dunn  
334 East 7<sup>th</sup> Avenue, Conshohocken, PA 19428

PREMISES INVOLVED: 334 East 7<sup>th</sup> Avenue  
Conshohocken, PA 19428  
BR-1 - Borough Residential District 1

OWNER OF RECORD: Richard Dunn and Danielle Rementer-Keys  
334 East 7<sup>th</sup> Avenue, Conshohocken, PA 19428

The petitioner is seeking a variance from Section 27-1005.F of the Conshohocken Borough Zoning Ordinance to construct an approximately 120 SF to 140 SF roof addition over about a half portion of a rear patio which would result in a maximum building coverage of 38% for the lot, whereas the maximum building coverage shall not exceed 35% of the lot area within the BR-1 - Borough Residential District 1.

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](mailto: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](mailto:zoning@conshohockenpa.gov).

Thank you,  
Zoning Hearing Board



# BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

Zoning Administration

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Stephanie Cecco  
Borough Manager

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Date: July 12, 2023  
To: Stephanie Cecco, Brittany Rogers  
From: Allison A. Lee, PE  
Re: 334 East Seventh Avenue – Zoning Determination

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## History of the Site:

334 East Seventh Avenue is a 1,060 SF existing single-family detached residential dwelling located within the BR-1 – Borough Residential District 1 zoning district. The 4,200 SF property was part of the 701 Jones Street subdivision and land development application from 2019 with the existing dwelling constructed in 2020. The site is fronted by East Seventh Avenue to the south; an unnamed alley (20' right-of-way) to the north and rear of the property; and residential properties also located within the BR-1 zoning district to the east and west. An off-street parking area for two (2) parking spaces and a one (1)-story 395 SF garage is located off of the unnamed alley to the rear of the site.

## Current Request:

Pursuant to a building permit application submission, the Applicant, Richard Dunn, is proposing to demolish the existing 10' wide x 12' long (120 SF) deck attached to the rear of the dwelling and construct a new larger 12' wide x 20' long (240 SF) deck. In accordance with the zoning application, the Applicant is proposing to cover an approximately 120 SF to 140 SF portion of a newly built patio for a 240 SF deck with a gable roof. The Applicant is seeking a variance from the Conshohocken Borough Zoning Code Section §27-1005.F to allow for an exceedance in the maximum 35% building coverage within the BR-1 – Borough Residential District 1 zoning district.

## Zoning Determination:

In accordance with the Conshohocken Borough Zoning Code Section §27-202, the following definitions apply:

*Building Coverage – 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.*

*Deck – An elevated platform constructed no higher than the elevation of the first floor of a dwelling building, and attached to the rear or side of such dwelling, which is designed to provide outdoor living area, but having no roof or walls higher 42 inches in height.*

*Porch – A roofed or unroofed structure projecting from the front, side or rear wall of a building.*

*Porch, Enclosed – A structure attached to a dwelling providing outdoor living space, which has a roof and supporting columns but which is open on three sides and has no walls or railings higher than 42 inches. Unenclosed porches may be screened but may not be winterized for year-round use.*

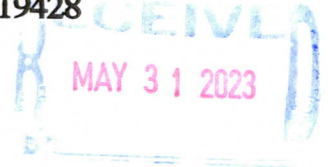
*Structure – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the ground.*

The Applicant is proposing to add a gable roof over approximately 120 SF to 140 SF of the newly built patio that will be constructed to a 240 SF deck structure. The proposed portion of the deck structure with a roof is considered an enclosed porch by definition. Therefore, the building coverage for the covered porch will need to be included in the building coverage calculation. The resulting building coverage for the site with the covered porch will increase from 35% to approximately 38%.

Per the Conshohocken Borough Zoning Code Section §27-1005.F, the maximum building coverage shall not exceed 35% of the lot area. Therefore, the Applicant is required to seek a variance from Zoning Code Section §27-1005.F to permit a maximum building coverage of 38% on the lot, whereas the maximum building coverage of 35% is permitted within the BR-1 – Borough Residential District 1 zoning district.



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



## Zoning Application

Application: Z-2023-10  
Date Submitted: 5/31/23  
Date Received: 5/31/23

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 \_\_\_\_\_

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

27-1005: The maximum building coverage shall not exceed 35% of the lot area

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

334 E 7th Ave, Conshohocken, PA 19428

4. Applicant's Name: Richard Dunn

Address: 334 E 7th Ave, Conshohocken, PA

Phone Number (daytime): 610.909.1251

E-mail Address: rdunn\_43@yahoo.com

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

6. Property Owner: Richard Dunn & Danielle Rementer-Keys

Address: 334 E 7th Ave, Conshohocken, PA 19428

Phone Number: 610.909.1251

E-mail Address: rdunn\_43@yahoo.com

7. Lot Dimensions: 4,200 sqft 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.

Primary residence

House - 1,060 sqft

Garage - 395 sqft

Lot size - 4,200 sqft

10. Please describe the proposed use of the property.

Primary residence

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

Build a partial roof over (approximately 120-140 sqft) newly built patio.

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

The applicant desires to build permanent roof over part of a newly constructed porch. The calculated building coverage is approx 37.5%, only 2.5% over the 35% building coverage permitted. This will continue to improve the value of the home and offer additional living space.

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

a. The unique characteristics of the property: Single Family Dwelling and Detached Garage

No unique characteristics.

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

The applicant is seeking to improve upon the comfort of the property by improving the current wooden deck with composite material and allowing for multi-season usage through building a roof.

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

Within the neighborhood, there are multiple patios and decks with roofs.

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.

This proposed 120-140 sqft roof will cover only half of the patio.

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: N/A

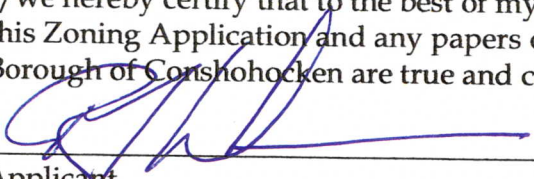
b. Address: \_\_\_\_\_

c. Phone Number: \_\_\_\_\_

d. E-mail Address: \_\_\_\_\_



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

  
\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Legal Owner

\_\_\_\_\_  
Date

5/31/2023

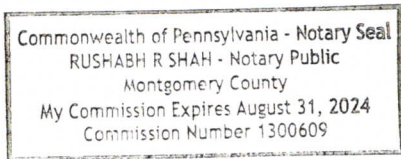
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 31<sup>st</sup> day of May, 2023.

  
\_\_\_\_\_  
Notary Public

(Seal)





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

## Decision

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(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: \_\_\_\_\_



*\*Contact Borough Office for Pre-Application Meeting\**

**BUILDING PERMIT APPLICATION PACKET PERMIT # 23-00246**

**For Zoning Use Only**  
 Present Zoning District: AR-1 Lot Size: 4,200 SF  
 Proposed Zoning Use: Single Family Approved or Disapproved  
 Conditions: detached deck, railing  
 Date proposed work was reviewed by zoning: 04/12/2023  
 Has the Zoning Board of Conshohocken issued a special  
 exception, variance, or other ruling concerning this proposed  
 work or zoning  
 classification? \_\_\_\_\_

**For Office Use Only**  
 Date Application Received: \_\_\_\_\_  
 Receipt # 2301159  
 Permit Fee \$ 229.50 Cash Check # \_\_\_\_\_  
 Parcel # 0-500- \_\_\_\_\_  
 Date Permit Issued: \_\_\_\_\_ Issued By \_\_\_\_\_

**TYPES OF PERMITS THAT YOU ARE APPLYING FOR (PLEASE CHECK ALL THAT APPLY)**

<input checked="" type="checkbox"/> YES or NO	Building	Total Fee \$	<u>225</u> .00
<input type="checkbox"/> YES or NO	Electrical	Total Fee \$	.00
<input type="checkbox"/> YES or NO	Voice/Data (Commercial only)	Total Fee \$	.00
<input type="checkbox"/> YES or NO	Plumbing	Total Fee \$	.00
<input type="checkbox"/> YES or NO	Sewer	Total Fee \$	.00
<input type="checkbox"/> YES or NO	Mechanical	Total Fee \$	.00
<input type="checkbox"/> YES or NO	Fire Alarm (Commercial only)	Total Fee \$	.00
<input type="checkbox"/> YES or NO	Sprinkler	Total Fee \$	.00
<input type="checkbox"/> YES or NO	PA State Surcharge	Total Fee \$	4.50
<b>TOTAL COST OF PERMIT</b>		<b>\$</b>	<u>229.5000</u>

APR 18 2023

Project Address 334 E 7th Floor or Suite # \_\_\_\_\_, CONSHOHOCKEN, PA 19428  
 New Construction  Addition  Alteration  Deck  Tenant Fit-Out  Demo  Roof  Other New Deck

**USE GROUP (Please check Residential or Commercial and check which use group applies)**  
*\*Commercial applications require drawings prepared by a licensed design professional\**

Residential = Single Family Dwelling or Two Family Dwelling OR  
 Commercial = Business/Office Restaurant Apartment Building Triplex Other \_\_\_\_\_

**PROPERTY INFORMATION**

Property Owner's Name Rick Dunn  
 Property Owner's Mailing Address 334 E 7th  
 Property Owner's Daytime Phone (610) 909-1251 Cell Phone (\_\_\_\_\_) \_\_\_\_\_  
 Fax # (\_\_\_\_\_) \_\_\_\_\_ E-Mail Address \_\_\_\_\_

**APPLICANT'S INFORMATION (if different than Property Owner)**

Applicant's Name (Contact Person) Tom Jones  
 Company's Name Thomas Andrew Homes Inc.  
 Applicant's Address 1312 Wood St Consh. PA 19428  
 Applicant's Daytime Phone (\_\_\_\_\_) \_\_\_\_\_ Cell Phone (610) 637-1998  
 Fax # (\_\_\_\_\_) \_\_\_\_\_ E-Mail Address thomasandrewhomes@verizon.net

Applicant's Borough of Conshohocken Contractor's License # \_\_\_\_\_  Check if applying today  
 Is there a written contract between the Owner and the Contractor? \_\_\_ Yes Copy Must Be Attached or  No

The information provided in this Application is true and correct to the best of my knowledge, information and belief and that these statements are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities. The undersigned is the owner of said structure or has been authorized by the owner(s) to act as agent in procuring the building permit herein requested. The undersigned also takes full responsibility for all work performed and will comply with all provisions of the Zoning Ordinance, the Building Code and with all other applicable ordinances of Conshohocken.

**APPLICATION MUST BE APPROVED, PERMIT ISSUED AND POSTED ON JOB SITE PRIOR TO BEGINNING WORK!**

[Signature]  
 Signature of Owner

5/4/23  
 Date

(OFFICE USE ONLY) Permit # \_\_\_\_\_ and Project Address \_\_\_\_\_

**BUILDING PERMIT SECTION**

I hereby make application to (state nature of work) Buld New Deck  
Remove old Deck

**BUILDING CONTRACTOR INFORMATION**

Field	Contractor's Name	Street Address	City/State/Zip	Phone	BOC Lic # or v if applying today
General Contractor -	<u>Thomas Andrew Hones</u>	<u>1312 Wood St.</u>	<u>Cosh</u>	<u>PA</u>	<u>19428</u>
Excavation -	<input checked="" type="checkbox"/>				
Concrete -	<input checked="" type="checkbox"/>				
Masonry -	<input type="checkbox"/>				
Carpentry -	<input checked="" type="checkbox"/>				
Insulation -	<input type="checkbox"/>				
Drywall -	<input type="checkbox"/>				
Painting -	<input type="checkbox"/>				
Roofing -	<input checked="" type="checkbox"/>				
Paving -	<input type="checkbox"/>				

Estimated cost of construction (Building construction only) \$ 20000.00 Total Permit Fee \$ \_\_\_\_\_

**BUILDING PERMIT FEE SCHEDULE**

Residential Permit Fee: minimum \$35 up to \$1000 plus \$10 each additional \$1000 or portion of.  
Commercial Permit Fee: minimum \$55 up to \$1000 plus \$10 each additional \$1000 or portion of.

(OFFICE USE ONLY) Building permit application reviewed by \_\_\_\_\_ and approved \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**ELECTRICAL PERMIT SECTION**

I hereby make application to (state nature of work) Lights & Fan

Is a new service being added? If so \_\_\_\_\_ -AMPS

**ELECTRICAL CONTRACTOR INFORMATION**

Electrical Contractor's Name	Street Address	City/State/Zip	Phone	BOC Lic # or v if applying today
<u>Bob Kenna</u>	<u>Hughes Rd</u>	<u>Forest</u>	<u>Delaware</u>	<u>Upper Merion</u>

Estimated cost of Electrical work \$ 750 Total Permit Fee \$ \_\_\_\_\_

**ELECTRICAL PERMIT FEE SCHEDULE**

Residential and Commercial Electrical Permit Fee: minimum \$75.00 plus 2% of the total cost of construction (rounded up to the next \$100.00 increment)  
For projects exceeding 1 Million dollars please call the Borough.

(OFFICE USE ONLY) Electrical permit application reviewed by \_\_\_\_\_ and approved \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**VOICE/DATA PERMIT SECTION**

I hereby make application to (state nature of work) \_\_\_\_\_

**VOICE/DATA CONTRACTOR INFORMATION**

VOICE/DATA Contractor's Name	Street Address	City/State/Zip	Phone	BOC Lic # or v if applying today

Estimated cost of Voice/Data work \$ \_\_\_\_\_ Total Permit Fee \$ \_\_\_\_\_

**VOICE/DATA PERMIT FEE SCHEDULE**

Commercial Voice/Data Permit Fee: minimum \$75.00 plus 5% of the total cost of construction (rounded up to the next \$100.00 increment)  
No Voice/Data permit is required for Residential work. For projects exceeding 1 Million dollars please call the Borough.

(OFFICE USE ONLY) Voice/Data permit application reviewed by \_\_\_\_\_ and approved \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

(OFFICE USE ONLY) Permit # \_\_\_\_\_ and Project Address \_\_\_\_\_

### PLUMBING PERMIT SECTION

I hereby make application to (state nature of work and materials to be used) \_\_\_\_\_

Number of plumbing fixtures \_\_\_\_\_

#### PLUMBING CONTRACTOR INFORMATION

PLUMBING Contractor's Name      Street Address      City/State/Zip      Phone      BOC Lic # or v if applying today

Estimated cost of Plumbing work \$ \_\_\_\_\_ Total Permit Fee \$ \_\_\_\_\_

#### PLUMBING PERMIT FEE

Residential	Permit Fee
New Construction (plumbing) single family dwelling per unit	\$300.00
Minimum permit (includes first 3 fixtures)	\$50.00
Each additional fixture	\$25.00
Water heater	\$50.00
Non-Residential	
Minimum permit first \$1000 cost of work	\$75.00
For each additional increment of \$1000 or portion of	\$10.00
Miscellaneous	
Irrigation systems per backflow device	\$75.00

(OFFICE USE ONLY) Plumbing permit application reviewed by \_\_\_\_\_ and approved \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

### SEWER PERMIT SECTION

I hereby make application to connect building Main Drain to public Sanitary Sewer

Size of main drain \_\_\_\_\_ Size of pipe to be installed \_\_\_\_\_

Type of pipe to be installed \_\_\_\_\_ Type of joints in pipe \_\_\_\_\_

Location of fresh air inlet \_\_\_\_\_ No of plumbing fixtures inside building \_\_\_\_\_

No of garbage grinders in building \_\_\_\_\_ No of dwelling units inside building \_\_\_\_\_

Water supply: Public  or Private  Does the building presently have a private disposal system? YES  or NO

Are the existing connections on the property from which storm water could enter sewer? YES  or NO

#### SEWER CONTRACTOR INFORMATION

Sewer Contractor's Name      Street Address      City/State/Zip      Phone      BOC Lic # or v if applying today

Estimated cost of Sewer work \$ \_\_\_\_\_ Total Permit Fee \$ \_\_\_\_\_

#### SEWER PERMIT FEE SCHEDULE

Building sewer including traps, new or replacement	\$100.00
Storm sewer work per inlet	\$75.00

(OFFICE USE ONLY) Sewer permit application reviewed by \_\_\_\_\_ and approved \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

### MECHANICAL PERMIT SECTION

I hereby make application to (state nature of work and materials to be used) \_\_\_\_\_

#### MECHANICAL CONTRACTOR INFORMATION

Mechanical Contractor's Name      Street Address      City/State/Zip      Phone      BOC Lic # or v if applying today

Estimated cost of Mechanical work \$ \_\_\_\_\_ Total Permit Fee \$ \_\_\_\_\_

#### MECHANICAL PERMIT FEE SCHEDULE

Residential	Permit Fee
New Construction (mechanical) single family dwelling per unit	\$200.00
Boiler or Furnace up to 250,000 Btu's (\$10.00 per 100 BTU's over 250,000)	\$50.00
Air condition or heat pump	\$50.00
Fuel gas piping \$10.00 per outlet (first 5 outlets min Permit Fee)	\$50.00
Non-Residential	
Minimum permit first \$1000 cost of work	\$75.00
For each additional increment of \$1000 or portion of	\$10.00

(OFFICE USE ONLY) Mechanical permit application reviewed by \_\_\_\_\_ and approved \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

(OFFICE USE ONLY) Permit # \_\_\_\_\_ and Project Address \_\_\_\_\_

**FIRE ALARM PERMIT SECTION**

I hereby make application to (state nature of work and materials to be used) \_\_\_\_\_

Type of system \_\_\_\_\_  
# of fire alarm initiating devices being installed or modified \_\_\_\_\_  
Local alarm notification or off site alarm monitoring \_\_\_\_\_

**FIRE ALARM CONTRACTOR INFORMATION**

Fire Alarm Contractor's Name \_\_\_\_\_ Street Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_ Phone \_\_\_\_\_ BOC Lic # or v if applying today \_\_\_\_\_

Estimated cost of Fire Alarm work \$ \_\_\_\_\_ Total Permit Fee \$ \_\_\_\_\_

FIRE ALARM FEE SCHEDULE			
Number of Fire Alarm Devices - With 2 Inspections (1 Rough & 1 Final)			
1 to 10	\$255.00	76 to 100	\$1170.00
11 to 25	\$360.00	100 to 125	\$1335.00
26 to 50	\$540.00	Over 125 = \$1335.00 plus \$4.00 for each device over 125	
51 to 75	\$1020.00		

(OFFICE USE ONLY) Fire Alarm permit application reviewed by \_\_\_\_\_ and approved \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**SPRINKLER PERMIT SECTION**

I hereby make application to (state nature of work and materials to be used) \_\_\_\_\_

Type of system \_\_\_\_\_  
Installation of Fire Pump YES  or NO  Standpipes YES  or NO  Fire System Lateral YES  or NO   
# of sprinkler heads being installed or modified \_\_\_\_\_ # of separate range hood systems being installed \_\_\_\_\_

**SPRINKLER CONTRACTOR INFORMATION**

Sprinkler Contractor's Name \_\_\_\_\_ Street Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_ Phone \_\_\_\_\_ BOC Lic # or v if applying today \_\_\_\_\_

Estimated cost of Sprinkler work \$ \_\_\_\_\_ Total Permit Fee \$ \_\_\_\_\_

SPRINKLER FEE SCHEDULE			
<b>Fire Suppression Systems (Commercial)</b>		<b>Restaurant Wet Chemical System</b>	
Number of Sprinklers - With 2 Inspections (1 Rough & 1 Final)		Numbers of Nozzles - Inspection and Balloon test	
1 to 20	\$155.00	1 to 15	\$250.00
21 to 100	\$340.00	16 to 30	\$390.00
101 to 200	\$680.00	31 to 50	\$625.00
201 to 300	\$920.00	Over 50 = \$625.00 plus \$10.00 for each nozzle over 50	
301 to 500	\$1540.00	<b>Gas Suppression Systems or Dry Chemical Systems (FM200)</b>	
Over 500 = \$1540.00 plus \$1.16 for each sprinkler over 500		Pounds of Agent - With 2 Inspections (1 Rough & 1 Final)	
<b>Fire Suppression Systems (Residential 13D)</b>		1 to 50	\$330.00
Numbers of Sprinklers - With 2 Inspections (1 Rough & 1 Final)		51 to 100	\$400.00
1 to 25	\$75.00	101 to 200	\$410.00
26 to 50	\$110.00	201 to 300	\$430.00
51 to 100	\$140.00	301 to 400	\$465.00
Over 100 = \$140.00 plus \$1.16 for each sprinkler over 100		401 to 500	\$865.00
<b>Standpipe, Fire Pumps, &amp; Underground Water Main Systems</b>		501 to 750	\$925.00
Standpipes	\$275.00	751 to 1000	\$980.00
Fire Pumps	\$255.00	Over 1000 = \$980.00 plus \$.46 for each pound of agent over 1000	
Underground Water Main	\$360.00		

(OFFICE USE ONLY) Sprinkler permit application reviewed by \_\_\_\_\_ and approved \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**OFFICE NOTES**

\_\_\_\_\_  
\_\_\_\_\_



## BOROUGH OF CONSHOHOCKEN

### BUILDING PERMIT CHECK LIST

The following checklist shall be completed and submitted with all Building Permit Applications:

(Check "YES" if included. Check "NO" if not included or not applicable)

- Two complete sets of signed/sealed plans and calculations (plus PDF file)**
- | YES                      | NO                       |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Architectural  |
| <input type="checkbox"/> | <input type="checkbox"/> | Structural   |
| <input type="checkbox"/> | <input type="checkbox"/> | Mechanical/HVAC  |
| <input type="checkbox"/> | <input type="checkbox"/> | Electrical   |
| <input type="checkbox"/> | <input type="checkbox"/> | Plumbing   |
| <input type="checkbox"/> | <input type="checkbox"/> | Energy   |
| <input type="checkbox"/> | <input type="checkbox"/> | Site (including parking and accessible routes)                               |
| <input type="checkbox"/> | <input type="checkbox"/> | Accessibility  |
| <input type="checkbox"/> | <input type="checkbox"/> | Fire Alarm   |
| <input type="checkbox"/> | <input type="checkbox"/> | Sprinkler System   |
| <input type="checkbox"/> | <input type="checkbox"/> | Kitchen Exhaust  |
| <input type="checkbox"/> | <input type="checkbox"/> | Kitchen Hood Suppression   |
| <input type="checkbox"/> | <input type="checkbox"/> | Structural Calculations (signed/sealed by registered Engineer)               |
| <input type="checkbox"/> | <input type="checkbox"/> | Mechanical Calculations (signed/sealed by registered Engineer)               |
| <input type="checkbox"/> | <input type="checkbox"/> | Fire Sprinkler Hydraulic Calculations (signed/sealed by registered Engineer) |

#### Additional Submission Items:

- |     | YES                      | NO                       |  |
|-----|--------------------------|--------------------------|--|
| 1.  | <input type="checkbox"/> | <input type="checkbox"/> | Completed Building Permit Application                                    |
| 2.  | <input type="checkbox"/> | <input type="checkbox"/> | Building Permit Application signed by Owner or Authorized Agent          |
| 3.  | <input type="checkbox"/> | <input type="checkbox"/> | Completed Electrical Permit Application                                  |
| 4.  | <input type="checkbox"/> | <input type="checkbox"/> | Completed Electrical Permit for Tele/Data                                |
| 5.  | <input type="checkbox"/> | <input type="checkbox"/> | Completed HVAC Permit Application  |
| 6.  | <input type="checkbox"/> | <input type="checkbox"/> | Completed Use and Occupancy Application                                  |
| 7.  | <input type="checkbox"/> | <input type="checkbox"/> | Completed Plumbing Permit Application                                    |
| 8.  | <input type="checkbox"/> | <input type="checkbox"/> | Completed General Contractor Registration                                |
| 9.  | <input type="checkbox"/> | <input type="checkbox"/> | Plumbing Contractor Registration   |
| 10. | <input type="checkbox"/> | <input type="checkbox"/> | Plumbing connection application and fees completed                       |
| 11. | <input type="checkbox"/> | <input type="checkbox"/> | Completed Fire Alarm Application, with check list                        |
| 12. | <input type="checkbox"/> | <input type="checkbox"/> | Completed Fire Sprinkler Application                                     |
| 13. | <input type="checkbox"/> | <input type="checkbox"/> | Fire alarm, sprinkler, and extinguishing systems contractor registration |
| 14. | <input type="checkbox"/> | <input type="checkbox"/> | Com-Check Energy Calculations (signed/sealed by registered Engineer)     |
| 15. | <input type="checkbox"/> | <input type="checkbox"/> | Res-Check Energy Calculations (signed/sealed by registered Engineer)     |

(Check "YES" if included. Check "NO" if not included or not applicable)

- |     | YES                      | NO                       |   |
|-----|--------------------------|--------------------------|---|
| 16. | <input type="checkbox"/> | <input type="checkbox"/> | Permit Fees (all permit fees shall be paid before plan reviews begin) |
| 17. | <input type="checkbox"/> | <input type="checkbox"/> | Approved Zoning Decision (if applicable)                              |
| 18. | <input type="checkbox"/> | <input type="checkbox"/> | Variance Copy (if applicable)   |
| 19. | <input type="checkbox"/> | <input type="checkbox"/> | Recorded Land Development Plans (if applicable)                       |
|     | a.                       | <input type="checkbox"/> | Land Development Agreement (if applicable)                            |
|     | b.                       | <input type="checkbox"/> | Recorded Plans (if applicable)  |
|     | c.                       | <input type="checkbox"/> | Escrow Checks (if applicable)   |
|     | d.                       | <input type="checkbox"/> | Compliance Checklist Completed (if applicable)                        |
| 20. | <input type="checkbox"/> | <input type="checkbox"/> | Highway Occupancy Permit (if applicable)                              |
| 21. | <input type="checkbox"/> | <input type="checkbox"/> | NPDES Permit (if applicable)  |
| 22. | <input type="checkbox"/> | <input type="checkbox"/> | 1 copy of geotechnical report (New Buildings and additions)           |
| 23. | <input type="checkbox"/> | <input type="checkbox"/> | Special Inspection agency/agencies                                    |
| 24. | <input type="checkbox"/> | <input type="checkbox"/> | Insurance Certificates (If not on file previously)                    |
| 25. | <input type="checkbox"/> | <input type="checkbox"/> | Emergency contact numbers for contractors                             |

*\*Other requirements as determined by the Building Code Official may be required based on scope of project.*

**Design Professional in Charge:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City, State and Zip:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **or Cell:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Fax Number:** \_\_\_\_\_

---

**BUILDING PERMIT ISSUANCE CHECKLIST**

**BOROUGH OFFICIAL USE ONLY**

Permit Being Issued:       Building       Demolition       Foundation Only

- Permit Fees Collected
  - Demolition Escrow Posted (Demolition Only Permits)
  - Demolition Inspection Escrow Posted (Demolition Only Permits)
  - Site Improvements Escrow Posted
  - Site Inspection, Administrative/Legal Escrow Posted (2 Checks)
  - Land Development Agreement Executed
  - Land Development Plans Recorded (3 hard copies and PDF set provided)
  - PDF set of Approved Building Plans
  - Inspection Tracking Form Completed and Attached to Permit
  - Construction Standards Booklet Attached to Permit
-

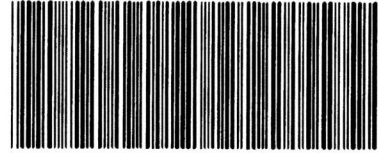




RECORDER OF DEEDS  
MONTGOMERY COUNTY  
*Jeanne Sorg*

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 6181 PG 01501 to 01505**  
INSTRUMENT # : 2020038842  
RECORDED DATE: 05/29/2020 01:58:36 PM



5769473-0020-

**MONTGOMERY COUNTY ROD**


**OFFICIAL RECORDING COVER PAGE**

Page 1 of 5

<b>Document Type:</b> Deed	<b>Transaction #:</b> 6051649 - 2 Doc(s)
<b>Document Date:</b> 04/16/2020	<b>Document Page Count:</b> 4
<b>Reference Info:</b>	<b>Operator Id:</b> msanabia
<b>RETURN TO:</b> (Simplifile) Terra Abstract Inc 1581 Main Street, Suite 200 Warrington, PA 18976 (215) 572-7750	<b>PAID BY:</b> TERRA ABSTRACT INC

<b>* PROPERTY DATA:</b>	
Parcel ID #:	05-00-07828-05-1
Address:	E SEVENTH AVE
	PA
Municipality:	Conshohocken Borough (100%)
School District:	Colonial

**\* ASSOCIATED DOCUMENT(S):**

<b>CONSIDERATION/SECURED AMT:</b> \$665,000.00	DEED BK 6181 PG 01501 to 01505 Recorded Date: 05/29/2020 01:58:36 PM
<b>FEES / TAXES:</b>	I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.
Recording Fee:Deed \$86.75	
Additional Names Fee \$0.50	
Affordable Housing Names \$0.50	
State RTT \$6,650.00	
Conshohocken Borough RTT \$3,325.00	
Colonial School District RTT \$3,325.00	
<b>Total:</b> \$13,387.75	<b>Jeanne Sorg</b> 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

**PREPARED BY:**

Vested Abstract, LLC  
The Shops at Valley Square  
1581 Main Street, Suite 200  
Warrington, PA 18976

**RECORD AND RETURN TO:**

Vested Abstract, LLC  
The Shops at Valley Square  
1581 Main Street, Suite 200  
Warrington, PA 18976

**File No.:** VES20-1225-PUR

**Parcel ID No.:** 05-00-07828-05-1

**THIS INDENTURE**, made the 16<sup>th</sup> day of April, 2020

Between

**720 SPRING MILL, L.P.**

(hereinafter referred to as Grantor), of the one part, and

**RICHARD DUNN, JR. AND DANIELLE REMENTER-KEYS, AS TENANTS BY THE ENTIRETY**

(hereinafter referred to as Grantee), of the other part,

**WITNESSETH**, that the said Grantor for and in consideration of the sum of **Six Hundred Sixty-Five Thousand And No/100 Dollars (\$665,000.00)** lawful money of the United States of America, unto them well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Grantee

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

**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 them, 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, their successors and assigns, to and for the only proper use and behoof of the said Grantee, their successors and assigns, forever.


**AND** the said Grantor, for itself and its heirs, executors and administrators, do, by these presents, covenant, grant and agree, to and with the said Grantee, their successors and assigns, that it, the said Grantor, and its 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, their successors and assigns, against them, the said Grantor, and its heirs, will warrant and defend against the lawful claims of all persons claiming by, through or under the said Grantor but not otherwise.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Sealed and Delivered  
IN THE PRESENCE OF US:

\_\_\_\_\_  
\_\_\_\_\_

720 Spring Mill, LP, by Tisons Homes, LLC, its  
General Partner

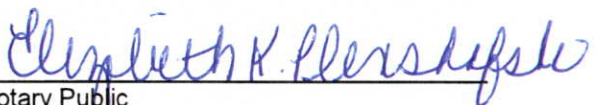
BY:   
\_\_\_\_\_  
Charles S. Borkowski  
Managing Member

STATE OF PA  
COUNTY OF Bucks

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Elizabeth K. Plenskofski, Notary Public  
Warrington Twp., Bucks County  
My Commission Expires Dec. 30, 2020  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

On this the 16th of April, 2020, before me, the undersigned Notary Public, personally appeared Charles S. Borkowski, who acknowledged himself to be the Managing Member of Tisons Homes, LLC, General Partner of 720 Spring Mill, L.P., and he as such managing member being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Company by himself as such managing member.

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

  
\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Elizabeth K. Plenskofski, Notary Public  
Warrington Twp., Bucks County  
My Commission Expires Dec. 30, 2020  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

File No.: VES20-1225-PUR

Parcel ID No.: 05-00-07828-05-1

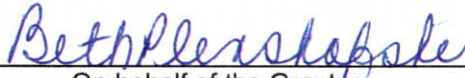
**720 Spring Mill, L.P.**  
(Grantor)

TO

**Richard Dunn, Jr. and Danielle Rementer-Keys, as tenants by the entirety**  
(Grantee)

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

**334 East 7th Avenue  
Foundry Way Phase 1; Lot 5  
Conshohocken, PA 19428**

  
On behalf of the Grantee

Vested Abstract, LLC  
The Shops at Valley Square  
1581 Main Street, Suite 200  
Warrington, PA 18976

## EXHIBIT A

ALL THAT CERTAIN LOT or piece of ground with improvements to be made thereon Situate in the Borough of Conshohocken, County of Montgomery and Commonwealth of Pennsylvania bounded and described according to a Subdivision Plan of "701 Jones Street" made by Kimley-Horn and Associates, Inc. for 720 Spring Mill, L.P., a Pennsylvania limited partnership, dated 7-6-18 and last revised 9-21-19 and recorded in the Office for the Recorder of Deeds in and for the County of Montgomery at Norristown, Pennsylvania in Plan Book 50 page 234 as follows to wit:

BEGINNING at a point on the Northeasterly Right of Way Line of East Seventh Avenue (80.00 public right of way) a corner of this and Lot 4 as shown on said plan; thence extending from said place of beginning and along the said Lot 4 North 35 degrees 20 minutes 24 seconds East 140.00 feet to a point a corner of a certain 20.00 feet wide unnamed alleyway; thence extending along the same South 54 degrees 39 minutes 36 seconds East 30.00 feet to a point a corner of Lot 6; thence extending along the said Lot 6 South 35 degrees 20 minutes 24 seconds West 140.00 feet to a point a corner on the Northeasterly side of East Seventh Street aforesaid; thence extending along the same North 54 degrees 39 minutes 36 seconds West 30.00 feet to the first mentioned point and place of beginning.

BEING Lot 5

BEING Parcel Number 05-00-07828-05-1

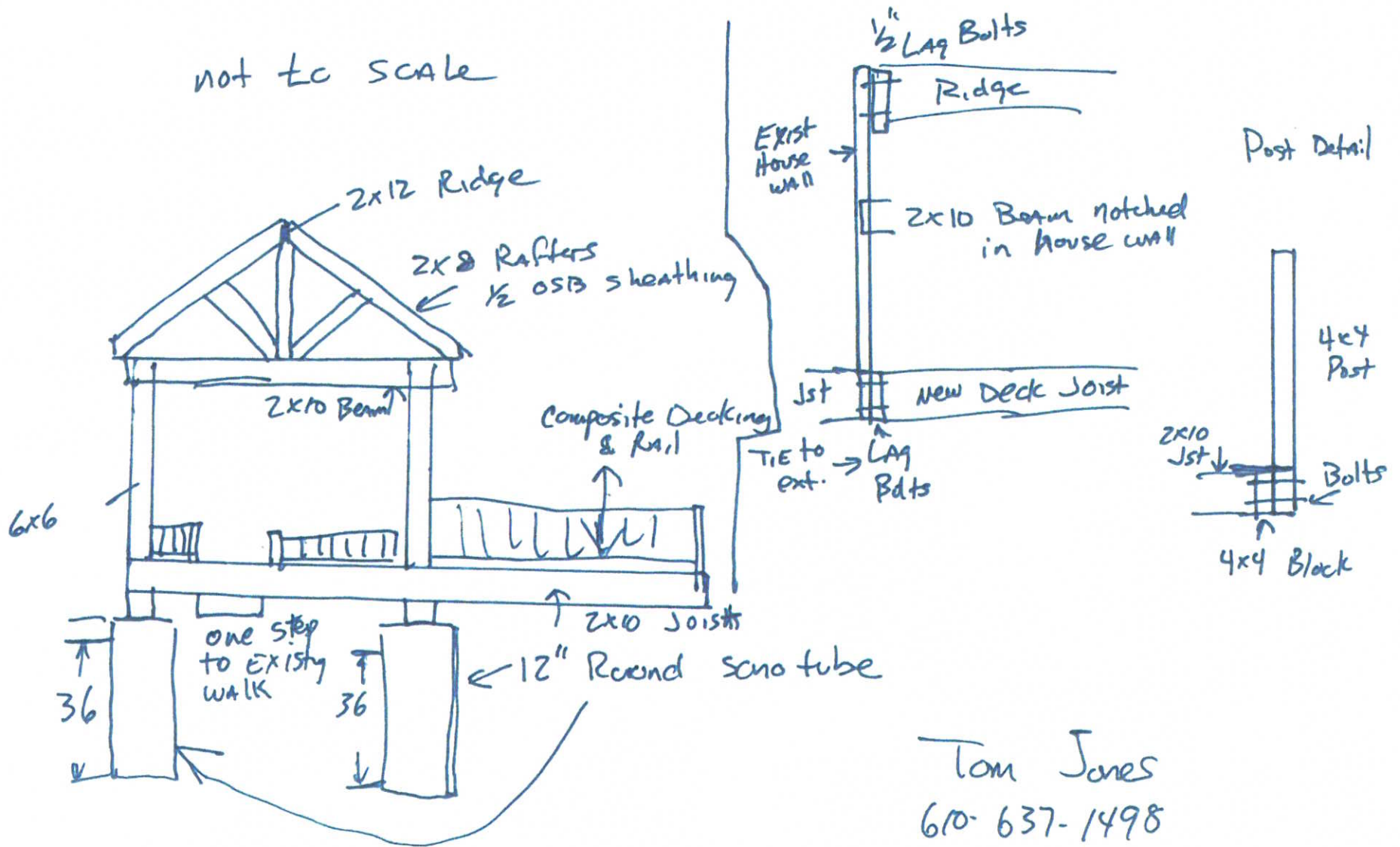
BEING a part of the same premises which Montgomery County Industrial Development Authority, a Pennsylvania Corporation, by Deed dated March 27, 1987 and recorded April 6, 1987 in the Recorder's Office of the County of Montgomery, Commonwealth of Pennsylvania in Deed Book 4833, Page 2365, granted and conveyed unto Hale Fire Pump Company, a Pennsylvania Corporation, in fee.

And the said Hale Fire Pump Company by amendment filed June 6, 1994 adopted the name Hale Products, Inc. And the said Hale Products, Inc. by amendment dated December 31, 2013 amended its name to Hurst Jaws of Life, Inc.

FURTHER BEING part of the same premises which Hurst Jaws of Life, Inc., formerly known as Hale Products, Inc., formerly known as Hale Fire Pump Company, by Deed dated March 27, 2019 and recorded April 1, 2019 in the Recorder's Office of the County of Montgomery, Commonwealth of Pennsylvania in Deed Book 6130, Page 1971 as Instrument Number 2019019228, granted and conveyed unto 720 Spring Mill, L.P., in fee.

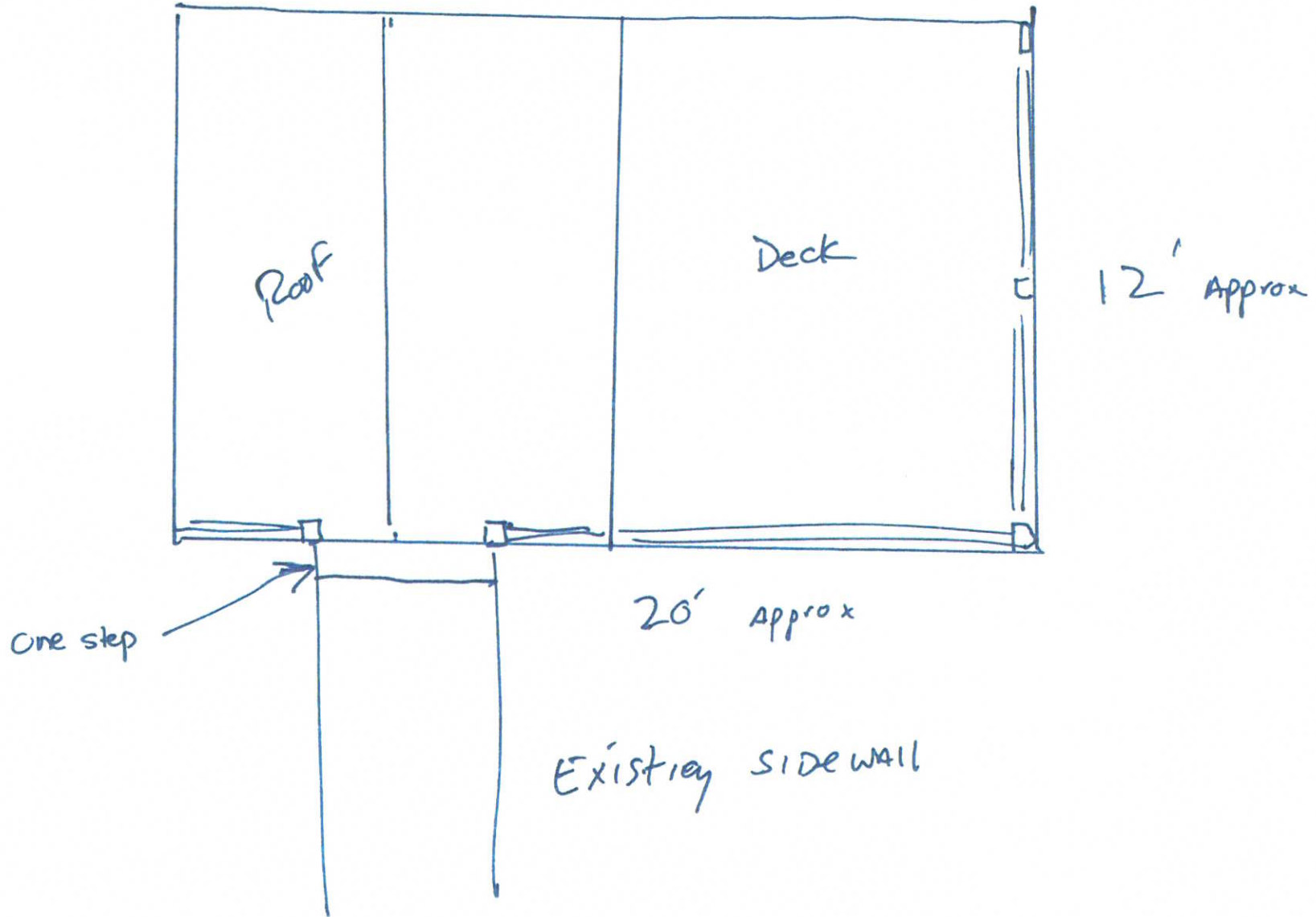
APR 18 2023

334 E 7th Ave Rick Dunn



334-E744

APR 18 2023





# 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

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## ZONING NOTICE JULY 17, 2023, ZONING HEARING BOARD MEETING

### ZONING HEARING Z-2023-12

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on July 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: Joseph and Brianna Robinson  
150 West 8<sup>th</sup> Avenue, Conshohocken, PA 19428

PREMISES INVOLVED: 150 West 8<sup>th</sup> Avenue  
Conshohocken, PA 19428  
BR-1 - Borough Residential District 1

OWNER OF RECORD: Joseph and Brianna Robinson  
150 West 8<sup>th</sup> Avenue, Conshohocken, PA 19428

The petitioner is seeking a variance from Section 27-1007.1 of the Conshohocken Borough Zoning Ordinance to permit a driveway apron and off-street parking area to be located in the front yard of the corner property facing Maple Street whereas off-street parking spaces located between the front wall of the principal structure and the curb of the street toward which that wall is oriented in the BR-1 - Borough Residential District 1 is not permitted.

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](mailto: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](mailto:zoning@conshohockenpa.gov).

Thank you,  
Zoning Hearing Board





# BOROUGH OF CONSHOHOCKEN

*Office of the Borough Manager*

*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

---

Date: July 12, 2023  
To: Stephanie Cecco, Brittany Rogers  
From: Allison A. Lee, PE  
Re: 150 West Eighth Avenue - Zoning Determination

---

## **History of the Site:**

108 West Eighth Avenue is an existing 1,421 SF single-family semi-detached (twin) dwelling located within the BR-1 - Borough Residential District 1 zoning district. The site is a corner property and is fronted by West Eighth Avenue to the south and Maple Street to the west; Thomas Alley (20' wide right-of-way) to the north and rear of the property; and residential properties also located within the BR-1 zoning district to the east.

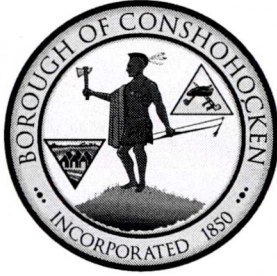
## **Current Request:**

The Applicants, Joseph and Brianna Robinson, is proposing to construct a driveway apron located off of the Maple Street side of the corner property. A 20' wide x 26' long (520 SF) off-street stone aggregate parking area is proposed from the driveway apron to extend into the rear yard of the property. A portion of the off-street parking area will be located between the front wall of the existing dwelling and the curb of Maple Street. The Applicant is seeking a variance from the Conshohocken Borough Zoning Code Section §27-1007.1 to allow for an off-street parking area to be located between the front wall of the existing dwelling and the curb off of Maple Street.

## **Zoning Determination:**

Per the Conshohocken Borough Zoning Ordinance Section §27-808, a corner lots shall have two (2) front yard setbacks and one (1) side yard setback and a rear yard setback. The existing dwelling has a front wall facing West Eight Avenue and Maple Street.

Per the Conshohocken Borough Zoning Code Section §27-1007.1, 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 zoning district. Since the Applicant is proposing to construct a new 520 SF off-street parking area located to the rear of the property, of which an approximately 120 SF portion the off-street parking area will be located between the front wall of the existing principal dwelling and the curb of Maple Street, the Applicant would be required to obtain a variance from the Conshohocken Borough Zoning Code Section §27-1007.1 to permit the approximately 120 SF portion of the 520 SF off-street parking area to be located in the front yard of the property, whereas the parking area is prohibited by the zoning code in the BR-1 zoning district.



**BOROUGH OF CONSHOHOCKEN**

400 Fayette Street, Suite 200, Conshohocken, PA 19428

Phone (610) 828-1092 Fax (610) 828-0920

**Zoning Application**

Application: 2-2023-12  
Date Submitted: 6/14/23  
Date Received: 6/14/23

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 \_\_\_\_\_

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

27-1007 [Ord. 6-2001, 10/10/2001; as amended through 12/2005]

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

150 W 8th Ave

4. Applicant's Name: Joseph & Brianna Robinson

Address: 150 W 8th Ave

Phone Number (daytime): (610) 316-7962

E-mail Address: josephrobinson2191@gmail.com

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

6. Property Owner: Joseph & Brianna Robinson

Address: 150 W 8th Ave

Phone Number: (610) 316-7962

E-mail Address: josephrobinson2191@gmail.com

7. Lot Dimensions: 26' x 143'

Zoning District: BR-1

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

Yes  No  If yes, please describe.

Not that the current owners are aware of.

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

The property consists of a 1421 square foot single family residence that is occupied by the applicants, their infant daughter, and dog. There is a 7' x 6' shed on the property. Existing improvements to the backyard include: removal of a 40 foot tree (that was a weed no one ever pulled) infested with lantern flies, removal of chainlink fence dividing the yard, and removal of several damaged trees and brush harboring pests.

10. Please describe the proposed use of the property.

The proposed use does not change, it just provides a safer, off-street parking area for the family and improves the condition of the current yard.

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

1. Gain approval for a curb cut and driveway apron off Maple Street that will act as an entryway to a designated off-street parking area at the back of our yard.
2. Clear the remainder of the yard including removal of the existing shed structure to create an off-street parking area for 2 cars and improve drainage and landscaping.
3. Replace existing fence with minor changes to account for the designated parking area

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

- An entryway/curb cut from Maple Street would take away 1 parking spot but remove 2 cars that typically park on the street (nets out to +1 on-street parking spot)
- There is precedent, with several driveway and garage entrances off Maple for similar corner lots. (See addendum, Exhibit A)
- Reckless driving, commercial activity and crime on this section of Maple Street have made street parking more challenging and less secure.
- Driveway access from Maple provides an easier turning radius vs. a hairpin turn needed to access from the alley. Improved sightlines make this option safer than an alley entrance and decrease the probability of a collision.
- Several commercial vehicles utilize 9th Ave garages off the alley way and frequently block the alley entrance way, making an alley entrance point more challenging. (See addendum, Exhibit B)
- The alley behind the house is downward sloping and we would be inviting water into our backyard, destroying what we are setting out to achieve with this project. (See addendum, Exhibit C)

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

- a. The unique characteristics of the property: The property is a corner lot having 2 frontages.  
The Maple St frontage is the ideal location for driveway access given the alley is sloped, narrow and congested
- b. How the Zoning Ordinance unreasonably restricts development of the property:  
Our property is a corner lot the zoning code considers both Maple and W Eighth a double front-yard which is why we are seeking a variance. We are not physically putting off-street parking "between the front wall of the structure and the curb" as it says in the code. The proposed location of the driveway is in the rear of the backyard. We are seeking approval for a curb cut off Maple Street as that is the safest and easiest access point to an off-street parking area.
- c. How the proposal is consistent with the character of the surrounding neighborhood. Several similar corner lots have driveway and garage access from Maple Street, making it consistent with: 151 W 8th Ave, 162 W 7th Ave, 152 W 4th Ave, 200 W 4th Ave, and 150 W 9th Ave which all have curb cuts off Maple Street as an access point to off-street parking. (See addendum, Exhibit A)
- 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 requested relief provides driveway access that is safe, easily accessible, and improves the functionality 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 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: N/A

b. Address: N/A

c. Phone Number: N/A

d. E-mail Address: N/A

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

[Signature] [Signature]  
Applicant

[Signature] [Signature]  
Legal Owner

June 13, 2023  
Date

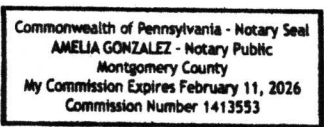
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 13 day of June, 2023.

[Signature]  
Notary Public

(Seal)



Содержание: 1413223  
№ Состояния: 1413223 / 1413223  
Модель: 1413223  
СЕТЬ СЛУЖБ - МОДЕЛЬ  
Содержание: 1413223 / 1413223



**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: \_\_\_\_\_



# STANDARD AGREEMENT FOR THE SALE OF REAL ESTATE

ASR

This form recommended and approved for, but not restricted to use by, the members of the Pennsylvania Association of Realtors® (PAR).

PARTIES	
<b>BUYER(S):</b> <u>Joseph Michael Robinson, Brianna Marie Callaghan</u> <hr/> <b>BUYER'S MAILING ADDRESS:</b> <div style="background-color: black; width: 100%; height: 20px; margin-top: 5px;"></div> <hr/>	<b>SELLER(S):</b> <u>Dragonfly Renovations Llc</u> <hr/> <b>SELLER'S MAILING ADDRESS:</b> <hr/>

PROPERTY	
ADDRESS (including postal city) <u>150 W 8TH AVE</u>	
<u>CONSHOHOCKEN</u>	ZIP <u>19428</u>
in the municipality of <u>Conshohocken Borough</u> , County of <u>MONTGOMERY</u> ,	
in the School District of <u>COLONIAL</u> , in the Commonwealth of Pennsylvania.	
Tax ID #(s): <u>05-00-00660-001</u> and/or	
Identification (e.g., Parcel #; Lot, Block; Deed Book, Page, Recording Date): _____	

BUYER'S RELATIONSHIP WITH PA LICENSED BROKER	
<input type="checkbox"/> <b>No Business Relationship (Buyer is not represented by a broker)</b>	
Broker (Company) <u>Compass Pennsylvania, LLC</u> <hr/> Company License # <u>RB068881</u> Company Address <u>4 E Montgomery Ave, Ardmore, PA 19003</u> <hr/> Company Phone <u>(610)822-3356</u> Company Fax _____ Broker is (check only one): <input checked="" type="checkbox"/> Buyer Agent (Broker represents Buyer only) <input type="checkbox"/> Dual Agent (See Dual and/or Designated Agent box below)	Licensee(s) (Name) <u>Kathleen Laflin</u> <hr/> State License # <u>RS342692</u> Direct Phone(s) _____ Cell Phone(s) <u>(610)442-5225</u> Email <u>kathleen.laflin@compass.com</u> Licensee(s) is (check only one): <input type="checkbox"/> Buyer Agent (all company licensees represent Buyer) <input checked="" type="checkbox"/> Buyer Agent with Designated Agency (only Licensee(s) named above represent Buyer) <input type="checkbox"/> Dual Agent (See Dual and/or Designated Agent box below)
<input type="checkbox"/> Transaction Licensee (Broker and Licensee(s) provide real estate services but do not represent Buyer)	

SELLER'S RELATIONSHIP WITH PA LICENSED BROKER	
<input type="checkbox"/> <b>No Business Relationship (Seller is not represented by a broker)</b>	
Broker (Company) <u>Keller Williams Real Estate-Montgomeryville</u> <hr/> Company License # <u>RB065312</u> Company Address <u>601B Bethlehem PIKE STE 100, Montgomeryville, PA 18936</u> <hr/> Company Phone <u>(215)631-1900</u> Company Fax _____ Broker is (check only one): <input checked="" type="checkbox"/> Seller Agent (Broker represents Seller only) <input type="checkbox"/> Dual Agent (See Dual and/or Designated Agent box below)	Licensee(s) (Name) <u>Emily Landis Torres</u> <hr/> State License # <u>RS198699L</u> Direct Phone(s) <u>(267)640-2327</u> Cell Phone(s) _____ Email <u>emilysellsrealestate@gmail.com</u> Licensee(s) is (check only one): <input type="checkbox"/> Seller Agent (all company licensees represent Seller) <input checked="" type="checkbox"/> Seller Agent with Designated Agency (only Licensee(s) named above represent Seller) <input type="checkbox"/> Dual Agent (See Dual and/or Designated Agent box below)
<input type="checkbox"/> Transaction Licensee (Broker and Licensee(s) provide real estate services but do not represent Seller)	

DUAL AND/OR DESIGNATED AGENCY	
A Broker is a Dual Agent when a Broker represents both Buyer and Seller in the same transaction. A Licensee is a Dual Agent when a Licensee represents Buyer and Seller in the same transaction. All of Broker's licensees are also Dual Agents UNLESS there are separate Designated Agents for Buyer and Seller. If the same Licensee is designated for Buyer and Seller, the Licensee is a Dual Agent.	
By signing this Agreement, Buyer and Seller each acknowledge having been previously informed of, and consented to, dual agency, if applicable.	

Buyer Initials: JMR BMC

Seller Initials: MSDR <sup>DS</sup>  
LPDR



Addendum

Exhibit A: Other driveway aprons off Maple Street in close proximity to our property



Select addresses with driveways on a Maple Street frontage:

- 150 W 9th Ave
- 152 W 4th Ave
- 200 W 4th Ave
- 18 Maple St
- 42 Maple St
- 121 Maple St
- 211 Maple St
- 300 Maple St
- 328 Maple St
- 405 Maple St
- 500 Maple St
- 502 Maple St
- 504 Maple St
- 506 Maple St
- 508 Maple St
- 510 Maple St

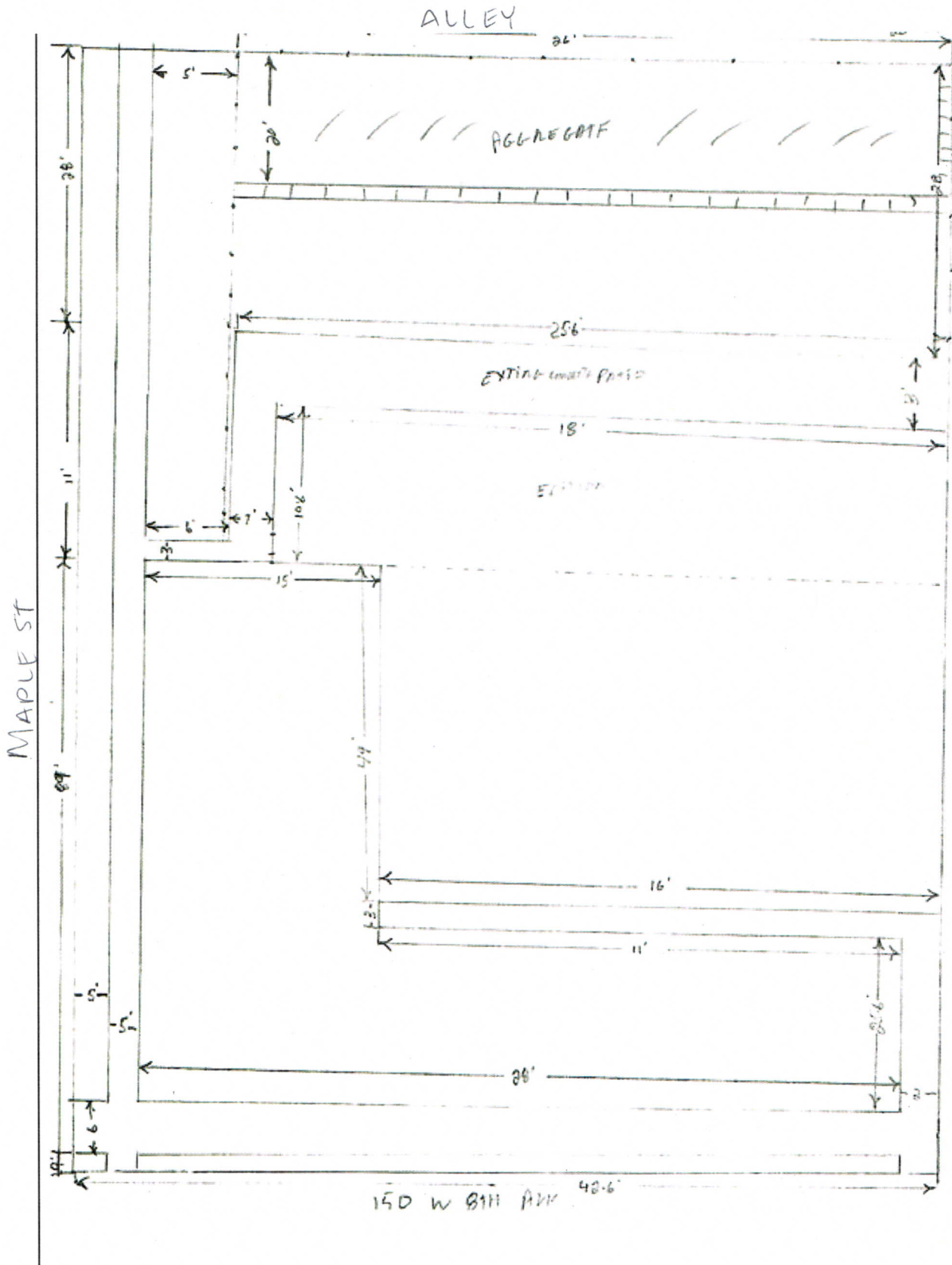
Exhibit B: Commercial activity frequently blocks alley



Exhibit C: Downward slope of alley



Site Plan: Can defer to Zoning Board in regards to size/location of curb cut/driveway apron.





# 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 JULY 17, 2023, ZONING HEARING BOARD MEETING**

### **ZONING HEARING Z-2023-13**

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on July 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:** Mutual of America Life Insurance Company (MOA)  
320 Park Avenue, New York, NY 10022-6639

**PREMISES INVOLVED:** 46 Fayette Street  
Conshohocken, PA 19428  
SP-4 - Specially Planned District 4

**OWNER OF RECORD:** Concord Keystone SORA West Owner, LLC  
1001 Conshohocken State Road, Suite 2-201  
West Conshohocken, PA 19428

The petitioner is seeking a Variance from Sections 27-2105.A.(1), 27-2205.3, and 27-2108.1.2 of the Conshohocken Borough Zoning Ordinance to permit a 36 SF animated window display sign facing Fayette Street instead of the previously granted 32 SF animated window display sign in addition to one (1) other business identification sign facing Fayette Street, whereas animated signs are prohibited in the Borough and whereas the required maximum area of a marquee sign, painted wall sign, parallel wall sign or awning shall be 35 SF or 25% of the area of the wall, whichever is less, including windows and cornices to which they are attached.

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](mailto: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](mailto:zoning@conshohockenpa.gov).

Thank you,  
Zoning Hearing Board



# BOROUGH OF CONSHOHOCKEN

*Office of the Borough Manager*

*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

---

Date: July 12, 2023  
To: Stephanie Cecco, Brittany Rogers  
From: Allison A. Lee, PE  
Re: 46 West Fayette Street - Zoning Determination

---

## **History of the Site:**

46 West Fayette Street (a.k.a. Concord Keystone Sora West Owner, LLC) is a multi-story commercial building comprised of a total of 92,338 SF of commercial space. The site is also the location of the West & Main Hotel. The site is a 17,211 square feet corner property located within the SP-4 - Specially Planned District Four zoning district. The property is fronted by Fayette Street to the east; West Elm Street to the south; an open plaza of the SORA development to the north; and the Washington Fire Co. No. 36 and the multi-level Keystone - Sora parking garage located at the corner of Hector Street and West Elm Street to the west.

The Applicant, Mutual of America Life Insurance Company (MOA), will be leasing 3,754 SF of the ground floor commercial space at the corner of the building adjacent to the Fayette Street and West Elm Street intersection.

## **Current Request:**

The Applicant, Mutual of America Life Insurance Company (MOA), previously went before the Zoning Hearing Board at the hearing held on February 27, 2023 under Zoning Application no. Z-2023-02, seeking relief from Sections §27-2105, §27-2108. A & B, §27-2205.3 of the Conshohocken Borough Zoning Ordinance of 2001. Based on the Zoning Hearing Board Decision dated April 13, 2023, the Applicant was granted in part and denied in part. The Applicant was permitted to install three (3) signs on West Elm Street and two (2) signs on Fayette Street in conformance with the plans, testimony, and other evidence presented to the Zoning Hearing Board subject to the following conditions:

1. With the exception of signs that are halo-lit, no sign shall be illuminated between the hours of 9:00 PM to 6:00 AM the following day;
2. No sign shall contain third party advertisement;
3. Only one (1) sign on Fayette Street may be animated; and
4. The images on all animated signs shall not change more than once every thirty (30) seconds.

Pursuant to the Zoning Hearing Board Decision, the Applicant is now seeking a variance from §27-2105.A.(1), §27-2108.1.2, and §27-2205.3 of the Borough of Conshohocken Zoning Code to permit the installation of a 36 SF animated digital window sign for the proposed tenant space facing Fayette Street. During the process of ordering the screens for the preparation of the animated sign facing Fayette Street, it was determined that the material could not be manufactured for an animated sign at the previously approved 32 SF sign size.

**Zoning Determination:**

The Applicant is seeking a variance from §27-2105.A.(1), §27-2108.1.2, and §27-2205.3 of the Borough of Conshohocken Zoning Code.

In accordance with Zoning Code Section §27-2205.3, each accessory first floor use is allowed one sign which meets the requirements set forth in §27-2108 for signs permitted within the Commercial and Industrial District. The proposed animated sign will be the second sign located on the building façade facing Fayette Street.

Per Zoning Code Section §27-2105.A.(1), an animated sign is a prohibited sign in the Borough. In accordance with Zoning Code Section §27-2108.1.2, the maximum area of a wall sign is 35 SF, or 25% of the area of the wall whichever is less, including windows and cornices, to which they are attached. The proposed animated window sign will be 36 SF, which exceeds the permitted 35 SF maximum sign area.

Since the proposed 36 SF animated window sign is larger than the 32 SF animated window sign size previously granted in the April 13, 2023 Zoning Hearing Board Decision, the Applicant will be required to seek a variance from Sections §27-2105.A.(1), §27-2108.1.2, and §27-2205.3 of the Borough of Conshohocken Zoning Code to permit the proposed larger 36 SF animated window sign facing the Fayette Street side of the building, whereas a maximum sign size of 35 SF is required; whereas animated signs are prohibited in the Borough; and whereas the animated sign will be the second sign to the building facing Fayette Street for the commercial tenant space.





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

## Zoning Application

Application: Z-2023-13  
Date Submitted: 6/15/23  
Date Received: 6/15/23

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 \_\_\_\_\_

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

See Addendum

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

Northeast corner of Fayette and West Elm Streets, Conshohocken

4. Applicant's Name: Mutual of America Life Insurance Company ("MOA")

Address: 320 Park Avenue, NY, NY

Phone Number (daytime): Attorney Ross Weiss - 484-362-8751

E-mail Address: rweiss@cosen.com

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

6. Property Owner: Concord Keystone Sora West Owner, LLC

Address: 1001 Conshohocken State Rd., Suite 2-201, West Conshohocken, PA

Phone Number: 610-980-7000

E-mail Address: \_\_\_\_\_

7. Lot Dimensions: See Addendum Zoning District: See Addendum

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

Yes  No  If yes, please describe.

Signage requested and granted for 3 wall/display signs on the W. Elm elevation and 2 wall/display signs on Fayette elevation for the benefit exclusively of "MOA". Total exposure for the five (5) signs was 78 sq. ft.

See Addendum

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

See Addendum

10. Please describe the proposed use of the property.

See Addendum

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

See Addendum

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

See Addendum

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

a. The unique characteristics of the property: See Addendum

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

c. How the proposal is consistent with the character of the surrounding neighborhood. \_\_\_\_\_  
See Addendum

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 Addendum

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).

Not applicable

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

Not Applicable

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

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

Not Applicable

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

Not Applicable

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

Not Applicable

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

a. Attorney's Name: Ross Weiss, Esquire

b. Address: Cozen O'Connor, 1001 Conshohocken St. Rd., Ste. 2-400, W. Conshohocken

c. Phone Number: 484-362-8751

d. E-mail Address: rweiss@cozen.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.

MUTUAL OF AMERICA LIFE INSURANCE COMPANY  
Applicant

[Signature]  
Legal Owner

Date 6/15/23

~~COMMONWEALTH OF PENNSYLVANIA~~ STATE OF NEW YORK

~~COUNTY OF MONTGOMERY~~ NEW YORK

As subscribed and sworn to before me this 15<sup>th</sup> day of June, 2023

Joseph G. Selvaggio  
Notary Public

(Seal)

JOSEPH G. SELVAGGIO  
Notary Public, State of New York  
No. 01SE6027952  
Qualified in Bronx County  
Commission Expires July 19, 2025



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

## Decision

---

(For Borough Use Only)

Application Granted

Application Denied

MOTION:

CONDITIONS:

BY ORDER OF THE ZONING HEARING BOARD

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

DATE OF ORDER: \_\_\_\_\_

## **ADDENDUM**

### **APPLICATION OF MUTUAL OF AMERICA (“MOA”) FOR ADDITIONAL SIGNAGE RELIEF AT THE BUILDING OWNED BY CONCORD KEYSTONE SORA WEST OWNER, LLC, LOCATED AT THE CORNER OF FAYETTE AND WEST ELM STREETS**

#### **BACKGROUND**

The Applicant, MOA, is a financial services company that has been in business since 1945. It will occupy 3,754 square feet of the ground floor corner of the building owned by Concord Keystone Sora West, Owner, LLC, located at the corner of Fayette and West Elm Streets in the Borough of Conshohocken. The building has 92,338 square feet of commercial space over seven (7) floors. It is also the location of the Hotel West and Main/Tapestry by Hilton whose address is 46 Fayette Street.

Fayette Street slopes down toward the Fayette Street Bridge. The building is constructed into the slope. MOA’s occupancy of the corner of the ground floor of the building, will be in close proximity to the Fayette Street Bridge. The building is located between the Washington Fire Company and the significant intersection of Fayette and West Elm Streets. There is no adjacent street parking on either Fayette or West Elm Streets. The parking structure for the building is a couple of blocks away on West Elm Street. There are a number of office buildings and businesses surrounding the Fayette and West Elm Streets intersection.

The building is located in the SP-4 Zoning District. The office use is permitted in this district.

Applicant incorporates by reference the testimony at the February 27, 2023 Zoning Hearing, all exhibits and the attached Decision of the Board for Application No. Z-2023-2.

#### **ADDITIONAL SIGNAGE RELIEF**

Sign E was previously approved at 32 square feet. During the process of ordering the screens for preparation of Sign E, it was determined that the material could not be manufactured for assembly at 32 square feet. The materials’ limitations and the “small landscape matrix” configuration of the LCD tiles are only available at 36 square feet or at a much smaller dimension. Applicant requests an additional variance to permit Sign E to be 36 square feet instead of 32 square feet.

Section 27-2205 (3) specific to buildings within the “SP-4 District” refers to Section 27-2108.1 for “Dimensional Standards” which states “The maximum area of a marquee sign, painted wall sign, parallel wall sign or awning shall be 35 square feet or 25% of the area of the wall, whichever is less, including windows and cornices to which they are attached.” Applicant requests a variance for the additional four square feet of Sign E.

The previous approval was for “animated signage” pertaining to Sign E per Section 27-2105.A (1). Similarly, the sign was also previously approved for placement on Fayette Street per Section 27-2108 A&B.

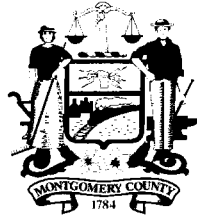
## **EXHIBITS**

- 1) Decision of the Board for Application No. Z-2023-02
- 2) Signage design package prepared by City Sign Service dated June 14, 2023 containing:
  - A. Plan Showing Location of Sign E
  - B. Previously Approved Signage Plan
  - C. Proposed Fayette Street Elevation – Storefront Signage
  - D. View- Storefront-Fayette Street

## **BASIS FOR RELIEF**

- 1) The location of the building in which MOA will occupy 3,754 sq ft creates an undue hardship not caused by MOA including, but not limited to, the slope of Fayette Street, the size of the building, the significant intersection of Fayette and West Elm Streets at the entrance of the Fayette Bridge, the lack of adjacent parking, the significant number and sizes of office buildings and businesses with signage in the area surrounding Fayette and West Elm Streets and that the building is also occupied by the Hotel West and Main/Tapestry by Hilton.
- 2) The relief requested is the minimal relief necessary to adequately direct the public to the MOA location.
- 3) The relief requested is de minimis under the circumstances.
- 4) The relief requested will not endanger the health, safety and welfare of Conshohocken Borough community. It will actually benefit the health, safety and welfare of the community.

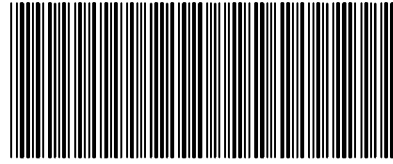




RECORDER OF DEEDS  
MONTGOMERY COUNTY  
*Jeanne Sorg*

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 6215 PG 00342 to 00352.2**  
INSTRUMENT # : 2021022332  
RECORDED DATE: 03/01/2021 02:13:57 PM



5898793-00278

**MONTGOMERY COUNTY ROD**

**OFFICIAL RECORDING COVER PAGE**

Page 1 of 13

<b>Document Type:</b> Deed	<b>Transaction #:</b> 6252543 - 7 Doc(s)
<b>Document Date:</b> 12/08/2020	<b>Document Page Count:</b> 10
<b>Reference Info:</b>	<b>Operator Id:</b> dkrasley

<b>RETURN TO: (Simplifile)</b> First American Title Insurance Company - NCS Philadelphia Two Liberty Place, Suite 2600 50 S. 16th Street Philadelphia, PA 19102 (215) 606-3627	<b>PAID BY:</b> FIRST AMERICAN TITLE INSURANCE COMPANY - NCS PHILADELPHIA
---	---

<b>* PROPERTY DATA:</b>	
Parcel ID #:	05-00-02852-00-5
Address:	46 FAYETTE ST CONDO 2 PA
Municipality:	Conshohocken Borough (100%)
School District:	Colonial

**\* ASSOCIATED DOCUMENT(S):**

<b>CONSIDERATION/SECURED AMT:</b> \$10.00	DEED BK 6215 PG 00342 to 00352.2
<b>TAXABLE AMOUNT:</b> \$5,154,545.00	Recorded Date: 03/01/2021 02:13:57 PM

<b>FEES / TAXES:</b>	
Recording Fee:Deed	\$86.75
Affidavit Fee	\$1.50
Additional Pages Fee	\$12.00
Additional Names Fee	\$1.50
Affordable Housing Pages	\$12.00
Affordable Housing Names	\$1.50
State RTT	\$51,545.45
Conshohocken Borough RTT	\$25,772.72
Colonial School District RTT	\$25,772.73
<b>Total:</b>	\$103,206.15

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



When Received Return To:  
First American Title Insurance Company  
National Commercial Services  
2 Liberty Place, 50 S. 16th St., Suite 2600  
Philadelphia, PA 19102  
File No. NCS - 945193

Prepared by:

Klehr Harrison Harvey Branzburg LLP  
1835 Market Street, Suite 1400  
Philadelphia, PA 19103  
Telephone: 215.569.4199  
Facsimile: 215.568.6603  
Attn: Stephan L. Cutler

MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
05-00-02852-00-5 CONSHOHOCKEN BOROUGH  
46 FAYETTE ST CONDO 2  
SORA WEST ASSOCIATES LLC  
B 009 L 2 U 026 4345 03/01/2021

\$15.00  
JW

Record and Return to:

Klehr Harrison Harvey Branzburg LLP  
1835 Market Street, Suite 1400  
Philadelphia, PA 19103  
Telephone: 215.569.4199  
Facsimile: 215.568.6603  
Attn: Stephan L. Cutler

Tax Parcel No: **05-00-02852-005**

**SPECIAL WARRANTY DEED**

Keystone River Crossing First, L.P., a Pennsylvania limited partnership, and Keystone River Crossing Elm, L.P., a Pennsylvania limited partnership and SORA West Associates, LLC, a Delaware limited liability company,  
Co-Grantors

to

Concord Keystone SORA West Owner LLC, a Delaware limited liability company,  
Grantee

Premises: Unit Two  
SORA West Condominium  
Borough of Conshohocken,  
Montgomery County,  
Pennsylvania



**SPECIAL WARRANTY DEED**

**THIS INDENTURE** is made as of December 8, 2020 (the "**Execution Date**") and intended to be effective as of December 23, 2020 (the "**Effective Date**"), by **SORA WEST ASSOCIATES, LLC**, a Delaware limited liability company ("**SWA**"), **KEYSTONE RIVER CROSSING FIRST, L.P.**, a Pennsylvania limited partnership ("**KRCF**"), and **KEYSTONE RIVER CROSSING ELM, L.P.**, a Pennsylvania limited partnership ("**KRCE**"; SWA, KRCF and KRCE are collectively called the "**Grantor**"), of the one part, in favor of **CONCORD KEYSTONE SORA WEST OWNER LLC**, a Delaware limited liability company (hereinafter called the "**Grantee**"), of the other part.

**WITNESSETH**, that the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America, unto it well and truly paid by the 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 Grantee, its successors and assigns,

**ALL THAT CERTAIN UNIT TWO** in the condominium property known, named and identified in the Declaration of Condominium of SORA West Condominium and the Plats and Plans attached thereto (the "**Original Declaration**"), situate in Conshohocken Borough, Montgomery County, Commonwealth of Pennsylvania and established pursuant to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S. §3101 et seq. (the "**Condo Act**"), said Original Declaration made as of December, 27 2018, but effective as of December 28, 2018 and recorded on January 22, 2019 in the Office of the Recorder of Deeds in and for Montgomery County, Pennsylvania ("**Recorder's Office**") as Instrument Number 2019004699 in Deed Book 6122, Pages 2358, as amended by that certain First Amendment to Declaration of Condominium of SORA West Condominium made as of December 8, 2020 and intended to be effective as of December 23, 2020 (the "**First Amendment**"; and together with the Original Declaration, the "**Declaration**") by and among Grantor and SORA West OU Owner LLC, a Delaware limited liability company (the "**Unit**").

**TOGETHER WITH** all right, title and interest to a ten percent (10%) undivided interest of, in and to the Common Elements, as more particularly set forth in the Declaration and any amendments thereto.

**ALSO TOGETHER WITH** all right, title and interest to an undivided interest of, in and to the Limited Common Elements, as more particularly set forth in the Declaration and any amendments thereto.

BEING PART OF the same premises which SWA, by Deed of Confirmation dated 12/28/2018 and recorded 01/22/2019 in the Recorder's Office at Deed Book 6122 Page 2221, granted and conveyed unto SWA, in fee.

BEING AS TO PART the same premises which KRCF, by Deed of Confirmation dated 12/28/2018 and recorded 01/22/2019 in the Recorder's Office at Deed Book 6122 Page 2229, granted and conveyed unto KRCF in fee.



BEING AS TO PART the same premises which KRCF, by Deed of Confirmation dated 12/28/2018 and recorded 01/22/2019 in the Recorder's Office at Deed Book 6122 Page 2236, granted and conveyed unto KRCF in fee.

BEING AS TO PART the same premises which KRCE, by Deed of Confirmation dated 12/28/2018 and recorded 01/22/2019 in the Recorder's Office at Deed Book 6122 Page 2243, granted and conveyed unto KRCE in fee.

**TOGETHER WITH** all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any way appertaining, and the reversions and remainders, rents, issues, and profits thereof and therefrom; and all the estate, right, title, interest, property, claim and demand whatsoever of the Grantor, in law, equity, or otherwise, of, in, and to the same and every part thereof (collectively, the "**Appurtenances**").

**UNDER AND SUBJECT TO** those matters set forth on Exhibit A attached hereto.

**TO HAVE AND TO HOLD** the Unit and the Appurtenances in fee simple, unto the Grantee, its successors and assigns, to and for the use and benefit of the Grantee, its successors and assigns, forever.

**AND** the Grantor, for itself and its successors and its assigns, does hereby covenant, promise and agree, to and with the Grantee, its successors and assigns, by these presents, that the Grantor, and its successors, shall and will WARRANT and forever DEFEND the Unit and Appurtenances, subject as aforesaid, against the Grantor and its successors and assigns, and against each and every person who lawfully claims or seeks to claim the same or any part thereof, by, from or under Grantor, its successors and assigns, or any of them.

*[Signature Pages Follow]*

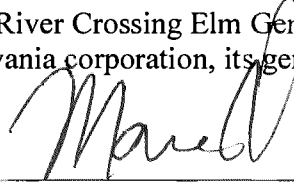


IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed on the Execution Date.

Keystone River Crossing Elm, L.P., a Pennsylvania limited partnership

By: Keystone River Crossing Elm General, L.P., a Pennsylvania limited partnership, its general partner

By: Keystone River Crossing Elm General, Inc., a Pennsylvania corporation, its general partner

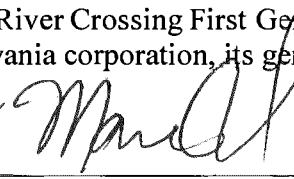
By: 

Name: Marc Rash  
Title: Authorized Signatory

Keystone River Crossing First, L.P., a Pennsylvania limited partnership

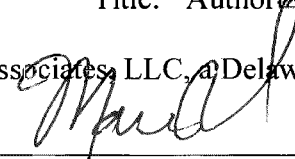
By: Keystone River Crossing First General, L.P., a Pennsylvania limited partnership, its general partner

By: Keystone River Crossing First General, Inc., a Pennsylvania corporation, its general partner

By: 

Name: Marc Rash  
Title: Authorized Signatory

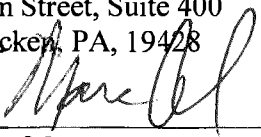
SORA West Associates, LLC, a Delaware limited liability company

By: 

Name: Marc Rash  
Title: Authorized Signatory

**CERTIFICATE OF GRANTEE'S ADDRESS:**

The address of the within named Grantee is:  
125 E. Elm Street, Suite 400  
Conshohocken, PA, 19428

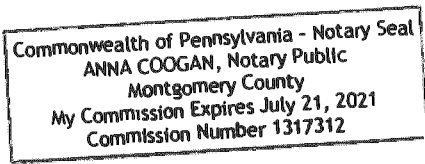


On behalf of Grantee



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

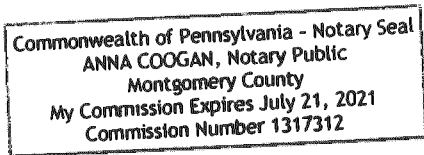
This record was acknowledged before me on December 8<sup>th</sup>, 2020 by Marc Rash, as Authorized Signatory for Keystone River Crossing Elm General, Inc., a Pennsylvania corporation, which is the general partner in Keystone River Crossing Elm General, L.P., a Pennsylvania limited partnership, which is the general partner in Keystone River Crossing Elm, L.P., a Pennsylvania limited partnership, who represents that he is authorized to act on behalf of such corporation (as general partner of the limited partnership (as general partner of the limited partnership)).



Anna Coogan  
Signature of notarial officer  
Stamp:  
Title of Office: Keystone Property Group  
My Commission Expires: 7/21/2021

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

This record was acknowledged before me on December 8<sup>th</sup>, 2020 by Marc Rash, as Authorized Signatory for Keystone River Crossing First General, Inc., a Pennsylvania corporation, which is the general partner in Keystone River Crossing First General, L.P., a Pennsylvania limited partnership, which is the general partner in Keystone River Crossing First, L.P., a Pennsylvania limited partnership, who represents that he is authorized to act on behalf of such corporation (as general partner of the limited partnership (as general partner of the limited partnership)).



Anna Coogan  
Signature of notarial officer  
Stamp:  
Title of Office: Keystone Property Group  
My Commission Expires: 7/21/2021

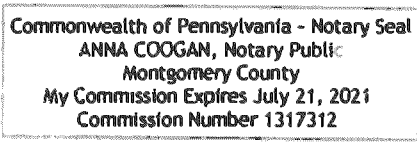


COMMONWEALTH OF PENNSYLVANIA :  
 : SS.  
 COUNTY OF Montgomery :

This record was acknowledged before me on December 8<sup>th</sup>, 2020 by marc rash, as Authorized Signatory for SORA West Associates, LLC, a Delaware limited liability company, who represents that he is authorized to act on behalf of such corporation (as general partner of the limited partnership (as general partner of the limited partnership)).

Anna Coogan  
 Signature of notarial officer

Stamp:  
 Title of Office: Keystone Property Group  
 My Commission Expires: 7/21/2021



**CERTIFICATE OF GRANTEE'S ADDRESS:**

The address of the within named Grantee is:  
125 E. Elm Street, Suite 400  
Conshohocken, PA, 19428



\_\_\_\_\_  
On behalf of Grantee





**EXHIBIT A**

## Permitted Exceptions

1. Subject to all matters shown on the Plans as recorded in the Recorder's Office in Plan Book A-45 Page 138 and Plan Book 51 Page 463.
2. Rights granted to The Bell Telephone Company of Pennsylvania as set forth in Deed Book 4773 Page 282 (affects common elements only).
3. Rights granted to The Bell Telephone Company of Pennsylvania as set forth in Deed Book 4731 Page 1579 (affects common elements only).
4. Rights granted to Philadelphia Electric Company as set forth in Deed Book 4767 Page 275 (affects common elements only).
5. Restrictions as set forth in Deed Book 2982 Page 174 (affects common elements only)
6. Rights granted to The Bell Telephone Company of Pennsylvania as set forth in Deed Book 4743 Page 962.
7. Vacation/Lot Line Change Plan recorded 01/22/2019 in the Recorder's Office in Plan Book 49 page 432.
8. Completion Covenant, dated 12/28/2018, and recorded 1/22/19 in the Recorder's Office in Deed Book 6122, page 2155, as amended by that certain Amendment to Completion Covenant, Completion Guaranty and Agreement of Sale dated 1/22/2020 recorded at Deed Book 6199, Page 2468, that certain Second Amendment to Completion Covenant, Completion Guaranty and Agreement of Sale dated 12/23/2020 and thereafter recorded, that certain Third Amendment to Completion Covenant, Completion Guaranty and Agreement of Sale dated 12/23/2020 and thereafter recorded, and as it may be further amended thereafter from time to time.
9. Covenants, Conditions and Restrictions set forth in Deed from The Redevelopment Authority of the County of Montgomery to SORA West Associates, LLC., a Delaware limited liability company recorded 01/22/2019 in the Recorder's Office in Deed Book 6122 page 2165.
10. Declaration of Restrictive Covenant and Right of First Refusal Agreement by and between Washington Hose and Steam Fire Engine Company #1 of Conshohocken and SORA West Associates, LLC recorded 01/22/2019 in the Recorder's Office in Deed Book 6122 Page 2191. (affects common elements only)
11. Parking and Access Easement Agreement by and among Keystone River Crossing First, LP, Keystone River Crossing Elm, LP, Sora West Associates, LLC and the Washington Hose & Steam Fire Engine Co. #1 of Conshohocken recorded 01/22/2019 in the Recorder's



Office in Deed Book 6122 page 2206, as amended by Amendment to Parking and Access Easement Agreement by and among Keystone River Crossing First, LP, Keystone River Crossing Elm, LP, Sora West Associates, LLC and the Washington Hose & Steam Fire Engine Co. #1 of Conshohocken dated November 19, 2020 and intended to be recorded in the Recorder's Office prior to the recording of this Deed.

12. Site and Record Plan recorded 01/22/2019 in Plan Book 49 page 434. Site and Record Plan Notes recorded 01/22/2019 in Plan Book 49 page 435. Easement Plan recorded 01/22/2019 in the Recorder's Office in Plan Book 49 page 436.
13. Post Construction Stormwater Management Plan recorded 01/22/2019 in the Recorder's Office in Plan Book 49 page 437.
14. Second Amended Land Development Plans intended to be recorded in the Recorder's Office prior to the recording of this Deed.
15. Parking Agreement by and among The Borough of Conshohocken, Keystone River Crossing First, LP, Keystone River Crossing Elm, LP and SORA West Associates, LLC recorded 01/22/2019 in the Recorder's Office in Deed Book 122 page 2250, as amended by Amendment to Parking Agreement dated 08/26/2019 and recorded 08/27/2019 in the Recorder's Office in Deed Book 6150 Page 2223, and a Second Amendment to Parking Agreement dated 12/~~08~~/2020 and intended to be recorded in the Recorder's Office prior to the recording of this Deed.
16. Public Plaza and Access Easement Agreement by and among Keystone River Crossing First, LP, Keystone River Crossing Elm, LP, SORA West Associates, LLC and the Borough of Conshohocken recorded 01/22/2019 in the Recorder's Office in Deed Book 6122 page 2267, as amended by Amendment to Public Plaza and Access Agreement dated 08/26/2019 and recorded 08/27/2019 in the Recorder's Office in Deed Book 6150 Page 2268, and a Second Amendment to Public Plaza Agreement dated 12/~~08~~/2020 and intended to be recorded in the Recorder's Office prior to the recording of this Deed.
17. Land Development Agreement by and among Keystone River Crossing First, L.P., Keystone River Crossing Elm, L.P., SORA West Associates, LLC, Keystone Property Group, L.P., The Borough of Conshohocken and The Redevelopment Authority of Montgomery County recorded 01/22/2019 in the Recorder's Office in Deed Book 6122 page 2290, as amended by Amendment to Land Development Agreement dated 08/26/2019 and recorded 08/27/2019 in the Recorder's Office in Deed Book 6150 Page 2186 and Second Amendment to Land Development Agreement dated 12/~~08~~/2020 and intended to be recorded in the Recorder's Office prior to the recording of this Deed.
18. Stormwater Facilities Maintenance and Monitoring Agreement by and among Keystone River Crossing First, L.P., Keystone River Crossing Elm, L.P., SORA West Associates, LLC, Keystone Property Group, L.P. and the Borough of Conshohocken recorded 01/22/2019 in the Recorder's Office in Deed Book 6122 page 2335, as amended by Amendment to Stormwater Facilities Maintenance and Monitoring Agreement dated



08/26/2019 and recorded 08/27/2019 in the Recorder's Office in Deed Book 6150 Page 2232 and Second Amendment to Stormwater Facilities Maintenance and Monitoring Agreement dated 12/08/2020 and intended to be recorded in the Recorder's Office prior to the recording of this Deed.

19. The Declaration of Condominium of SORA West Condominium in the Montgomery County Recorder of Deeds Office dated 12/27/2018, effective 12/28/2018 and recorded 1/22/2019 in the Recorder's Office in Deed Book 6122, Page 2358 as Instrument No. #2019004699, as amended by the First Amendment to Declaration of Condominium of SORA West Condominium with Plats and Plans dated 12/8/2020 and intended to be recorded in the Recorder's Office prior to the recording of this Deed.
20. Deed of Easement by and between SORA West Associates, LLC and Borough of Conshohocken Authority as set forth in Deed Book 6179 Page 496.
21. Agreement for the Implementation of Transportation Demand Management Plan dated 12/08/2020 and intended to be recorded in the Recorder's Office prior to the recording of this Deed.
22. Co-Applicant Agreement For A Highway Occupancy Permit For Stormwater Facilities dated 12/08/2020 and intended to be recorded in the Recorder's Office prior to the recording of this Deed.
23. Statement of Levy and Lien of Assessment Agreement Commercial Property Assessed Clean Energy by and among Montgomery County, Pennsylvania, the Montgomery County Redevelopment Authority, Concord Keystone SORA West Owner LLC and Greenworks Lending LLC intended to be recorded in the Recorder's Office prior to the recording of this Deed.





1830019105

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

REALTY TRANSFER TAX STATEMENT OF VALUE COMPLETE EACH SECTION

RECORDER'S USE ONLY State Tax Paid: \$51,545.45 Book: 6215 Page: Instrument Number: 00342 Date Recorded: 03/01/2021 02:13:57 PM Addendum (0) of (1)

SECTION I TRANSFER DATA

Date of Acceptance of Document 12/23/2020 Grantor(s)/Lessor(s) SEE ATTACHED Telephone Number (610) 980-7000 Grantee(s)/Lessee(s) SEE ATTACHED Telephone Number (610) 980-7000 Mailing Address 125 Elm Street, Suite 400 City Conshohocken State Pa ZIP Code 19428

SECTION II REAL ESTATE LOCATION

Street Address 46 Fayette St. City, Township, Borough Conshohocken County Montgomery School District Colonial Tax Parcel Number 05-00-02852-00-5

SECTION III VALUATION DATA

Was transaction part of an assignment or relocation? YES NO 1. Actual Cash Consideration 5,154,545.00 2. Other Consideration + 3. Total Consideration = 5,154,545.00 4. County Assessed Value 761,180.00 5. Common Level Ratio Factor x 2.13 6. Computed Value = 1,621,313.40

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

1a. Amount of Exemption Claimed \$ 0.00 1b. Percentage of Grantor's Interest in Real Estate 100 % 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

See attached for names of Grantor and Grantee, and a detailed explanation of the exemption claimed.

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

Name SORA West Associates, LLC Telephone Number (610) 980-7000 Mailing Address 125 Elm Street, Suite 400 City Conshohocken State Pa ZIP Code 19428

Under penalties of law, I declare that I have examined this statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete. Signature of Correspondent or Responsible Party Date 12/23/2020

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



1830019105

1830019105



**NCS-945193**

Attachment to

State of Pa Realty Transfer Tax Statement of Value

**SPECIAL WARRANTY DEED**

Keystone River Crossing First, L.P., a Pennsylvania limited partnership, and Keystone River Crossing Elm, L.P., a Pennsylvania limited partnership and SORA West Associates, LLC, a Delaware limited liability company,  
**Grantors**

to

Concord Keystone SORA West Owner LLC, a Delaware limited liability company,  
**Grantee**



**LEASE AGREEMENT**

**CONCORD KEYSTONE SORA WEST OWNER, LLC**  
**Landlord**

**AND**

**MUTUAL OF AMERICA LIFE INSURANCE COMPANY**  
**Tenant**

**AT**

**Northwest corner of W. Elm Street and Fayette Street**  
**Borough of Conshohocken**  
**Montgomery County**  
**Pennsylvania**

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THIS LEASE AGREEMENT ("Lease") is made by and between CONCORD KEYSTONE SORA WEST OWNER, LLC, a Delaware limited liability company ("Landlord") and MUTUAL OF AMERICA LIFE INSURANCE COMPANY, a New York corporation ("Tenant"), and is dated as of the last date on which this Lease has been fully executed by Landlord and Tenant. In consideration of the mutual covenants and conditions contained herein and intending to be legally bound, the parties hereby agree as follows:

**1. Basic Lease Terms and Definitions.**

(a) **Premises:** Approximately 3,754 rentable square feet of space, as shown on Exhibit "A". The Premises are located on the ground floor of the Building.

(b) **Building:** The building located and having the street address at the Northwest corner of W. Elm Street and Fayette Street, Conshohocken, PA 19428, deemed to contain approximately 92,338 rentable square feet.

(c) **Term:** One hundred twenty-two (122) full calendar months from the Commencement Date (plus any partial month from the Commencement Date until the first day of the next full calendar month during the Term, if the Commencement Date is not the first day of the month).

(d) **Delivery Date; Commencement Date:** The "Delivery Date" shall mean the date upon which the Premises are delivered to Tenant with that certain Base Building Work (as defined in the Work Letter attached hereto as Exhibit "E" (the "Work Letter")) having been Substantially Completed (as defined in the Work Letter), estimated to be January 15, 2023, subject to adjustment as provided in Exhibit "E", or the date Tenant, with Landlord's consent, takes possession of the Premises or enters on the Premises for purposes of commencing Tenant's Work pursuant to the Work Letter, if earlier. The "Commencement Date" shall mean the earliest to occur of the following: (i) upon substantial completion of the Tenant's Work pursuant to the Work Letter, or (ii) the date that is one hundred eighty (180) days following the Delivery Date, or (iii) the date that Tenant first occupies the Premises in whole or in part for purposes of conducting business operations therein. Landlord shall not charge Tenant with a "failure to open" penalty, but the Term and Tenant's obligation to pay Rent will commence on the earliest Commencement Date determined as set forth above. At Landlord's request Tenant shall execute a written confirmation of the Delivery Date, Commencement Date and other matters concerning the Lease on Landlord's form.

(e) **Expiration Date:** The last day of the Term.

(f) **Base Rent:** Payable in monthly installments as follows:

Period of Term From To	Annual Base Rent	Monthly Installments	Per Sq. Ft. Rate
From Commencement Date through Month 12			
From Month 13 through Month 24			
From Month 25 through Month 36			
From Month 37 through Month 48			
From Month 49 through Month 60			
From Month 61 through Month 72			
From Month 73 through Month 84			
From Month 85 through Month 96			
From Month 97 through Month 108			
From Month 109 through Month 120			
From Month 121 through Month 122			

Landlord and Tenant have executed this Lease on the respective date(s) set forth below.

Date signed:

01/17/2023 | 1:51 PM EST  
2023

Witness:

DocuSigned by:  
Maria Pistilli  
Name (printed): MARIA PISTILLI

Date signed:

01/11/2023 | 10:17 AM EST  
2023

Witness:

DocuSigned by:  
Hal Bacharach  
Name (printed): Hal Bacharach

Landlord:

CONCORD KEYSTONE SORA WEST OWNER, LLC,  
a Delaware limited liability company

DocuSigned by:  
Rich Gottlieb  
By: \_\_\_\_\_  
Name: RICH GOTTLIEB  
Title: President

Tenant:

MUTUAL OF AMERICA LIFE INSURANCE COMPANY,  
a New York corporation

DocuSigned by:  
Thomas Cicciano  
By: \_\_\_\_\_  
Name: THOMAS CICCIANO  
Title: Sr. VP Real Estate & Payroll





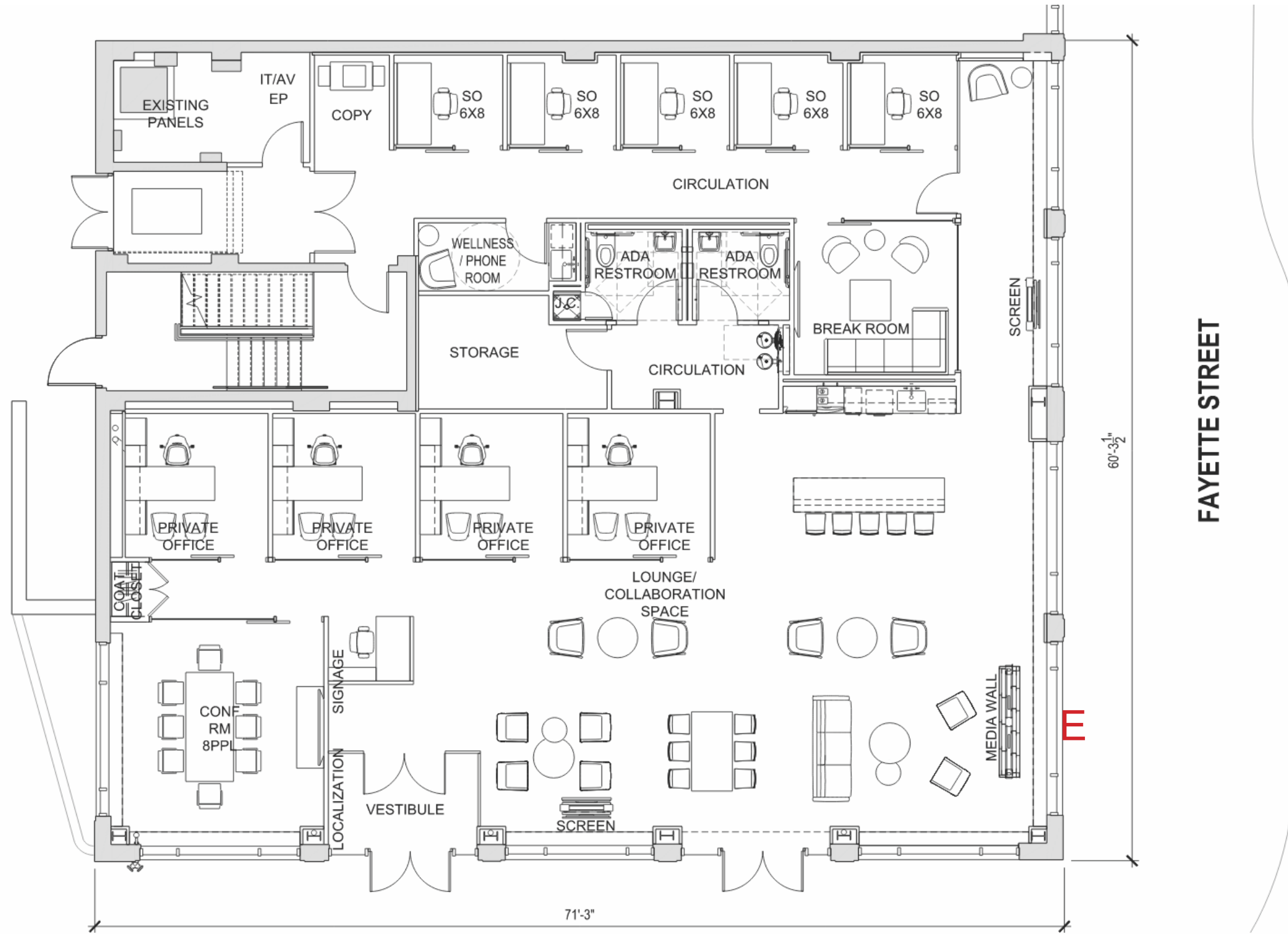
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Retirement Services • Investments

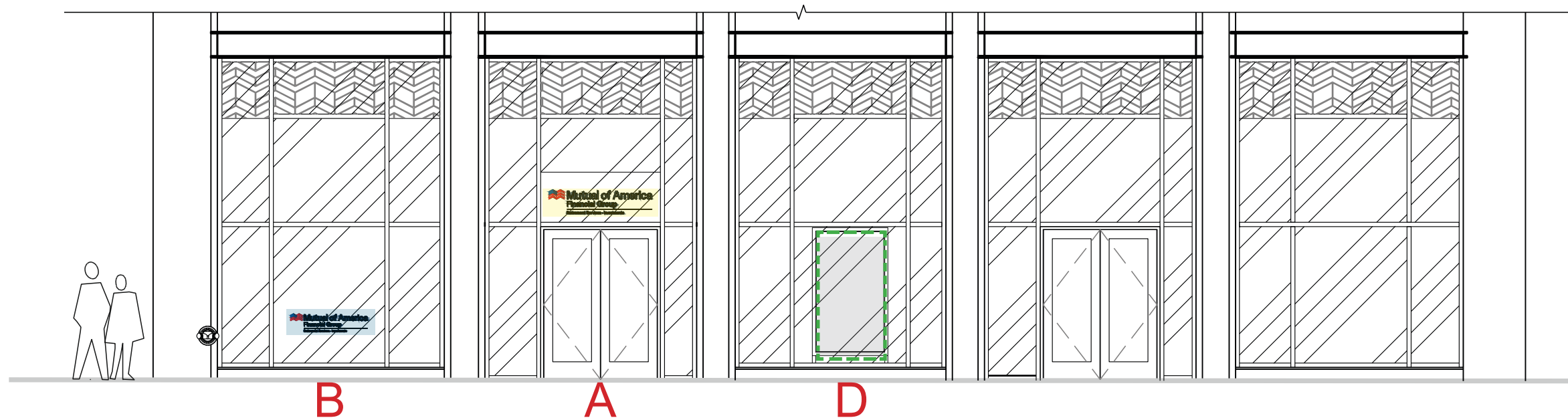
**MUTUAL OF AMERICA**  
SORA WEST  
46 FAYETTE STREET  
CONSHOHOCKEN  
PA 19428

SIGNAGE DESIGN  
06.14.23

# PLAN



# SIGNAGE PREVIOUSLY APPROVED AT ZHB EVENT ON 02.27.23



- A** ■ EXTERIOR PIN MOUNTED BACK LIT SIGNAGE  
- 5'-4" X 1'-3" = 6.75 SQFT
- B** ■ WINDOW FILM SIGNAGE  
- 4'-0" X 1'-0" = 4 SQFT
- D** ■ 86" INTERIOR MONITOR WITH STAINLESS STEEL FRAME - 24" FROM WINDOW LINE  
- 74.6" X 42" ACTIVE SCREEN AREA  
- 22 SQFT

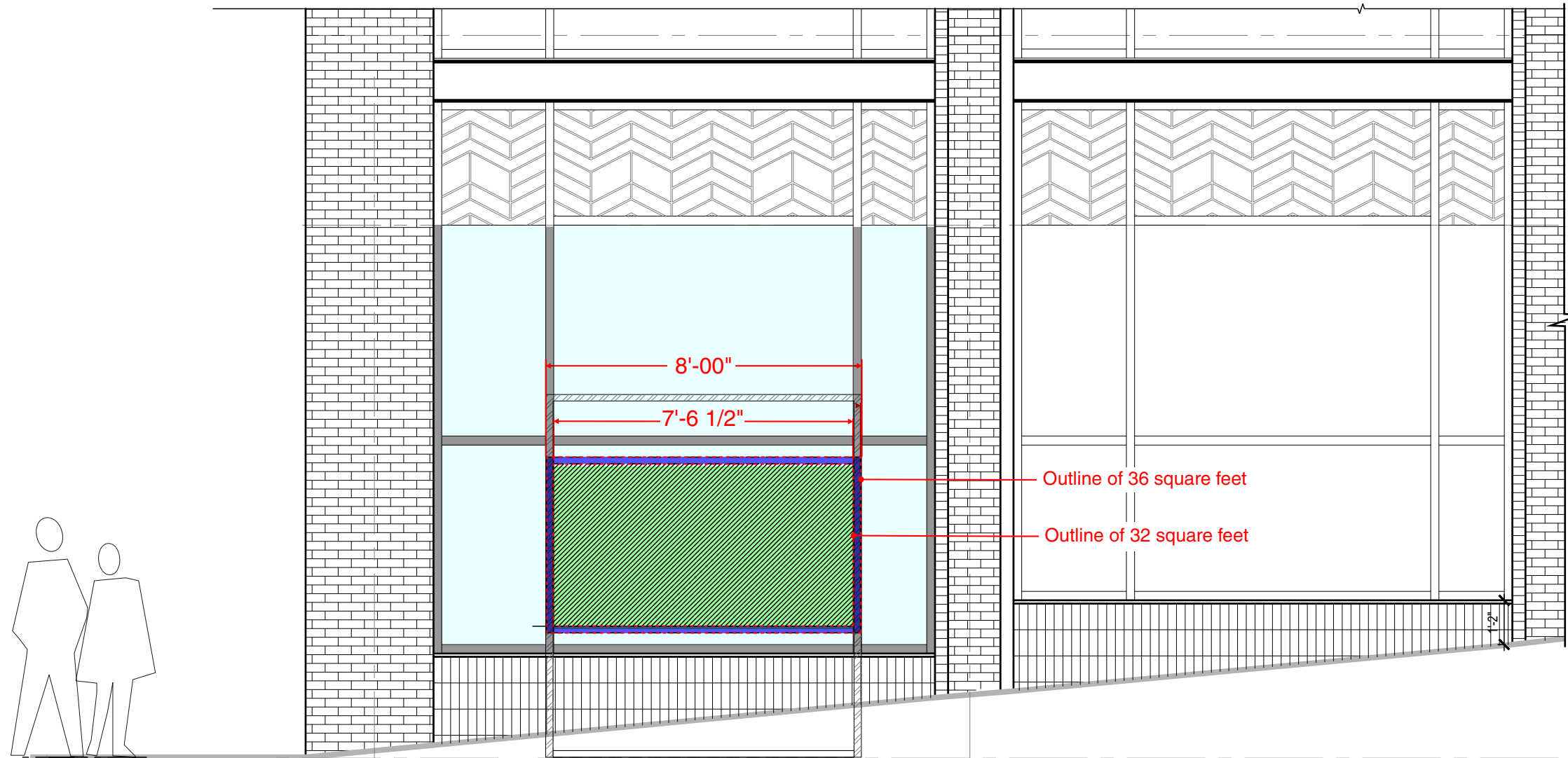
ELM STREET ELEVATION



- C** ■ INTERIOR PIN MOUNTED BACK LIT SIGNAGE ON SOFFIT  
- 7'-6" X 1'-9" = 13.25 SQFT
- E** ■ 98" INTERIOR MONITOR WITH BLUE GLASS AND STAINLESS STEEL FRAME - 24" FROM WINDOW LINE  
- 85" X 48" ACTIVE SCREEN AREA  
- 32 SQFT

FAYETTE STREET ELEVATION

# PROPOSED FAYETTE ELEVATION - STORE FRONT SIGNAGE

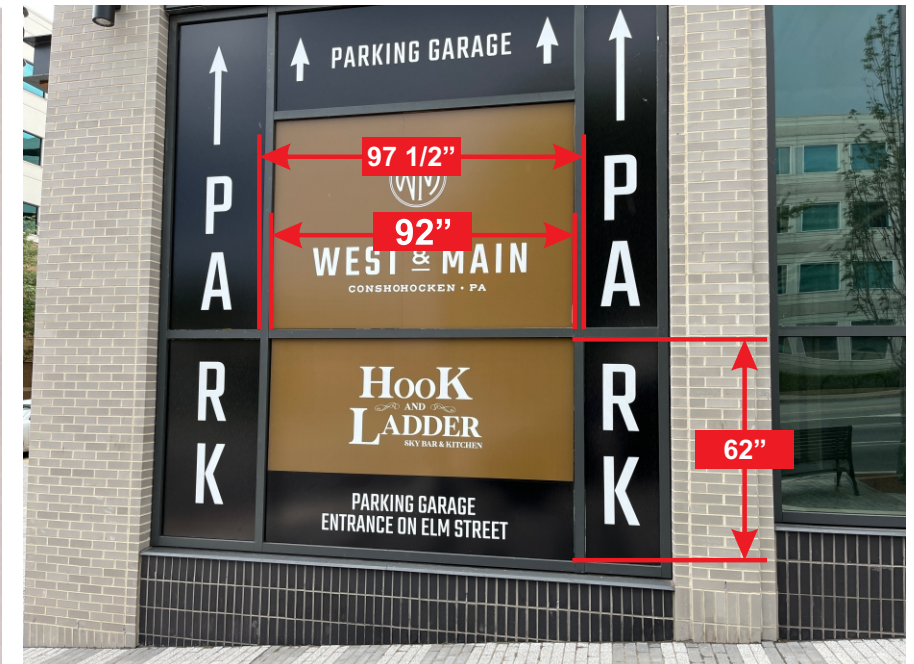


 **SIGNAGE APPROVED @ 32 SQUARE FEET**

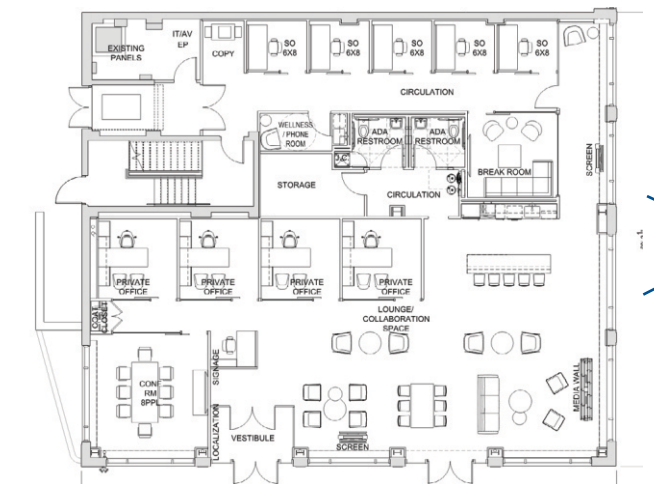
 **ADDITIONAL VIEWING AREA OF 1 3/4" AT TOP, BOTTOM, LEFT & RIGHT ENABLING A 36 SQUARE FOOT DIGITAL DISPLAY**

# VIEW - STOREFRONT - FAYETTE STREET

**E** 98" INTERIOR MONITOR WITH  
BLUE GLASS AND STAINLESS  
STEEL FRAME - 24" FROM  
WINDOW LINE  
- 36 SQFT



EXISTING LOCATION



KEY PLAN

June 15, 2023

**Ross Weiss**

Direct Phone 610-941-2361  
Direct Fax 877-295-6883  
rweiss@cozen.com

Brittany Rogers  
Borough of Conshohocken  
400 Fayette Street  
Conshohocken, PA 19428

Allison Lee  
Zoning Officer  
Borough of Conshohocken  
400 Fayette Street  
Conshohocken, PA 19428

**Re: Mutual of America Life Insurance Company ("MOA")  
Application to the Zoning Hearing Board for Zoning Relief for Signage**

Dear Ms. Lee and Ms. Rogers:

Attached please find the above referenced Application with the Addendum and Exhibits referenced in the Addendum. Enclosed also find checks made payable to the Borough of Conshohocken for the Application fee (\$500) and for the escrow (\$1,500).

Please confirm completeness of the Application and that we will be scheduled to appear before the Zoning Hearing Board on Monday, July 17, 2023 at 7:00 p.m. at Borough Hall. Please also confirm that there is no need for us to appear before either the Planning Commission or Borough Council prior to the Zoning Hearing. Confirmation can be sent in an email to Jeff and me.

Sincerely,

COZEN O'CONNOR

By:  Ross Weiss

RW:ngd  
Enclosure

cc: *via email*  
Jeff Carson/City Sign  
Jon Fox/TPG  
Tom Ciociano/MOA

**BEFORE THE ZONING HEARING BOARD OF CONSHOHOCKEN**  
**IN RE: APPLICATION OF MUTUAL OF AMERICA LIFE INSURANCE COMPANY**  
**REGARDING**  
**46 FAYETEE STREET**  
**APPLICATION NO. Z-2023-02**  
**DECISION OF THE BOARD**

**I. HISTORY**

On or about January 26, 2023, Mutual of America Life Insurance Company (the “Applicant” or “MOA”) filed a Zoning Hearing Board application before the Conshohocken Zoning Hearing Board (the “ZHB”) seeking variances from the Conshohocken Borough Zoning Ordinance of 2001 (together with all amendments thereto, the “Ordinance”) for the property located at 46 Fayette Street (“Subject Property”) to permit the installation of six (6) signs, three (3) of which would be animated (the “Application”).

The Applicant’s specific request for relief includes the following:

1. A variance from the terms of Section 27-2108.A and 27-2205.3 to permit the installation of three (3) signs fronting on Fayette Street and three (3) signs fronting on West Elm Street where a maximum of one (1) sign per street frontage is permitted.
2. A variance from the terms of Section 27-2105 to permit the installation of three (3) animated signs where such signs are prohibited.

After notice was duly given and advertised, a hearing was held on February 27, 2023. At the hearing, the following Exhibits were introduced and admitted:

- P-1 Application with an Addendum
- P-2 Aerial View of the Subject Property

- P-3 Deed
- P-4 Existing Signage Display
- P-5 Keystone Approval Signage
- P-6 Lease Agreement with Keystone
- P-7 Signage Designation dated December 20, 2022
- P-8 Zoning Notice
- A-1 Deed
- A-2 Redacted Lease
- A-3 Concord Keystone Sora West Owner, LLC Authorization Letter
- A-4 Aerial Plan
- A-5A Floor Plan
- A-5B Storefront Frontage
- A-5C Storefront West Elm Street
- A-5D Storefront Fayette Street
- A-6 Existing Signs on Building
- A-7A Prior Zoning Decision for 20 West Sixth Avenue
- A-7B Prior Zoning Decision for 46 Fayette Street
- A-7C Prior Zoning Decision for 2019 Fayette Street

## **II. FINDINGS OF FACT**

1. The Subject Property is located at 46 Fayette Street, Conshohocken, Pennsylvania.
2. The Subject Property is zoned as SP-4 – Specially Planned District Four.
3. The Applicant has standing to proceed with the Application.



4. Jeff Carson, whom the ZHB accepted as an expert in signage, appeared on behalf of the Applicant and testified as follows:

- a. Mr. Carson owns the business known as City Sign Service.
- b. Mr. Carson designed the six (6) signs proposed in the Application.
- c. Mr. Carson described the area surrounding the Subject Property as a well-signed area.
- d. The first sign is four square feet, and is proposed to be affixed to a window of the Subject Property located on West Elm Street.
  - i. This sign is made of vinyl film and does not propose to be self-illuminated.
- e. The second sign is 6.75 square feet and is proposed to be located next to the first sign on West Elm Street.
  - i. This sign is “halo-lit,” meaning it is internally illuminated from behind aluminum lettering reflected off an aluminum backing.
- f. The third sign is 22 square feet and is proposed to be next to the door on the inside of the Subject Property.
  - i. This sign will be set back approximately two feet (2’) and will face West Elm Street.
  - ii. This sign is proposed to have an LCD animated screen, which will only display a rotation of static images.
- g. The fourth sign is 32 square feet and is proposed to be inside the Subject Property.

- i. This sign will be set back approximately two feet (2') from a window and face Fayette Street.
  - ii. This sign is double-faced and both sides will have an LCD animated screen.
  - iii. This is the only sign that will display videos or moving images.
- h. The fifth sign is 13.25 square feet and is proposed to be located behind a glass transom near the ceiling line within the Subject Property.
  - i. This sign is halo-lit.
- i. The sixth sign is 17 square feet and is proposed to be located within the Subject Property.
  - i. This sign will be set back approximately eighteen inches (18") from a window facing Fayette Street.
  - ii. This sign is proposed to have an LCD animated screen, which will only display a rotation of static images.
- j. The signs are expected to be turned off each night at 9:00 PM and not turned back on until 6:00 AM the following morning.
- k. Though the Subject Property houses the Applicant, the building has seven (7) floors and is generally known as the West & Main Hotel.
- l. Without sufficient identifying signage, unfamiliar customers can have significant difficulty in locating MOA.
- m. The difficulty in locating the MOA office is compounded by the heavy flow of traffic, the steep slope of the land upon which the Subject Property is built, and the lack of street parking in the area.

- n. More than one (1) sign per street frontage is necessary to remove the difficulty in locating MOA's office.
5. Thomas Ciociano appeared on behalf of the Applicant and testified as follows:
- a. Mr. Ciociano is the Senior Vice President for Real Estate of MOA.
  - b. The halo-lit signs are proposed to stay on overnight to "keep some street light on the streets."
  - c. The other illuminated signs will only be on during the hours specified by Mr. Carson.
  - d. Animated signs are a modern approach to providing passerbys with information about the businesses inside the Subject Property.
  - e. The animated signs will not be flashing, but instead will scroll through static images on a set loop, which will be on a thirty (30) second minimum rotation.
6. No additional party status was granted.
7. No members of the public spoke in support or opposition of the Application.

## II. DISCUSSION

Section 27-2105 of the Ordinance states, in pertinent part:

- A. Prohibited Signs. The following types of signs or illumination of signs shall be prohibited in the Borough:
  - (1) Animated signs.

Section 27-2108 of the Ordinance states, in pertinent part:

- 27-2108 For any one lot located in the Commercial or Industrial Districts, the following number and types of signs are permitted:
- A. One freestanding business or identification sign per street frontage

Section 27-2205.3 of the Ordinance states, in pertinent part:

27-2205 Buildings in the SP-4 District shall have signage which meets the requirements set forth in § 27-2109, Signs Permitted in the Specially Planned Districts, except as set forth below for a unified development:

3. Each accessory first floor use is allowed one sign which meets the requirements set forth in § 27-2108, Signs Permitted in the Commercial and Industrial Districts.

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

### **III. CONCLUSIONS OF LAW**

From the facts presented, it is the judgment of the Board that Applicant shall be granted the requested variances, in part. Accordingly, the Board is able to make the following relevant findings under Section 910.2 of the MPC:

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

2. That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Ordinance and that the authorization for a variance is therefore necessary to enable the reasonable use of the Subject Property;
3. That the approved variances will not alter the essential character of the neighborhood or district in which the Subject Property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property, or be detrimental to the public welfare;
4. That the unnecessary hardship has not been created by the Applicant;
5. That the approved variances represent the minimum that will afford relief and represent the least modification possible; and
6. While the Applicant has shown that a strict application of the Ordinance would cause an unnecessary hardship, the Applicant has not sufficiently met its burden to justify three (3) signs on Fayette Street under the applicable criteria.

**ORDER**

**AND NOW**, this \_\_\_ day of April, 2023, the Application of SORA West OU Owner, LLC, seeking variances from the terms of Sections 27-2105, 27-2108.A and 27-2205.3 of the Conshohocken Borough Zoning Ordinance of 2001, is **GRANTED IN PART** and **DENIED IN PART**. The Applicant shall be permitted to install three (3) signs on West Elm Street and two (2) signs on Fayette Street in conformance with the plans, testimony, and other evidence presented to the Zoning Hearing Board subject to the following **CONDITIONS**:

1. With the exception of signs that are halo-lit, no sign shall be illuminated between the hours of 9:00 PM and 6:00 AM the following day;
2. No sign shall contain third party advertisement;
3. Only one (1) sign on Fayette street may be animated; and
4. The images on all animated signs shall not change more than once every thirty (30) seconds.

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

**THE RELIEF GRANTED HEREIN SHALL EXPIRE IF THE APPLICANT FAILS TO OBTAIN PERMITS WITHIN ONE (1) YEAR OF THE DATE OF THIS DECISION.**

**CONSHOHOCKEN ZONING HEARING BOARD**

Date Personally Delivered:

*/s/ Richard Barton*  
Richard Barton, Chairman

\_\_\_\_\_

*/s/ Mark S. Danek*  
Mark S. Danek, Vice Chairman

*/s/ Marlowe Doman*  
Marlowe Doman

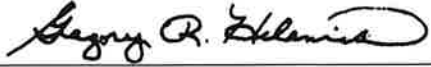
Or Date Emailed:

*/s/ Alan Chmielewski*  
Alan Chmielewski

04/14/2023

*/s/ Tyler Dunphy*  
Tyler Dunphy

I, Gregory R. Heleniak, the Solicitor of the Borough of Conshohocken Zoning Hearing Board, hereby certify that each member of said Board has read and approved this written opinion, which accurately reflects the actions and vote by said Board at its February 27, 2023, hearing in this matter. Said Board members have consented to their signatures to be affixed to this Decision as above.

A handwritten signature in black ink, reading "Gregory R. Heleniak". The signature is written in a cursive style with a large, looping initial "G".

---

Gregory R. Heleniak, Esquire



# 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

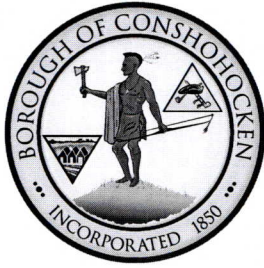
The petitioner is appealing a zoning enforcement notice and seeking a variance from Sections 27-817.H.(2), 27-817.H.(3), 27-1404.9, 27-1714 and 27-1726.1F of the Conshohocken Zoning Ordinance related to outdoor storage of materials and materials that may be transferred off the lot by natural causes or 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](mailto: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](mailto: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 10<sup>th</sup> day of

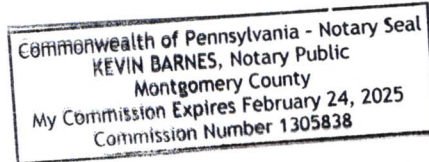
February, 2023

*10<sup>th</sup>*  
February

*[Signature]*

Notary Public

(Seal)





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

## Decision

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(For Borough Use Only)

Application Granted

Application Denied

MOTION:

CONDITIONS:

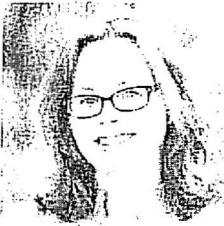
BY ORDER OF THE ZONING HEARING BOARD

	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


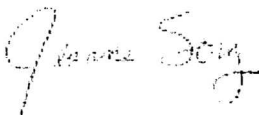
<b>Document Type:</b> Deed	<b>Transaction #:</b> 3510441 - 1 Doc (s)
<b>Document Date:</b> 01/17/2017	<b>Document Page Count:</b> 2
<b>Reference Info:</b>	<b>Operator Id:</b> msanabia

<b>RETURN TO:</b> (Wait) MONTGOMERY COUNTY TAX CLAIM BUREAU ONE MONTGOMERY PLAZA SUITE 610 NORRISTOWN, PA 19401	<b>PAID BY:</b> 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):**

<b>CONSIDERATION/SECURED AMT:</b> \$300,000.00	DEED BK 6032 PG 00240 to 00242.1
<b>TAXABLE AMOUNT:</b> \$290,941.00	Recorded Date: 01/27/2017 10:45:13 AM
<b>FEES / TAXES:</b>	I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.
Recording Fee: Deed \$95.00	  <b>Jeanne Sorg</b> 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	
<b>Total:</b> \$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 17<sup>th</sup> 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

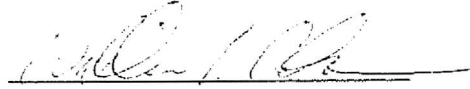
\$15.00  
TG

{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 19<sup>th</sup> 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.

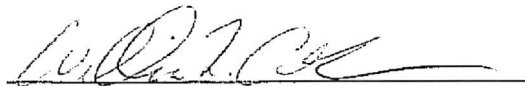


PROTHONOTARY

### 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.**

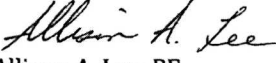
January 12, 2023  
TS 16, LLC

Page 2  
5 Colwell Lane – Zoning Enforcement Notice

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

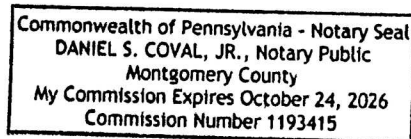
As subscribed and sworn to before me this 19<sup>th</sup> day of

July 2023

*[Handwritten 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 17<sup>th</sup> 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.

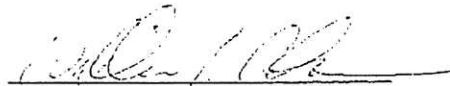
MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
05-00-00108-00-4 CONSHOHOCKEN  
5 COLWELL LN  
WRUBEL BERENICE \$15.00  
B 006 U 030 L 4280 DATE: 01/27/2017 TG

{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:

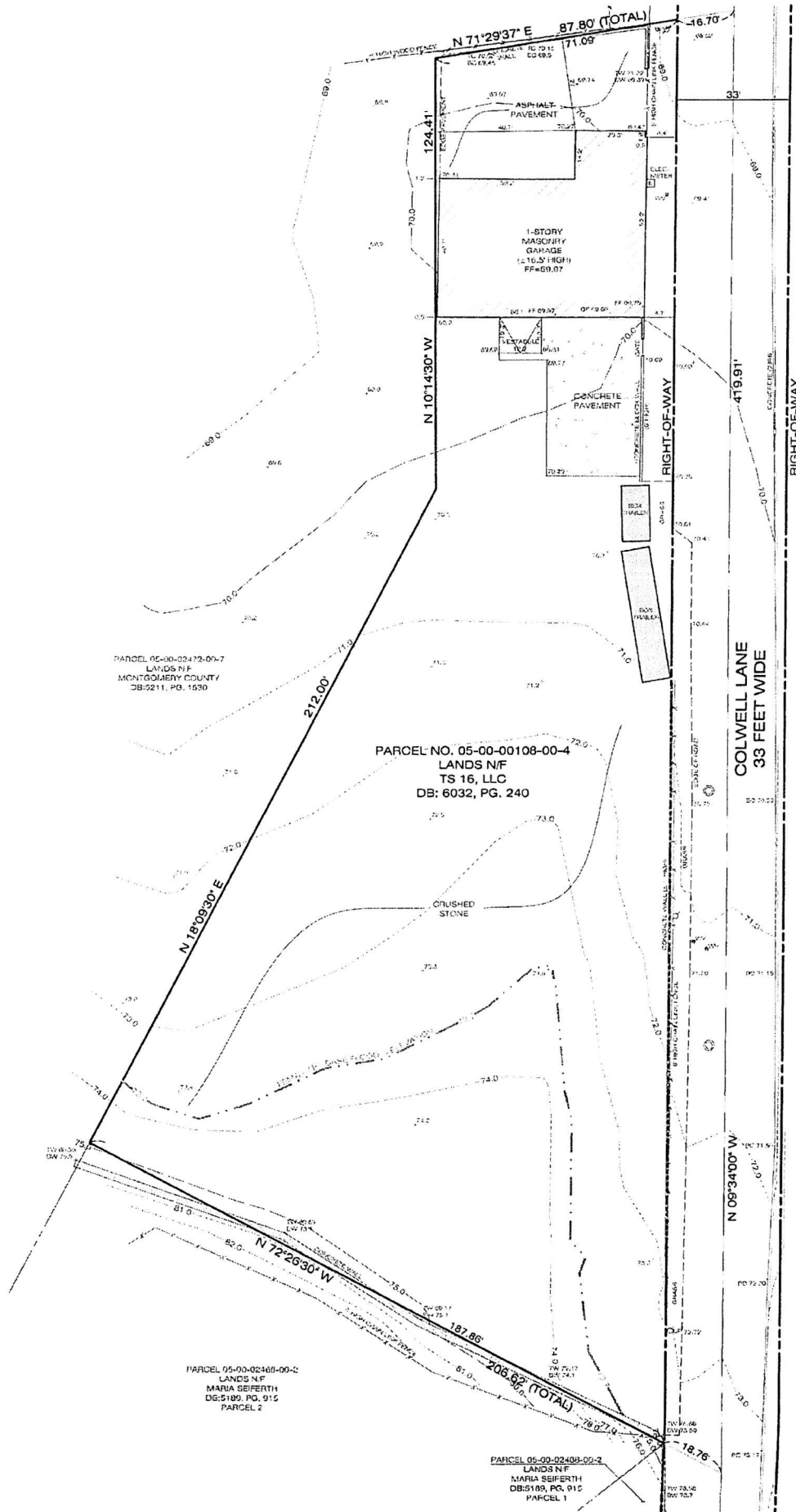
**TS 16, LLC  
15 ST. ASAPHS ROAD  
BALA CYNWYD, PENNSYLVANIA 19004**



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 Ellan, 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](mailto: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](mailto: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.

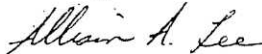
Based on visual observations of the site, and in accordance with §27-1404.6 and pursuant to §27-817.H.(3) of the Zoning Ordinance, no outdoor storage of materials or wastes shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural causes or forces. The existing 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](mailto:zoning@conshohockenpa.gov).

Sincerely,

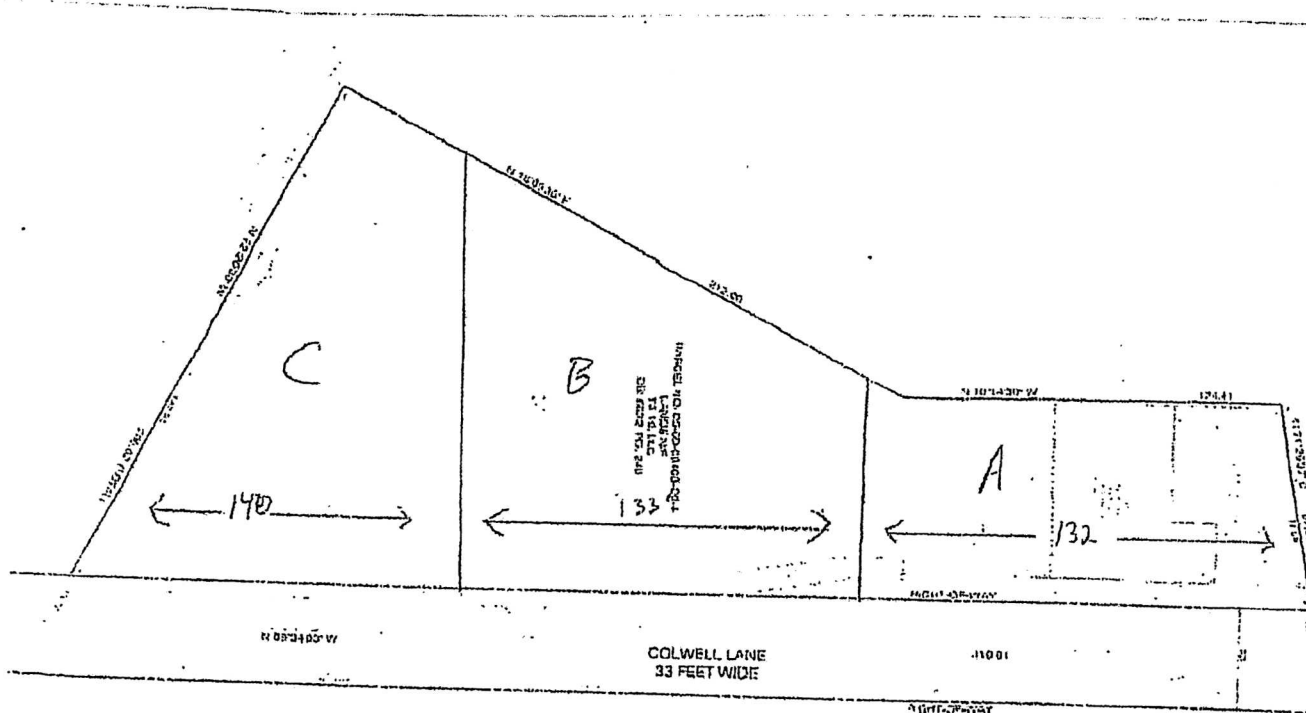


Allison A. Lee, PE  
Zoning Officer

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

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Stephanie Cecco  
Borough Manager

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## ZONING NOTICE AUGUST 21, 2023, ZONING HEARING BOARD MEETING

### ZONING HEARING Z-2023-14

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: CGEM LLC, Mun Chung  
6142 Creekside Drive, Flourtown, PA 19031

PREMISES INVOLVED: 701 Fayette Street  
Conshohocken, PA 19428  
BC - Borough Commercial District

OWNER OF RECORD: CGEM LLC  
6142 Creekside Drive, Flourtown, PA 19031

The applicant is seeking a two (2)-year extension to June 22, 2025 of the Conshohocken Borough Zoning Hearing Board approval of the following variances granted in the Zoning Hearing Board Decision dated December 2, 2021 and pursuant to the Settlement Agreement dated June 22, 2022: from the Conshohocken Borough Zoning Code Sections §27-1303.F to allow an overall impervious coverage of 88.9% where the maximum impervious coverage cannot exceed 85%; and §27-20002 to allow a 26 off-street parking spaces and 7 off-premises parking spaces for a total of 33 parking spaces, where 46 parking spaces are required. The subsequent Settlement Agreement amended the 7 off-premises parking spaces requirement for a one-time financial contribution to the Borough's Shuttle Program.

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](mailto: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](mailto:zoning@conshohockenpa.gov).

Thank you,  
Zoning Hearing Board



# BOROUGH OF CONSHOHOCKEN

*Office of the Borough Manager*

*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

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Date: July 20, 2023  
To: Stephanie Cecco, Brittany Rogers  
From: Allison A. Lee, PE  
Re: 701 Fayette Street Extension Request – Zoning Determination

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## **History of the Site:**

701 Fayette Street is an approximately 18,000 SF corner property located at the northeast corner of Fayette Street and East Seventh Avenue. The property was formerly an Exxon gas service station and automotive repair shop. The site is located within the BC – Borough Commercial zoning district. The site is fronted by Fayette Street to the west and East Seventh Avenue to the south; commercial properties to the north and southeast; and residential properties zoned in the BR-1 - Borough Residential District One zoning district to the northeast.

The applicant, CGEM, LLC, proposes to demolish all of the existing site improvements in order to construct a three-story, mixed-use building with commercial retail on the first floor and nine (9) residential apartments on the second and third floors. The applicant also proposes new curbing, sidewalk, landscaping, and an off-street parking lot with twenty-six (26) parking spaces, including two (2) ADA accessible parking spaces. Access to the new off-street parking lot is located off of East Seventh Avenue.

The applicant went before the Conshohocken Borough Zoning Hearing Board under Zoning Application no. Z-2021-09 and was granted zoning relief for the following sections of the Borough Zoning Ordinance on December 2, 2021:

- §27-1303.F – Variance to allow an overall impervious coverage of 88.9% where the maximum impervious coverage cannot exceed 85%.
- §27-20002 – Variance to allow a 26 off-street parking spaces and 7 off-premises parking spaces for a total of 33 parking spaces, where 46 parking spaces are required.

The Zoning Hearing Board approval of the variances were conditioned upon the Applicant securing and executing an agreement for the rights for the 7 off-premises parking spaces. However, subsequent to the Zoning Hearing Board Decision, and pursuant to a Settlement Agreement dated June 22, 2022, the Zoning Hearing Board Decision of securing and executing an agreement for the rights for the seven (7) off-premises parking spaces was amended to instead require the Applicant to make a one-time financial contribution in the amount of \$25,000.00 to the Borough's Shuttle Program.

In accordance with §27-613 of the Zoning Ordinance, the zoning relief granted expires if the applicant does not obtain any and all required permits within one year of the date of approval. The reliefs were

granted by the Zoning Hearing Board in the December 21, 2021 Decision and the subsequent Settlement Agreement is dated June 22, 2022.

**Current Request:**

The applicant, CGEM, LLC, is requesting an extension of the granted zoning reliefs for an additional two (2)-years extension to June 22, 2025.

**Zoning Determination:**

The proposed development constitutes a land development under the Pennsylvania Municipalities Planning Code, requiring the applicant to complete the Borough's established land development process. The land development process is currently in progress and the Applicant has received land development application reviews and recommendations by the Borough and County Planning Commissions, and has obtained preliminary/final land development application approval from Borough Council by Resolution no. 2023-06 on February 15, 2023. The applicant cannot proceed to apply for permits until the project has adequately addressed all outstanding review comments and obtained the required approvals for land development plans recordation. Therefore, an extension of the previously granted relief is required.



**Mark S. Danek, Esquire**  
Direct Dial: 484-344-5429  
E-mail: [mark.danek@obermayer.com](mailto:mark.danek@obermayer.com)  
[www.obermayer.com](http://www.obermayer.com)

1001 Conshohocken State Road  
Suite 1-210  
West Conshohocken, PA 19428  
P 610-234-4877  
F 610-825-4549

June 29, 2023

**VIA Electronic Mail**

Allison Lee, Zoning Officer  
Conshohocken Borough  
400 Fayette Street  
Conshohocken, PA 19428  
[zoning@conshohockenpa.gov](mailto:zoning@conshohockenpa.gov)

**RE: 701 Fayette Street – Application No. Z-2021-09  
Request for Extension of Zoning Hearing Board decision dated December 2,  
2021 as modified by the Stipulation of Settlement Dated June 22, 2023**

Dear Ms. Lee:

This firm represents CGEM, LLC (“Applicant”), with respect to property located at 701 Fayette Street, in Conshohocken Borough (the “Subject Property”). After several hearings, the Applicant was granted two variances: (i) allowed impervious lot coverage, and (ii) modification of the parking requirement to allow for seven (7) off-premise parking stalls. The Board’s decision was eventually appealed by a neighboring landowner (the “Objector”). In June of 2022, the Applicant, the Objector and the Borough reached an amicable settlement of the Appeal.

On February 16, 2023, Applicant secured Preliminary/Final Land Development Approval subject to compliance with the terms of Resolution 2023-06. Since that time, Applicant has engaged its engineers and architects to gather the information required by the Resolution. Additionally, Applicant’s engineer is working on amending the current drawing set to meet the Resolution’s conditions. This process has taken longer than expected.

By way of background, Applicant was required to televise the sewer lines as part of its sewage tie-in application. Due to an oversight, the sewer lines were not immediately televised. Once that was complete, Applicant then was able to submit its plan for the new sewer connection. Applicant is currently completing the design of the sanitary sewer connection and will submit for approval by the Sewer Authority in the coming weeks.



Allison Lee, Zoning Officer  
June 29, 2023  
Page 2 of 2

Likewise, given the location and natural stormwater runoff on the Subject Property, Applicant and the Borough's Engineer have recently agreed on the proper design of the stormwater management system to be incorporated into the project. The design went through a few iterations to address various concerns raised by the Borough's engineer.

Lastly, it took some time for Applicant to secure the finalized plans from PENNDOT regarding the upgrades and improvements to the intersection of 7<sup>th</sup> and Fayette Streets. Now that Applicant has the final plans, Applicant will be incorporating those final upgrades and improvements into the Final Plan Set prepared to meet the conditions of the Land Development Approvals.

As a result of the foregoing, Applicant seeks an extension of the zoning relief for two (2) years to June 22, 2025. While Applicant expects to be completed with the land development process well before the two (2) years run, and intends to break ground shortly thereafter, Applicant makes this request in an abundance of caution to allow it sufficient time to complete the land development process and move into the permitting process.

Kindly place this request on the August 21, 2023 Zoning Hearing Board agenda. Please contact me with any questions.

Regards,

*/s/ Mark S. Danek*

MARK S. DANEK

MSD/

cc: Mun Chung, CGEM, LLC  
John Mancini



# 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

February 16, 2023

VIA EMAIL ONLY (mrchung133@gmail.com)

CGEM LLC  
Mun Chung  
6060 Creekside Drive  
Flourtown, PA 19031

**Re: 701 Fayette Street  
LD-2022-04  
Preliminary/Final Land Development Application**

Dear Mr. Chung,

This letter is to confirm that Borough Council, at its February 15, 2023 public meeting, approved the preliminary/final land development application for 701 Fayette Street. This approval was granted subject to compliance with all of the terms and conditions set forth in Resolution 2023-06, which is enclosed for your records.

At this time, please submit revised plans in compliance with the latest Borough professional review letters.

Should you have any questions, please do not hesitate to contact the Borough office at 610-828-1092.

Sincerely,

Stephanie Cecco  
Borough Manager

CC: Michael Peters, Borough Solicitor (via email)  
Karen MacNair, Borough Engineer (via email)  
Tracey Borusiewicz, Borusiewicz Surveyors & Site Planners (via email)  
Mark Danek, Esq., The Danek Law Firm (via email)  
John Mancini, Coldwell Banker Preferred (via email)

**BOROUGH OF CONSHOHOCKEN  
COUNTY OF MONTGOMERY**

**RESOLUTION 06 OF 2023**

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RE: Approval of Preliminary/Final Land Development Plan  
701 Fayette Street

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**WHEREAS**, the Borough of Conshohocken has received an application from CGEM LLC (the "Applicant") for preliminary and final approval of land development plans and related materials as follows: land development plan set prepared by Borusiewicz Surveyors and Site Planners, dated July 22, 2022, last revised November 30, 2022, consisting of 6 sheets; plan titled "Existing Drainage Plan", prepared by GME Engineering, dated August 24, 2022, last revised November 21, 2022; a plan titled "Proposed Drainage Plan", prepared by GME Engineering, dated August 24, 2022, last revised November 21, 2022; and a drainage report prepared by GME Engineering, last revised November 21, 2022 (hereinafter, as further revised to comply with this Resolution, collectively referred to as the "Plan"), for property located at 701 Fayette Street, Conshohocken, PA (the "Property", as more specifically identified below).

**WHEREAS**, the Property is comprised of a single tax parcel, parcel no. 05-00-03296-00-2, zoned BC Borough Commercial District, and comprising 18,000 square feet (0.413 acres) and currently containing a one-story 1,976 square foot footprint gas station building and associated paved parking and circulation areas. Applicant proposes to remove all existing features from the Property, with the exception of a portion of an existing paved alley located in the northeastern corner of the Property.

**WHEREAS**, the Applicant proposes to construct a three-story 6,250 square foot footprint mixed use building with retail use on the ground floor and a total of 9 apartments across the second and third floors. Associated proposed improvements include 26 parking spaces, lighting, landscaping, and sidewalk and curb replacement along the entire Fayette Street and East 7th Avenue frontages. Applicant also proposes to construct an underground seepage bed within the parking area to address stormwater management. The work and improvements set forth in this paragraph, the preceding paragraph, and as shown on the Plan are referred to herein as the "Project".

**WHEREAS**, the Zoning Hearing Board of the Borough of Conshohocken granted variances from the following sections of the Conshohocken Zoning Ordinance of 2001 (the “Zoning Ordinance”) in application no. Z-2021-09, by decision dated December 2, 2021 (the “ZHB Decision”):

- Zoning Ordinance §27-1303.F to allow an overall impervious surface coverage of 88.9% of the lot area, where the maximum permitted impervious surface coverage is 85% of the lot area;
- Zoning Ordinance §27-2002 to allow 26 off-street parking spaces, and 7 off-site parking spaces, for a total of 33 parking spaces, where 46 parking spaces are required. The 7 off-site parking spaces were to be secured by execution of a separate written agreement.

The variances were granted by the Zoning Hearing Board conditioned on the Applicant “securing and executing an agreement for the rights for the seven (7) off-site parking spaces.” The ZHB Decision is attached hereto as exhibit “A” and incorporated herein as if fully set forth.

**WHEREAS**, an objector appealed the ZHB Decision to the Court of Common Pleas of Montgomery County, at docket no. 2021-25018 (the “Court Appeal”). The Court Appeal was settled by Stipulation and Settlement Agreement dated June 22, 2022 (the “Settlement Agreement”). A true and correct copy of the Settlement Agreement is attached hereto as exhibit “B” and incorporated herein as if fully set forth. The Settlement Agreement amended the conditions of approval contained in the ZHB Decision, as set forth in the Settlement Agreement, including specifically by removing the requirement for the offsite parking spaces.

**WHEREAS**, the Applicant has filed an application for preliminary and final land development approval for the Project, and requested the following waivers from the requirements of the Conshohocken Subdivision and Land Development Ordinance (“SALDO”):

- a partial waiver from SALDO §22-306.A(1) from showing existing features within 100 feet of the proposed development, subject to providing such additional information as shall be required by the Borough Engineer during the review process;
- a waiver from SALDO §22-308.C to allow one submission for preliminary and final land development;
- a waiver from SALDO §22-404.3.F(1), §22-404.3.F(2), §22-404.3.F(5) and §22-421.5 requiring buffer strips, screens, and shade trees, conditioned on the applicant installing an opaque fence around the trash enclosure, planting a minimum of 48” high

evergreen shrubs along East 7th Avenue, and planting a minimum of 6' high evergreens along the eastern property line;

- a waiver from §22-409.2 to permit grading within 3' of the property lines and rights-of-way;
- a waiver from SALDO §22-420.2 to permit only 2 replacement trees rather than the minimum number required;
- a waiver from SALDO §22-421.4 to permit street shade trees to be planted within the right-of-way, rather than a minimum of 5' inside the property lines, subject to the applicant's/property owner's agreement to maintain the trees; and
- a partial waiver from SALDO §22-804 to permit a fee-in-lieu of dedication of park/recreational land/facilities.

**WHEREAS**, the Borough Planning Commission has recommended approval of the Plan and waivers, subject to certain required conditions, including the condition that the Applicant plant larger buffer trees than those shown on the Plan, subject to the review of the Borough; and

**WHEREAS**, Borough Council of the Borough of Conshohocken finds it to be in the best interest of the Borough to grant **CONDITIONAL PRELIMINARY** and **FINAL APPROVAL** of the Plan, subject to compliance with all of the terms and conditions set forth in this Resolution.

**NOW THEREFORE**, the Borough Council of the Borough of Conshohocken hereby grants **PRELIMINARY** and **FINAL** approval of the Plan, subject to compliance with all of the following conditions:

1. Applicant is granted the requested **WAIVER** from the requirements of SALDO §22-306.A(1) to excuse the requirement that all existing features within 100 feet of proposed development be depicted on the Plan, subject to the condition that the Applicant shall submit all information deemed necessary by the Borough Engineer during the review process.
2. Applicant is granted the requested **WAIVER** from SALDO §22-308.C to permit only one submission for preliminary and final land development approval.
3. Applicant is granted the requested waivers from SALDO §22-404.3.F(1), §22-404.3.F(2), §22-404.3.F(5) and §22-421.5 requiring buffer strips, screens, and shade trees, conditioned on the applicant installing an opaque fence around the trash enclosure, planting a minimum of 48" high evergreen shrubs along East 7th Avenue, and

planting a minimum of 6' high evergreens along the eastern property line.

4. Applicant is granted the requested WAIVER from the requirements of SALDO § 22-409.2 to permit grading within 3 feet of the property lines.
5. Applicant is granted the requested waiver from SALDO §22-420.2 to permit only 2 replacement trees instead of the minimum number of replacement trees required, subject to the condition that Applicant shall plant larger trees within the eastern buffer than those currently shown on the Plan, subject to the review of the Borough.
6. Applicant is granted a PARTIAL WAIVER from the requirements of SALDO §22-421.4, to permit the Applicant to locate street trees within the right-of-way, subject to the requirement that PennDOT approve of the placement of the trees (where required) and that the Applicant maintain the trees.
7. Applicant is granted a partial waiver from the requirements of SALDO §22-804, to permit payment of a fee in lieu of park and recreation facilities, in the amount of \$36,000.00, to be paid contemporaneously with recording of the record plans for the Project.
8. Applicant shall comply with all comments in the review letter dated January 5, 2023, prepared by the Borough Engineer., attached hereto as exhibit "C" and incorporated herein as if fully set forth, except to the extent that certain SALDO requirements are waived by the terms of this Resolution.
9. Applicant shall comply with all comments in the review letter dated dated January 5, 2023, prepared by the Borough Zoning Officer, attached hereto as exhibit "D" and incorporated herein as if fully set forth.
10. Applicant shall comply with the review letter dated January 5, 2023, prepared by the Borough Fire Marshal, attached hereto as exhibit "E" and incorporated herein as if fully set forth.
11. Applicant shall comply with the review letter dated January 5, 2023, of the Borough Traffic Engineer, attached hereto as exhibit "F" and incorporated herein as if fully set forth..
12. Applicant shall comply with the review letter of the Montgomery County Planning Commission dated September 29, 2022, to the extent

required by the Borough, attached hereto as exhibit "G" and incorporated herein as if fully set forth.

13. Construction of the Project shall substantially comply with the application materials submitted to the Borough, including the Plan and the renderings prepared by JL Architects, dated July 29, 2022, sheets SK. 1, SK.2, and SK.3, attached hereto as exhibit "H" and incorporated herein as if fully set forth.
14. Applicant shall comply with all conditions imposed in the ZHB Decision, except as amended by the Settlement Agreement.
15. Applicant shall comply with the terms of the Settlement Agreement, including the requirement that Applicant shall make a contribution to the Borough's shuttle program in the amount of \$25,000.00 contemporaneously with recording of the record plans for the Project.
16. Applicant shall execute a permanent easement to the satisfaction of the Borough Manager and Borough Solicitor, permitting the existing alley encroachment on the Property to remain.
17. Applicant shall obtain the approval of the Borough Manager and Borough Solicitor for any shared parking or similar agreement between the retail users and residential users of the Project, addressing use of the parking lot.
18. Applicant shall execute a Storm Water Operations and Maintenance agreement, in a form deemed acceptable to the Borough Manager and Borough Solicitor, to guarantee the maintenance of any and all storm water facilities contemplated in the development of the Plan.
19. Applicant shall execute a Land Development and Escrow agreement for the Project satisfactory to the Borough Manager and Borough Solicitor, prior to the issuance of any building permits, and shall post such escrows as may be required by the Borough to defer the administrative, legal, engineering and inspection costs associated with the Plan.
20. Applicant shall satisfy any and all outstanding invoices from the Borough relative to the review and approval of the Plan, and shall post such escrow as required by the Borough to secure the public improvements proposed on the Plan, as well as to defer the administrative, engineering and legal expenses incurred by the

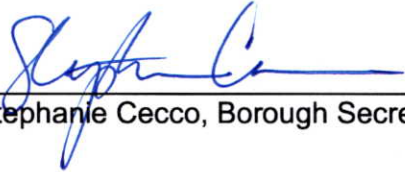
Borough for the construction and inspection of any public improvements proposed on the plan.

21. The Applicant shall abide by all of the terms and conditions of this Resolution, and shall demonstrate compliance with each and every condition, unless otherwise provided, prior to the issuance of any building or other permits for this project pursuant to the Plan.

**ADOPTED and APPROVED**, this 15<sup>th</sup> day of February, 2023 in Council Chambers.

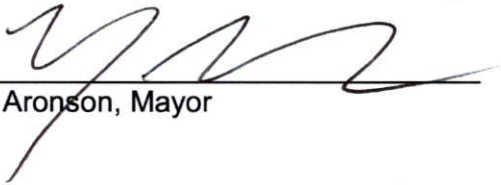


Colleen Leonard  
Council President



Stephanie Cecco, Borough Secretary

APPROVED this 15<sup>th</sup> day of February, 2023.



Yaniv Aronson, Mayor



**EXHIBIT "A"**

**ZHB DECISION DATED DECEMBER 2, 2021**

**BEFORE THE ZONING HEARING BOARD OF CONSHOHOCKEN**

**IN RE: APPLICATION OF CGEM, LLC**

**REGARDING**

**701 FAYETTE STREET**

**APPLICATION NO. Z-2021-09**

**DECISION OF THE BOARD**

**I. HISTORY**

On April 16, 2021, CGEM, LLC, Mun Chung, Member (the “Applicant”) filed a Zoning Hearing Board application before the Conshohocken Zoning Hearing Board (the “ZHB”) seeking dimensional variances from the standards of the BC Zoning District of the Borough of Conshohocken Ordinance (the “Ordinance”) for the property located at 701 Fayette St. Conshohocken, PA 19428 (the “Subject Property”) (the “Application”).

The Applicant’s specific request for relief includes the following:

1. A variance from the terms of Section 27-1303.F to allow an overall impervious coverage of 88.9 percent where the Ordinance requires that the maximum impervious coverage cannot exceed 85% of the lot area.
2. A variance from the terms of Section 27-2002 to allow 26 off-street parking spaces and 7 off-premises parking spaces for a total of 33 parking spaces where the Ordinances requires 46 parking spaces.

After notice was duly given and advertised, hearings were held on June 21, July 19, September 13, and October 18, 2021. At the hearings, the following Exhibits were introduced and admitted:

## Conshohocken Zoning Hearing Board Exhibits

- P-1 Artist's Rendering and Exhibit List
- P-2 Zoning Application
- P-3 Deed
- P-4 Mixed Use Renderings
- P-5 19 photographs of the site and the surroundings taken on April 5, 2021
- P-6 14 photographs
- P-7 Parking Assessment by Dynamic Traffic dated April 9, 2021
- P-8 Curriculum Vitae of Justin P. Taylor
- P-9 Zoning Plan
- P-10 Satellite Image Overlay
- P-11 Petition In Support
- P-12 Zoning Notice
- P-13 Zoning Determination
- P-14 Entry of Appearance of Julian Miraglia
- P-15 Pennoni Review Letter
- P-16 Dynamis Traffic parking assessment
- P-17 Off-site parking
- P-18 Zoning Plan
- P-19 Church Property Diagram
- P-20 Letter dated 10/15/21
- P-21 Letter dated 10/14/21

## Applicant's Exhibits

- A-1 Site Plan
- A-2 Ground Level Photographs
- A-3 Site Plan
- A-4 2005 Easement
- A-5 2006 Easement
- A-6 Parking Summary
- A-7 International Building Code Excerpt
- A-8 Yoga Studio Schedule
- A-9 Letter dated 8/12/21

Applicant was represented by Mark S. Danek, Esq. of The Danek Law Firm, LLC.

Julian V. Miraglia was granted party status and expressed concerns that the Applicant's request is too big to meet the requirements of the Ordinance.

## **II. FINDINGS OF FACT**

1. The Subject Property is located at 701 Fayette Street.
2. The Subject Property is an abandoned Exxon station.
3. The Subject Property is located in the Borough Commercial Zoning District.
4. The Applicant is proposing to construct a three-story mixed-use development, with the first floor consisting of retail space.
5. The second and third floors of the Applicant's proposal will be apartments.
6. The Applicant initially proposed five (5) two (2) bedroom units on the second and third floors for a total of 10 apartments, but reduced the number of total apartments to nine (9).

7. The Applicant initially proposed 27 on-site parking stalls but reduced the number of on-site parking stalls to 26.
8. The Applicant proposes five (5) new on-street stalls.
9. There would be a total of seven (7) off-site parking stalls.
10. The Applicant is the legal owner of the Subject Property.
11. John Mancini, a realtor with Coldwell Banking, offered the following testimony on behalf of the Applicant:
  - a. The lower level of the building would be a basement area that will house the utilities.
  - b. The first floor of the building would have 4,700 square feet of retail space.
  - c. On the first floor, there would also be a lobby that is going to enter into a stairwell and also the elevator.
  - d. There will be two sets of stairwells going to the second and third floor.
  - e. The Applicant made a commitment not to have any sit-down food operations or any food preparation in the building.
  - f. On the second floor, the Applicant is proposing five (5) units, which would be two-bedroom units.
  - g. The third floor of the building would mirror imaging the second floor.
  - h. The ten (10) two-bedroom apartments would be serviced by two (2) stairwells and an elevator.
  - i. On the north side of the beginning of the property line, there is about an eight to nine foot drop from the top of the property down to the corner of 7<sup>th</sup> and Fayette Street, so there is a decline in elevation.

- j. The rear of the building is where the parking lot is going to be.
- k. The building will have all ADA access, so all the units in the apartments will be ADA accessible.
- l. The parking rendering proposal is where all the residential units will enter, and the commercial units will also enter through the parking lot and along Fayette Street.
- m. The Applicant has proposed 27 off-street parking spaces.
- n. The lobby, elevators, and stairwells will be able to be accessed through the rear of the building.
- o. Mr. Mancini was involved in the planning of this concept.
- p. The Subject Property was purchased on May 17, 2019 and the project was delayed due to the Covid-19 pandemic.
- q. The team utilized and considered the borough comprehensive plan when developing this concept.
- r. The Applicant had almost 100 percent approval from everyone with respect to the project.
- s. Parking is readily available on the street, both sides of the street of 7<sup>th</sup> Avenue.
- t. The hours of operation for retail would be early in the morning and would be closed around the times of 6:30-7:30 at night.
- u. The actual project was designed with an 85 percent impervious coverage and the only thing that prevented that amount was the 3.8 of the neighbors encroaching in the rear left-hand corner of the property.

- v. If the Applicant was to erect a one-story building for commercial use only, the Applicant would still need 26 off-street parking spaces for the commercial use.
  - w. The parking spaces would be on a first come, first serve basis.
  - x. Mr. Miraglia was approached on two separate occasions about entering into a parking lease for his property located across the street and indicated that he had no interest in leasing the parking spaces.
12. Tracey Borusiewicz, a civil engineer and site planner, offered the following testimony on behalf of the Applicant.
- a. Mr. Borusiewicz prepared the Applicant's Exhibit Number 1.
  - b. In the event that the paving is right up to the back of the Applicant's parking, there would be a fence placed there.
  - c. The sidewalk is right up to the building, which makes the retail spaces more accessible for pedestrians coming up the street.
  - d. Along Fayette Street, there are extra long depressions in two places on either side of what used to be the gas station.
  - e. The Applicant is picking up at least five additional on-street spots that are contiguous to the property on both sides.
  - f. Down 7<sup>th</sup> Street, there is an opening that is closer to the corner and the Applicant is going to move that back down, which ends up adding a couple of spots there.
  - g. On Exhibit P-9, the Applicant's site is located right in the middle.
  - h. Along the middle, from 8<sup>th</sup> Avenue over to 7<sup>th</sup>, there is a 20-foot wide strip.
  - i. The storm water management would probably be on the side of the parking lot closer to 7<sup>th</sup> Avenue.

- j. The 30-50 feet of depressed curb that is present on Fayette Street will become full height, and on-street parking will be made available once that happens.
- k. The Applicant is going to build the storm water runoff underneath the parking lot because there is no room anywhere else and there is not a full-fledged storm system in the existing roads.
- l. There are no inlets that are immediately adjacent to the site along the curb.
- m. There is nowhere to do the storm water facility because the whole lot is covered with either building or parking.
- n. The 10 evergreen trees in the back will end up being removed because the trees are in the way of the 13 spots.
- o. The Applicant will be required to replace the trees all along the wall and off the parking lot, and there will be a buffer strip that would be created for privacy.
- p. The 27 stalls for the site parking lot has been reduced to 26.
- q. The spot closest to the trash receptacle was allocated as a turnaround that would enable people to turn around and come out of the lot.
- r. The proposal originally added nine on-street parking stalls, but one will be eliminated so the total will come out to eight on-street parking stalls added as a result of the proposal.
- s. The Applicant was asked to leave a pair of spots for the church, which is on 6<sup>th</sup> and Fayette, in the event of a snow emergency.
- t. The Applicant plans on relocating a shed in order to make their 7<sup>th</sup> spot usable.
- u. The HVAC unit is not going to go anywhere and it has a fence around it.
- v. The shed will be relocated into the back corner.



- w. The shed is a movable wooden shed and the two spots will be marked for the church use only.
13. Justin Taylor was qualified as a traffic study expert and offered the following testimony on behalf of the Applicant:
- a. In developing the report marked as Exhibit P-7, Mr. Taylor reviewed the parking standards from a municipal standpoint and from current national trends to determine whether there was going to be sufficient parking for the project as proposed.
  - b. The proposed 5,155 square foot retail component of the first floor would equal a parking requirement of 26 spaces, for a total of 46 spaces.
  - c. The 5,155 is based on a prior iteration of the retail component on the first floor, which had additional tenant space, so the square footage was slightly higher in comparison to what is currently before the Board.
  - d. Based upon data contained within the “Parking Generation” publication from the Institution of Transportation Engineers, there would be a parking demand of 2.91 spaces per thousand square feet for a retail component based on the original 5,155 square feet.
  - e. This would equate to a parking demand of 15 spaces.
  - f. For the residential component, the manual for multifamily housing would project a demand ratio of 1.21 spaces per unit, for a total of 12 spaces for the proposed ten units.
  - g. The Applicant would expect a parking demand of 27 spaces for the proposed site.

- h. From a residential standpoint, there would be a peak demand during the nighttime, when all of the residents are home and then that demand would drop as people leave for work.
- i. By 9 AM, there would be a total demand of about 45 percent for the site.
- j. As people return from work, the demand starts to increase.
- k. For retail, the typical peak time occurs between 12:00 and 1:00 P.M.
- l. Based on the two different peaking characteristics, it allows for the sharing of the spaces on the site.
- m. It is anticipated that there will be a maximum demand on a weekday of about 20 spaces and a max demand on the weekend of about 24 spaces.
- n. There is an increase in parking that is being provided on the street.
- o. The parking that will be provided on the street will be usable by the surrounding businesses and residents.
- p. The demand generated by retail has gone down, given the delivery services and the ride sharing phenomenon.
- q. In a walkable community where there are opportunities to shop, dine, and complete various other tasks, there is less reliance on vehicular travel and demand.
- r. The Parking Generation sets forth the parking ratios of 75<sup>th</sup> percentile demand for a retail component of 3.74 spaces per thousand square feet.
- s. For the 4,733 square feet, this would equate to 18 spaces required for the retail component.

- t. The residential use comes in at 1.61 spaces per unit, which equates to another 15 spaces for the residential side of it.
- u. The combination of the spaces provided for retail and residential adds up to an anticipated demand of 33 spaces for the development.
- v. A comprehensive analysis of the on-street parking was conducted.
- w. Parking counts, as part of the analysis, was conducted within a one-block radius of the site, along both Fayette and Harry between 6<sup>th</sup> and 8<sup>th</sup>, and along 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> between Forrest and Harry.
- x. These counts were conducted between 12:00 noon and 8:00 PM on Thursday 8/5, Friday 8/6, and Saturday 8/7 to get a typical weekday, a Friday evening, and then a Saturday to see if there were varying characteristics.
- y. In that surrounding one-block area, there is approximately 155 available on-street spaces and there is a demand ranging between 71 spaces occupied and 114 spaces occupied.
- z. During any of these times, there are between 41 and 84 spaces within a one-block radius that is available for vehicles to park in.
- aa. Any vehicle that might end up on the street is not going to create any type of imposition to the surrounding residents or the surrounding retail component.

### **III. CONCLUSIONS OF LAW**

From the facts presented, it is the judgment of the Board that Applicant shall be granted the requested variances. The Applicant has proven an unnecessary hardship unique or peculiar to the property and that the variance is not contrary to the public interest. The Order and Decision

reflect this determination. Accordingly, the Board is able to make the following relevant findings under Section 910.2 of the MPC:

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

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

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

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

5. That the variance will represent the minimum variance that will afford relief and will represent the least modification possible under the pertinent provisions of the Ordinance.

**ORDER**

**AND NOW**, this 2<sup>nd</sup> day of December, 2021, the Application of CGEM, LLC, Mun Chung, seeking variances from the Conshohocken Borough Zoning Ordinance of 2001 is **GRANTED** to permit the construction of a three-story mixed-use development with the first floor containing retail space and the second and third floors containing nine (9) apartments and to allow 26 on-site parking spaces and seven (7) off-site parking spaces. Such relief is conditioned upon Applicant securing and executing an agreement for the rights for the seven (7) off-site parking spaces.

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

**CONSHOHOCKEN ZONING HEARING BOARD**

Date Personally Delivered:

\_\_\_\_\_

\_\_\_\_\_  
Richard D. Barton

\_\_\_\_\_  
Mark S. Danek

Or Date emailed:

12/2/2021  
\_\_\_\_\_

\_\_\_\_\_  
Gregory Scharff

\_\_\_\_\_  
Marlowe Doman

\_\_\_\_\_  
Alan Chmielewski

I, Alexander Glassman, the Solicitor of the Conshohocken Zoning Hearing Board, hereby certify that each member of said Board has read and approved this written opinion, which accurately reflects the actions and vote by said Board at its October 18, 2021 hearing in this matter. Said Board members have consented to their signatures to be affixed to this Decision as above.

*Alexander M. Glassman*

\_\_\_\_\_  
Alexander M. Glassman, Esquire

**EXHIBIT "B"**

**SETTLEMENT AGREEMENT DATED JUNE 22, 2022**

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**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY,  
PENNSYLVANIA  
CIVIL ACTION**

Julian V. Miraglia and :  
612 Fayette Associates, LP :  
Appellants :  
v. : Land Use Appeal  
Conshohocken Zoning Hearing Board : Docket No. 2021-25018  
Appellee :

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**STIPULATION AND SETTLEMENT AGREEMENT**

This Stipulation and Settlement Agreement (“Agreement”) is made this 22 day of June, 2022 by and among Appellants Julian V. Miraglia and 612 Fayette Associates, LP (“Appellants”), Appellee Conshohocken Zoning Hearing Board (the “ZHB”), Intervenor CGEM, LLC (“Applicant”), and Intervenor Borough of Conshohocken (the “Borough”), agreeing as follows:

**BACKGROUND**

A. Applicant applied to the ZHB for certain variances from the standards of the Conshohocken Borough Zoning Ordinance of 2001 (“the “Zoning Ordinance”), and specifically from:

1. Zoning Ordinance § 27-1303.F to allow an overall impervious surface coverage of 88.9% of the lot area, where the maximum permitted impervious surface coverage is 85% of the lot area; and
2. Zoning Ordinance § 27-2002 to allow 26 off-street parking spaces and 7 off-site parking spaces for a total of 33 parking spaces where 46 parking spaces are

required. The 7 off-site parking spaces were to be secured by execution of a separate written agreement.

The variances described in this paragraph are referred to hereinbelow as the “Requested Zoning Relief”.

B. The Requested Zoning Relief was granted by the ZHB by decision issued December 2, 2021 (the “Decision”). The approval granted by the Decision was conditioned on the Applicant “securing and executing an agreement for the rights for the seven (7) off-site parking spaces.”

C. The Requested Zoning Relief was sought to permit Applicant to construct a 3-story, mixed-use development with the first floor containing retail space and the second and third floors containing 9 apartments (the “Project”). The Project was proposed on the property located at 701 Fayette Street, Conshohocken, PA 19428 (the “Property”).

D. Appellants appealed the Decision to this Honorable Court by notice of appeal filed December 29, 2021.

E. Applicant and the Borough intervened by Notices of Intervention filed January 7, 2022, and January 21, 2022 respectively.

F. Since the appeal was filed, the Borough has started the process of reanalyzing the zoning along the Fayette Street corridor (which includes the Property). That analysis includes addressing the issue of parking along the Fayette Street corridor, including the establishment of a shuttle program from the readily available public parking located in parking garages on the lower end of Fayette Street (near the Schuylkill River) to the upper end of Fayette Street. The shuttle program would serve to provide shuttle access to the Property from the aforementioned parking garages.



G. The parties have engaged in settlement discussions, which settlement discussions have included the mutual benefit of the shuttle program to the parties.

H. The parties to this appeal desire to resolve the issues raised in this appeal without further litigation on the terms set forth hereinbelow.

NOW, THEREFORE, intending to be legally bound, and for valuable consideration exchanged, the adequacy of which is hereby acknowledged, the parties agree as follows:

**AGREEMENT**

1. The foregoing Background paragraphs A through H are incorporated herein as if fully set forth.

2. The zoning relief granted for the Project is hereby amended to remove the requirement of 7 off-site parking spaces, and to remove the condition for execution of an agreement for the rights to use the off-site parking spaces.

3. Instead of providing 7 off-site parking spaces, Applicant shall, upon receipt of final, unappealable land development approval, make a one-time contribution to the Borough's shuttle program in the amount of \$25,000.00, payable to the Borough. The contribution required by this paragraph shall be made contemporaneously with recording of the Land Development Agreement for the Project.

4. This Court shall retain jurisdiction until the contribution required by paragraph 3 is made to the Borough. At that time, Appellants shall file a praecipe to settle, discontinue, and end this appeal.

5. The parties agree that this Agreement shall be presented to the Court for adoption of this Agreement by order of Court.

6. This Agreement reflects the entire understanding and agreement of the parties in connection with the matters set forth herein. The terms of this Agreement may be amended, modified or waived only by an instrument in writing signed by all of the parties and upon Court approval.

7. The terms and provisions of this Agreement were jointly negotiated and finalized, and no provision of this Agreement shall be construed against or interpreted to the disadvantage of any of the undersigned parties by any court or other governmental or judicial authority by reason of any of the undersigned parties being deemed to have drafted, structured or dictated such provision thereof.


8. This Agreement may be executed in any number of counterparts, and by each of the parties on separate counterparts, each of which, when so executed, shall be deemed an original, but all of which shall constitute but one and the same instrument. Delivery of an executed counterpart of this Agreement by facsimile or electronic transmission shall be equally as effective as delivery of an original.

9. This Agreement shall inure to the benefit of, and be binding upon, each of the parties and their respective successors and assigns.

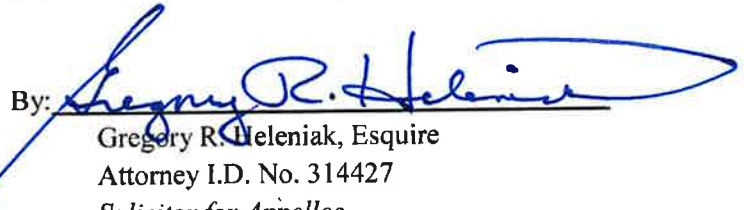
10. The parties hereto declare that they have read and fully understand the terms of this Agreement, have consulted with their respective counsel, or have had full opportunity to consult with counsel, regarding such terms and that they voluntarily accept the same for purposes of making a full and final compromise, adjustment and settlement of any and all issues raised in the Appeal. The parties further declare that the respective person executing this Agreement on their behalf has complete and absolute authority to do so for the purposes contained herein.

IN WITNESS WHEREOF, the parties hereto execute this Settlement Agreement as of the date set forth above.


**DAVIS BUCCO MAKARA & DORSEY**

By:   
Paul A. Bucco, Esquire  
Attorney I.D. No. 52561  
*Attorneys for Appellants Julian V. Miraglia  
and 612 Fayette Street Associates, L.P.*


**RUDOLPH CLARKE, LLC**

By:   
Gregory R. Heleniak, Esquire  
Attorney I.D. No. 314427  
*Solicitor for Appellee  
Conshohocken Zoning Hearing Board*

**THE DANEK LAW FIRM**

By:   
Mark S. Danek, Esquire  
Attorney I.D. No. 84825  
*Attorney for Intervenor CGEM, LLC*

**EASTBURN AND GRAY, PC**

By:   
Michael E. Peters, Esquire  
Attorney I.D. No. 314266  
*Solicitor for Borough of Conshohocken*

**EXHIBIT "C"**

**REVIEW LETTER OF THE BOROUGH ENGINEER DATED JANUARY 5, 2023**



January 5, 2023

File No. 22-09016

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

Reference: 701 Fayette Street (S.R. 3016) – LD 2022-04  
TMP #05-00-03296-00-2  
Minor Land Development – Review 2

Dear Ms. Cecco:

Pursuant to the Borough's request, Gilmore & Associates, Inc. has reviewed the revised Minor Land Development submission for the above-referenced project. Upon review we offer the following comments for consideration by the Conshohocken Borough Council:

I. Submission

- A. Plans, consisting of sheets 1 through 6 of 6, dated July 22, 2022 and last revised November 30, 2022, as prepared by Borusiewicz Surveyors and Site Planners for CGEM, LLC
- B. Drainage Report, dated August 24, 2022 and last revised November 21, 2022, as prepared by GME Engineering for 701 Fayette Street
- C. Drainage Plans, consisting of sheets 1 through 2 of 2, dated August 24, 2022 and last revised November 21, 2022, as prepared by GME Engineering for 701 Fayette Street

II. Project Description

The subject property, Tax Map Parcel 05-00-03296-00-2, is situated in the BC Borough Commercial District on the northeast corner of Fayette Street (S.R. 3016) and East 7<sup>th</sup> Avenue. The property is 18,000 square feet (0.413 acres) and currently contains a one-story 1,976 square foot footprint gas station building and associated paved parking and circulation area. All existing features are to be removed from the site, with the exception of a portion of an existing paved alley located in the northeastern corner.

The Applicant proposes to construct a three-story 6,250 square foot footprint mixed use building with retail use on the ground floor and a total of nine (9) apartments on the second and third floors. Associated proposed improvements include 26 parking spaces, lighting, landscaping, and sidewalk and curb replacement along the entire Fayette Street and East 7<sup>th</sup> Avenue frontages. The Applicant is also proposing to construct an underground seepage bed within the parking area to address stormwater management. The project appeared before the Zoning Hearing Board and received variances related to the proposed impervious coverage and number of parking spaces.

III. Review Comments

A. Zoning Ordinance

We defer all comments with respect to the Conshohocken Borough Zoning Ordinance to the Borough's Zoning Officer, including related to the Zoning Hearing Board Decision and Settlement Agreement.

B. Subdivision and Land Development Ordinance

We offer the following comments with respect to the Borough of Conshohocken's Subdivision and Land Development Ordinance:

1. §22-304.B.(3) – The north arrows shall be revised for consistency with geodetic north on all plan sheets, including the Drainage Plans.
2. §22-305 – The plans shall be revised to address the following plan related comments:
  - a. The aerial photo provided on the Additional Details and Aerial Photo plan, Sheet 6, shall be revised to be set to a scale and the scale indicated in the title block.
  - b. We recommend an iron pin or drill hole, in lieu of the proposed monument, be provided to mark the eastern property corner since it is located within the paved portion of the alley.
  - c. The location and size of all existing and proposed utility services shall be added to the plans. Once known, show the proposed location of the existing utility pole in the northern island that is to be relocated.
  - d. The location and size of the existing trees along the northern property line shall be added to the plans and confirmed whether they are proposed to remain or be removed. Replacement trees shall be provided as applicable.
  - e. The plan view note for the location of the construction entrance shall be revised on the Erosion Control Plan, Sheet 4, to reference it being placed at the *proposed* driveway as shown.
3. §§22-403.B.(1) & 404.2.B – The minimum required and proposed sight distances shall be added to the plans at the intersection of Fayette Street and East 7<sup>th</sup> Avenue and the proposed driveway's intersection with East 7<sup>th</sup> Avenue, in conformance with PennDOT standards. The proposed striping of on-street parking spaces along Fayette Street and East 7<sup>th</sup> Avenue shall be revised as necessary to provide the required sight distances.
4. §§22-404.3.E & 421.6 – We offer the following comments related to lighting:
  - a. Proposed lighting locations and levels shall be added to the plans to confirm a minimum illumination level of 0.5 footcandles throughout the parking area and no disturbance to the occupants of the adjacent residential properties. Where necessary, shielding shall be employed to eliminate over spill into residential areas.
  - b. Information related to the proposed light fixture(s) referenced in the Parking Area Light Fixtures detail on the Additional Details & Aerial Photo plan, Sheet 6, shall be added to the plans for review.
  - c. A note shall be added to the Parking Area Light Fixtures detail indicating that a design for the light pole foundation, which has been signed and sealed by a Professional Engineer licensed in the Commonwealth of Pennsylvania, must be submitted to and approved by the Borough Engineer prior to construction.
  - d. The enclosed Borough standard detail shall be added to the plans and used instead of the Street Lights Fixtures detail on the Additional Details & Aerial Photo plan, Sheet 6, for the lights proposed in the grass verges along Fayette Street and East 7<sup>th</sup> Avenue.
5. §22-404.3.F.(1) – A 10 foot wide buffer strip, screened with minimum 6 foot high evergreens or decorative opaque fence, is required where a parking area adjoins a residential property. The Record Plan, Sheet 1, indicates a waiver will be requested to permit a buffer consistent with the related variance granted by the Zoning Hearing Board; however, no buffer related variances were granted. We recommend any waiver of this requirement be conditioned upon an opaque fence being provided around all sides of the trash enclosure.
6. §22-404.3.F.(2) – A 10 foot wide buffer strip, screened with a minimum 48 inch high evergreen hedge, decorative wall, or ornamental fencing, is required along each property line where the parking area abuts the public right-of-way or sidewalk. The proposed buffer strip along East 7<sup>th</sup> Avenue is

approximately 4.3 feet wide and proposed to contain five (5) deciduous shrubs and the overflow for the stormwater BMP. The Record Plan, Sheet 1, indicates a waiver will be requested to permit a buffer consistent with the related variance granted by the Zoning Hearing Board; however, no buffer related variances were granted. We recommend any waiver of this requirement be conditioned upon the deciduous shrubs proposed in the East 7<sup>th</sup> Avenue buffer strip being replaced with minimum 48 inch high evergreen shrubs.

7. §22-404.3.F.(5) – The Landscape Plan, Sheet 3, shall be revised to include a minimum of three (3) 3.5 caliper inch shade trees within the parking area or a waiver would be required.
8. §22-405 – The plans shall be revised to include replacement of the existing curb ramps, one for each crossing direction, at the intersection of Fayette Street and East 7<sup>th</sup> Avenue. Though standard curb ramp details have been added to the plan set, location specific curb ramp designs, provided in accordance with the design requirements of PennDOT Publication 72 RC-67, shall be added to the plans to confirm the proposed grading. We will defer review of the curb ramp crossing Fayette Street to PennDOT.
9. §22-405.1.D – The sidewalk design shall be revised to provide a four (4) foot wide grass verge along the curb lines, increasing from the 3.3 feet currently proposed, and provide a continuous grade across the driveway. The proposed sidewalk grades shall be revised to have no more than a 2 percent cross slope, including at the driveway, and tie into the site and existing features on the adjacent properties; plan view notes on the Grading/Improvements Plan, Sheet 2, referencing a 2% *min* slope for the sidewalk cross slope shall be revised to 2% *max* slope.
10. §22-409 – We offer the following comments with respect to the grading:
  - a. Excessive slopes are proposed between the parking lot, public sidewalk, and East 7<sup>th</sup> Avenue. The grading shall be revised to provide pedestrian access into the site, maintain continuous pedestrian access within the right-of-way, and provide a driveway apron with a slope that will not cause cars to bottom out; we note that PennDOT recommends a maximum 8 percent change in grade between the road surface and driveway. Slopes in excess of 2:1 must be permanently stabilized with retaining walls and slopes greater than 3:1 shall be vegetated with low maintenance ground cover, shrubs, or other plant material. Slopes of lawn areas intended to be mowed shall not have a grade steeper than 3:1.
  - b. The existing grading shall be confirmed, especially within the East 7<sup>th</sup> Avenue right-of-way, since the existing sidewalk is not graded at the approximately 30% cross slope as shown. We may have additional comments once this information is provided.
  - c. Additional existing and proposed features and grading information shall be shown in the vicinities of the proposed connections to the paved alley and northern and eastern property lines, including the walls, sidewalks, and driveway aprons on the adjacent properties to detail how proposed and existing features will tie together.
  - d. Proposed contours and spot elevations shall be added in the eastern landscape buffer and for the sidewalks on the site and within the rights-of-way.
  - e. The proposed door locations for the retail spaces and apartment access shall be added to the plans to confirm coordination with the proposed grading.
  - f. Detailed grading associated with the proposed accessible parking spaces and access aisle shall be added to the plans to confirm the slopes are not steeper than 1:48.
  - g. Though standard curb ramp details have been added to the plan set, the plans shall be revised to incorporate a location specific design for the curb ramp providing pedestrian access from the parking lot to the adjacent sidewalk.
11. §22-409.2 – The Record Plan, Sheet 1, indicates a waiver will be requested to permit grading within three (3) feet of the property lines and within the rights-of-way of Fayette Street and East 7<sup>th</sup> Avenue.

12. §22-411 – A permanent easement, to the satisfaction of the Borough Solicitor, shall be provided related to allowing the continued alley encroachment onto the subject property. Metes and bounds associated with the easement shall be added to the Record Plan, Sheet 1.
13. §22-420.2 – Where trees six (6) inches in caliper or greater are removed, replacement trees shall be provided at a minimum of 3.5 caliper inches for each tree removed. The number of trees to be removed shall be clarified, including any near the northern property line. Though the Tree Replacement Calculation indicates 11 replacement trees are provided, only two (2) 3.5 caliper inch trees are proposed in addition to the separately required street trees; additional replacement trees must be provided to fully address this requirement or a waiver would be required.
14. §22-421.4 – The Record Plan, Sheet 1, indicates a waiver will be requested to permit the street trees be planted within the rights-of-way instead of a minimum of five (5) feet inside the lot lines, which we would support subject to the property owner agreeing to maintain the trees.
15. §22-421.5 – Each multifamily development or non-residential use shall be screened as a necessary to safeguard the character of an adjacent area. Such screening shall be a minimum of six (6) feet in height at the time of planting and permanently maintained. The Record Plan, Sheet 1, indicates a waiver will be requested to permit a buffer consistent with the related variance granted by the Zoning Hearing Board; however, no buffer related variances were granted and the plan shall be revised to comply with the requirements of this section, including proposing minimum six (6) foot high evergreen plantings in the eastern buffer.
16. §22-804 – The Applicant is required to dedicate ten percent (10%) of the total site area to the Borough for park or recreational use. Given the limited open space available on the site, we recommend the Applicant coordinate with the Borough Solicitor regarding a fee in lieu of providing park and recreational facilities.

C. Stormwater Management

We offer the following comments with respect to the stormwater management related requirements of the Borough of Conshohocken's Subdivision and Land Development Ordinance and Stormwater Management Ordinance:

1. §19-304 – The location of the existing and proposed roof drain and sump pump discharge points shall be added to the plans to confirm whether a single discharge point along East 7<sup>th</sup> Avenue is appropriate. We may have additional comments once this information is provided.
2. §19-401.1.C & E – The provisions for permanent access and maintenance easements and long-term operations and maintenance ownership, responsibilities, and schedules for the proposed seepage bed shall be added to the Proposed Drainage Plan.
3. §§19-501.3 & 502 – The Proposed Drainage Plan shall be recorded as a restrictive deed covenant that runs with the land and the Applicant shall execute Storm Water Operations and Maintenance Agreement in a form acceptable to the Borough Solicitor's office.
4. §19-702 – Roof drain and sump pump pipes shall discharge to the proposed seepage bed where feasible and shall not discharge water over a sidewalk but shall extend under the sidewalk to the gutter.
5. §22-410.3.B – All underground utilities shall be shown on the Drainage Area Plans.
6. §22-410.5.C.(1) - Information shall be provided to confirm that the existing monitoring wells are permitted to be removed as proposed and that the proposed infiltration BMP is suitable when considering any soil contamination.
7. §22-410.5.C.(5) – A permanent water quality device or other method of preventing direct discharge of sediment into the seepage bed shall be incorporated into the design.



8. §22-410.5.D – The Pond Reports for the seepage bed shall be revised based on the proposed 3 foot depth and to incorporate the proposed perforated pipes.
9. §22-410.5.D.(5) – Information shall be provided regarding the proposed maintenance access point(s) to permit long-term operation and maintenance of the seepage bed.

D. General Comments

We offer the following general comments:

1. Per condition 3 of the Settlement Agreement, the Applicant shall make a \$25,000.00 contribution to the Borough's shuttle program at the time of recording the Land Development Agreement.
2. The Applicant shall obtain all required approvals, permits, etc. (e.g., Fire Marshal, Conshohocken Borough Sewer Authority, MCPC, Aqua, PennDOT, etc.). Copies of these approvals and permits shall be submitted to the Borough of Conshohocken and our office.
3. A waiver request letter, including the hardship and minimum modification necessary for each requested waiver, shall be provided. Waivers Requested 1 as listed on the Record Plan, Sheet 1, shall be removed since an application was made for Minor Land Development.
4. We have the following comments related to details:
  - a. The width dimensions included in the Cement Concrete Pads & Sidewalk Detail on the Grading/Improvements Plan, Sheet 2, shall be clarified since they do not match plan views.
  - b. We recommend the Detectable Warning Surfaces Detail for Handicap Ramps detail on the Additional Details & Aerial Photo plan, Sheet 6, be revised to show the length of the detectable warnings as the typical minimum 2 feet measured from the back of the curb, rather than the full length of the ramp.
  - c. A detail for the proposed trash enclosure, including those related to any proposed concrete base, fencing, and gates, shall be added to the plans.
5. Information shall be provided to confirm there will be no negative impacts to the walls on the adjacent northern and eastern properties, including information on how the walls will be protected from damage during construction.
6. Turning movements shall be provided to show a refuse truck entering the site, accessing the dumpsters, and exiting the site without impacting any proposed parking spaces.

If you have any questions regarding the above, please contact this office.

Sincerely,



Karen M. MacNair, P.E.  
Borough Engineer  
Gilmore & Associates, Inc.

KMM/

Enc: as referenced

cc: Brittany Rogers, Executive Assistant  
Ray Sokolowski, Executive Director of Operations and Building Code Official  
Michael E. Peters, Esq., Borough Solicitor

## CATALOG PART NUMBERS

LUMINAIRE: **CHAR-PA103-ACR-PLC1-DECA1-47W6C4K-UNIV-TYPE V-GF18-BK**

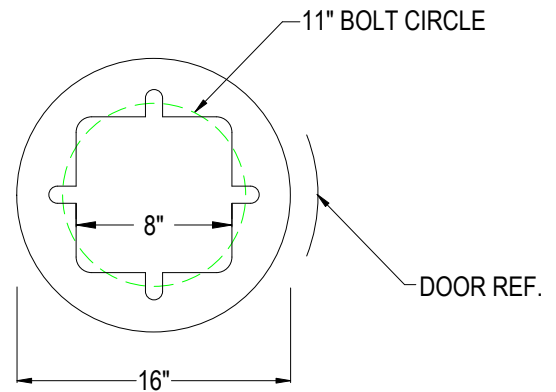
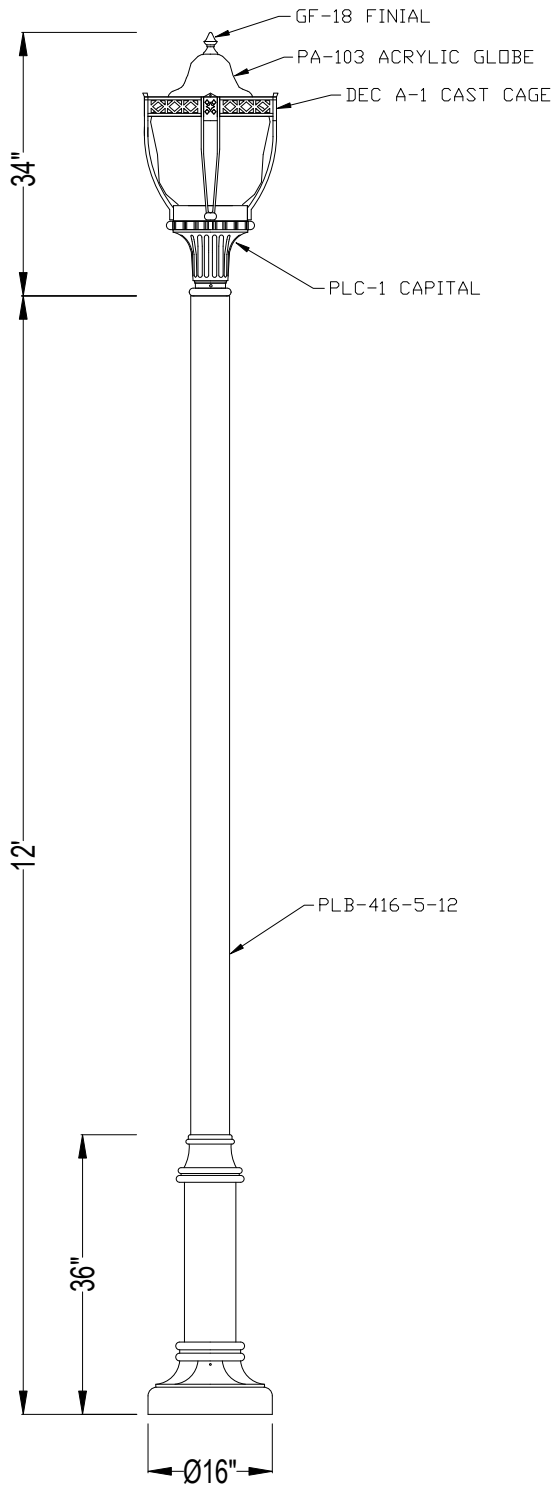
LUMINAIRE:	"CHARLESTON" SERIES
GLOBE/LENS:	PA 103 ACRYLIC
DISTRIBUTION:	TYPE V
LIGHT SOURCE:	47 WATT, 6 CHIP, 4K COLOR, OPTI-FLUX LED
VOLTAGE:	UNIVERSAL
FINISH:	POLYESTER POWDER COAT ( BLACK FINISH)
OPTIONS:	GF-18 FINIAL
	DEC A-1 CAST ALUM. CAGE

POLE: **PLB 416-5-12-SMOOTH-BK**

STYLE:	DECORATIVE ALUM. POLE
MATERIAL:	A356 CAST ALUM. BASE, 6061 ALUM. SHAFT
SIZE:	5" DIA., .188" WALL THK., 12' TALL
FINISH:	POLYESTER POWDER COAT ( BLACK FINISH)
OPTIONS:	



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JOB NAME: **FAYETTE STREET**

DRAWN BY: <i>NTD</i>	TYPE:	REVISION: 1
DATE: 9/29/17	REP: <b>ILLUMINATIONS INC.</b>	PAGE: 1 OF 1

**EXHIBIT "D"**

**REVIEW LETTER OF THE BOROUGH ZONING OFFICER DATED JANUARY 5, 2023**

January 5, 2023

BCONS 22017

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

**RE: Zoning Review**  
**701 Fayette Street – Preliminary/Final Land Development Application (2<sup>nd</sup> Submission)**

Dear Ms. Cecco:

As requested, we reviewed the following in connection with the referenced project:

- *“Proposed Minor Land Development Plans,”* (6 sheets) prepared by Borusiewicz Surveyors and Site Planners, dated July 22, 2022, last revised November 30, 2022.

The applicant, CGEM, LLC., proposes to demolish the existing abandoned gas station and repair shop and construct a three-story, mixed-use building with commercial retail on the first floor and 9 residential apartments on the second and third floors on the subject property located in the BC – Borough Commercial Zoning District. The applicant proposes to construct , mixed-use building with commercial retail on the first floor and residential apartments on the second and third floors; along with curbing, sidewalk, parking spaces, and landscaping. The property is served by public water and sanitary sewer.

#### **Variances Received**

The Applicant was granted the following relief by the Zoning Hearing Board on September 19, 2018:

- §27-1303.F – Variance to allow an overall impervious coverage of 88.9% where the max coverage cannot exceed 85%.
- §27-2002 – Variance to allow a 26 off-street parking spaces and 7 off-premises parking spaces for a total of 33 parking spaces where 46 parking spaces are required.

The Zoning Hearing Board approval of the variances were conditioned upon the Applicant securing and executing an agreement for the rights for the 7 off-site parking spaces. However, subsequent to Zoning Hearing Board decision, the Settlement agreement dated June 22, 2022, amended the decision of securing and executing an agreement for the rights for the 7 off-site parking spaces and instead requires the Applicant to make a one-time financial contribution in the amount of \$25,000.00 to the Borough’s shuttle program.

We have performed a zoning review of the above referenced project for compliance with Chapter 27 – Zoning of the Conshohocken Borough Code of Ordinances. Based on our review, we offer the following outstanding comments for your consideration:

### Zoning Comments

1. Per §27-820.A. thru F. - In all zoning districts, multifamily, commercial, or office uses refuse collection facilities must be provided by the Applicant which shall be architecturally compatible with the building; shielded from adjacent properties with wall or fencing and landscaping; designed and located in a manner that can accommodate large collection trucks; and set back ten (10) feet from all property lines.

*The Applicant is proposing a trash enclosure area located to the northeast corner of the site and to the rear of the proposed building. The Applicant shall provide a detail of the trash enclosure, and ensure that the detail includes a minimum six (6) feet high wall or fencing and landscaping compatible with the proposed building. Landscaping should be provided along the alley side of the trash enclosure area in addition to the landscaping provided on the sides of the trash enclosure area. The Applicant shall provide a refuse collection truck turning template to ensure proper maneuverability within the site. In addition, the trash enclosure area should be setback 10 feet from the property line adjacent 725 Fayette Street. Based on our measurements, the trash enclosure is only setback 7.25 feet from this northern property line.*

**Since the previous submission, the trash enclosure has been moved to 10 feet away from the property line in compliance with this Code Section. However, the Applicant shall also provide a trash enclosure detail on the plans. In addition, a circulation plan for the refuse collection vehicle shall be provided to ensure the location can accommodate the refuse collection vehicle.**

2. Per §27-821 - No lighting of private property shall be permitted that shall cause a hazard or nuisance to abutting roads and properties in accordance with the provisions of this Code Section.  
*The Applicant shall provide a lighting plan to ensure that the on-site lighting is in compliance with the provisions of this Code Section.*

**The proposed parking area lamp locations are shown on the Grading/Improvements Plan (sheet 2); however, no illumination levels have been provided for these parking lights. The lighting plan shall be updated to show the point-by-point illumination level calculations to ensure the on-site lighting is compliant with the provisions of this Code Section.**

3. Per §27-1303.G - The maximum building height shall be 40 feet. The Applicant is indicating a building height of less than 40 feet. The building height is defined as the vertical distance measured from the average elevation of the existing grade at the location of the building to the highest point of a flat or multilevel roof or, for gable, hip, or gambrel roofs, to the mean height between the eaves and ridge.  
*The Applicant shall show the building height at the middle location of the building accordingly.*

**On the architectural plans, the building height at the middle of the building has not been labeled. The building height at the middle location of the building shall be shown to ensure the building is compliant with the maximum height requirement.**

4. Per §27-2007.L - Parallel parking stalls shall have dimensions of 9 feet wide by 22 feet long.  
*The Applicant is proposing parallel parking stalls along Fayette Street and East 7<sup>th</sup> Street that have dimensions of 10 feet wide by 20 feet long. The Applicant shall revise the parking stalls to be the correct length as specified by this Code Section. The parking space adjacent the intersection corner and/or access driveways shall be located adequately to provide adequate sight distance for turning maneuvers and accommodate pedestrian crossings.*

**The Applicant has modified the on-street parking stall spaces to 9'x22' in compliance with this Code Section. However, proper sight distances at the intersection of the site entrance driveway on East 7<sup>th</sup> Avenue and at the intersection of East 7<sup>th</sup> Avenue and Fayette Street shall be provided to ensure proper sight clearance from parked vehicles adjacent these locations. We defer to the traffic engineer for further comments.**

5. Per §27-2010.C - For commercial and institutional uses, one loading berth for the first 5,000 SF up to a maximum of 10,000 SF, plus one additional loading berth for each additional 10,000 SF or fraction thereof.

*The Applicant is proposing 6,300 SF of commercial space on the ground floor which would require a loading dock with dimensions of no less than 12 feet wide, 56 feet long, and 14 feet high. The Applicant shall delineate an area within the site to provide for a loading/unloading area for the commercial uses.*

**The Applicant has indicated that the hatched paved area within the parking lot will be used for a turn-around area as well as loading/unloading. The hatched area on the plans is only 18 feet long by 8.25 feet wide which is substandard to the required loading dock area. The Applicant is required to show another area on-site to delineate the required loading/unloading area and minimize obstructions to the parking lot activity. In addition, a circulation plan for the loading/unloading vehicle shall be provided to ensure maneuverability within the parking lot.**

6. Per Part 21, signs - *The Applicant shall indicate if any signage is being proposed as part of this development. All signs shall comply with the requirements of this section of the code. Additional comments may follow once the Applicant indicates what signage is proposed.*

**No signage has been provided as part of this submission. The Applicant shall clarify if any signage will be mounted on the building for this site. Additional comments may follow once the Applicant indicates what signage is proposed.**

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

Sincerely,



Allison A. Lee, PE  
Zoning Officer

**PENNONI ASSOCIATES INC.**

AAL/

**EXHIBIT "E"**

**REVIEW LETTER OF THE BOROUGH FIRE MARSHAL DATED JANUARY 5, 2023**



## BOROUGH OF CONSHOHOCKEN

*Fire Marshal*

**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

---

Date: January 5, 2023

To: Stephanie Cecco, Borough Manager

From: Timothy Gunning, Fire Marshal  
Matthew Traynor, Commercial Building Inspector

Re: Fire Marshal Review  
LD-2022-04  
Prelim/Final Land Development

---

As requested, a review of the material submitted for the above referenced land development proposal has been completed. The submission consisted of:

- Plans, consisting of sheets 1 through 6 of 6, dated July 22, 2022, last revised November 30, 2022, as prepared by Borusiewicz Surveyors and Site Planners for CGEM, LLC

Upon review of the submitted plan, we offer the following comments:

1. Due to the existing hydrant location, the sprinkler FDC (Fire Department Connection) shall be located on the Fayette Street side of the building at the 7th Avenue corner.
2. Overhead Wires: Service and Communication shall be relocated/run underground due to the height of the proposed building. No overhead obstructions may exist.



**EXHIBIT "F"**  
**REVIEW LETTER OF THE BOROUGH TRAFFIC ENGINEER**  
**DATED JANUARY 5, 2023**



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BCONS21013

January 5, 2023

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

**RE: Traffic Engineering Review  
701 Fayette Street - Proposed Mixed-Use Development**

Dear Ms. Cecco:

We have completed our review of the *Preliminary/Final Minor Land Development Plans*, prepared by Borusiewicz Suveyors and Site Planners, last revised November 30, 2022. We offer the following comments and information for your consideration:

1. Regarding the proposed on-street parking, the applicant should evaluate the required corner sight distance utilizing PennDOT criteria for the intersection of Fayette Street and 7<sup>th</sup> Avenue, and the site driveway to 7<sup>th</sup> Avenue, and adjust proposed on-street parking spaces. The plan should include the proposed corner sight distance dimensions. The applicant has indicated that they will comply with this requirement, but the information is not shown on the plans.
2. For information, the Borough is planning to install a flashing warning device at the intersection of Fayette Street & 7<sup>th</sup> Avenue for the existing pedestrian crossing of Fayette Street. If this plan moves forward, the proposed site design must be coordinated with the planned construction work at the intersection.

If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

**PENNONI ASSOCIATES INC.**

Brian R. Keaveney, PE, PTOE  
Transportation Division

cc: Ray Sokolowski, Executive Director of Operations  
George Metz, Chief of Police  
Timothy Gunning, Fire Chief and Fire Marshal  
Karen MacNair, PE, Borough Engineer

Michael Peters, Esq., Borough Solicitor  
Brittany Rogers, Executive Assistant  
Allison A. Lee, PE, Zoning Officer

**EXHIBIT "G"**

**REVIEW LETTER OF THE MONTGOMERY COUNTY PLANNING COMMISSION  
DATED SEPTEMBER 29, 2022**

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR  
KENNETH E. LAWRENCE, JR., VICE CHAIR  
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY  
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311  
NORRISTOWN, PA 19404-0311  
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FAX: 610-278-3941 • TDD: 610-631-1211  
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SCOTT FRANCE, AICP  
EXECUTIVE DIRECTOR

September 29, 2022

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

Re: MCPC #22-0233-001  
Plan Name: 701 Fayette Street  
(1 lot/ 9 d.u.'s/ +/- 18,900 SF comprising 0.413 acres (18,000 sq. ft.)  
Situate: Fayette St. / East 7<sup>th</sup> Avenue  
Borough of Conshohocken

Dear Ms. Cecco:

We have reviewed the above-referenced land development in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," in as requested by documentation submitted by the borough on September 1, 2022. We forward this letter as a report of our review.

## **BACKGROUND**

The applicant, CGEM, LLC, c/o Mun Chung, Flourtown, PA has submitted a subdivision and land development plan seeking preliminary plan approval for the construction of a 3-story, mixed-use building totaling +/- 18,900 sq. ft. at the northeast corner of East 7<sup>th</sup> Avenue and Fayette Street. The first floor will contain retail space and the second and third floors will contain nine (9) apartments. The plan proposes 26 on-site parking spaces and seven (7) spaces along the adjacent streets. An existing gas station, surrounding pavement, and the evergreen buffer in the rear of the property will be demolished. The parcel is situated in the BC-Residential Office District.

The Conshohocken Zoning Hearing Board granted approval of the requested variances in accordance with the terms of your application. These include:

- Variances for the development of the building, including a variance to permit 89% impervious coverage of the site, where the Zoning Ordinance Section 27-1303.F. permits a maximum of impervious coverage of 85%.
- Variance for Section 27-2022, to allow 26 off-street parking spaces and 7 on-street parking spaces for a total of 33 spaces, where the ordinance requires a minimum of 46 parking spaces.

## CONSISTENCY WITH THE COUNTY & BOROUGH COMPREHENSIVE PLANS

The redevelopment of this property is consistent with the goals and intent of *MONTCO 2040: A Shared Vision*, the Montgomery County Comprehensive Plan, 2015. The Future Land Use Map designates this developed area of the borough as 'Town Center'. The redevelopment of this tract as a mixed-use building supports this land use vision. The development plan appears to be generally consistent with the *Conshohocken Borough Comprehensive Plan Update, 2018* which supports mixed-use infill redevelopment in the community, provided it respects the existing character of the neighborhood.

## RECOMMENDATION

The Montgomery County Planning Commission (MCPC) is generally supportive of the applicant's redevelopment proposal for this tract with the new mixed-use building. We recommend the borough consider several recommendations discussed below that we believe can help ensure that a sustainable and effective landscape improvement plan is implemented with the site's redevelopment. Foremost is the need to provide a larger soil area for the street trees along both Seventh Avenue and Fayette Street to sustain an effective and long lasting addition of canopy street trees. These and other related comments are discussed as follows.

## COMMENT

### 1. Regulations of Section 22-421. Landscaping & Lighting

#### a. *Street Shade Tree Requirements* - Section 22-421.4.

The landscape plan proposes street trees arranged at regular intervals +/- 40 ft. on-center and +/- 2-3 ft. from the edge of the street's curb. The trees are proposed for planting in 3 ft. by 3 ft. tree pits within an 18 ft. wide sidewalk. The tree arrangement does not comply with several requirements of Section 22-421.4, which requires that street shade trees be planted no greater than 30 ft. apart; a 5 ft. setback inside the lot lines is required. The applicant should modify the arrangement of the proposal to ensure that street trees are planted 30 ft. on-center and that the other pertinent requirements of the borough's shade tree regulations have been addressed.

#### b. *Pedestrian Lighting* – Section 22-421.6.

The submitted landscape and lighting plans do not provide the required lighting fixture and luminaire details which would demonstrate compliance for the installation of the proposed pedestrian lighting. According to Section 22-421.6, Pedestrian Lighting, the mounting height of the lighting can be no greater than 12 ft. for the six (6) lighting fixtures proposed along the

street frontages. The proposed height of the fixture is not stated and the plan does not detail this improvement. The borough should ensure that the appropriate lighting details are provided for its review for compliance.

## 2. Landscape Plan Improvements

### a. *Creating a Healthy Street Tree Environment Requires Greater Soil Volume*

The 3 ft. by 3 ft. tree well for the proposed street tree planting is an insufficient soil area to establish an effective street tree; we suggest it is a recipe for a disappointing street tree environment. We believe a healthy, thriving street tree canopy is an essential ingredient for a successful streetscape along Fayette Street in this core commercial area of the borough. We recommend the applicant revise the proposed use of small tree pits and, instead, design a continuous, linear tree planting zone in the verge. Providing a larger common area for tree roots to share soil space would in time produce a much healthier and greener streetscape for the borough. The attached graphic below illustrates how a shared planting zone will create a much larger soil area for the tree to establish a healthy green canopy versus the use of shade trees in small tree pits.

### b. *Street Tree species selection*

We recommend that the *Nyssa sylvatica*, proposed along both streets in tree pits, should be replaced with a shade tree species that is a proven performer in a paved, urban environment. We recommend that at least two species are needed for the purpose of plant diversity for the applicant's street tree planting. As an alternative to the Black Gum, we recommend the borough consider planting the Willow Oak (*Quercus phellos*) and the Littleleaf Linden (*Tilia cordata* 'Greenspire'), as they are better choices to serve as street shade trees.

### c. *Rear Property Buffer*

The proposed tree and shrub planting at the property boundary with the laundromat shows the large shade tree species- Willow Oak- planted at regular intervals of approximately 15 ft. on-center, with a Viburnum shrub with this 15 ft. area. This spacing arrangement is too close, and we suggest it will crowd out the branches and roots, and in a short time may totally shade out the Viburnums. We recommend the applicant revise the plan and arrange the buffer area in a naturalistic manner by using a sub-canopy tree species instead of the Oak shade tree. We suggest that Autumn Brilliance Serviceberry (*Amelanchier X Autumn Brilliance*) or the Sweetbay Magnolia (*Magnolia virginiana* 'Jim Wilson') would be appropriate choices. Smaller tree species could be combined with several native shrubs such as the deciduous Holly (*Ilex verticillata* 'Red Sprite') and the Oakleaf Hydrangea (*Hydrangea quercifolia*) to create an effective buffer area.

## CONCLUSION

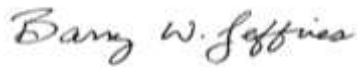
The Montgomery County Planning Commission generally supports the plan as submitted and recommends the borough consider the above mentioned review comment to its satisfaction. Please note

that any recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Please be aware that the MCPC #22-0233-001 has been set aside for the applicant' plan. If any subsequent plans are submitted for final recording, this MCPC number should appear on the applicant sheets within the plans in the box reserved for the seal of this agency.

Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files.

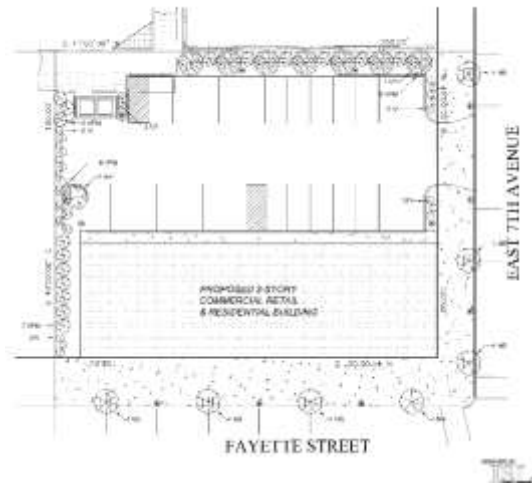
Sincerely,

A handwritten signature in cursive script that reads "Barry W. Jeffries".

Barry W Jeffries, ASLA, Senior Design Planner  
[bjeffrie@montcopa.org](mailto:bjeffrie@montcopa.org) - 610-278-3444

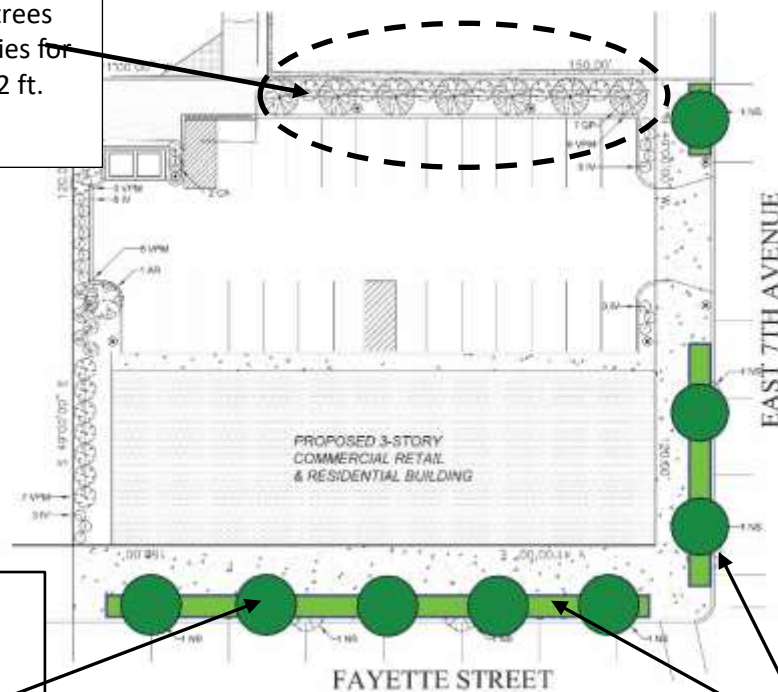
c: Chrm., Borough, Planning Commission  
Karen MacNair, Borough Engineer  
Michael Peters, Esq., Boro Solicitor  
CGEM, LLC , Applicant

## APPENDICES



Proposed Landscape Plan

Revise and use mid-story native trees & shrubs in naturalistic arrangement. Proposed Willow Oak trees are too large tree species for the space planted @ 12 ft. o.c.



Remove Black gum trees planted @ 40 ft. o.c. & Recommend use the Willow Oak & Littleleaf Linden as an alternative street tree species @ 30 ft. o.c.

### Landscape Recommendations

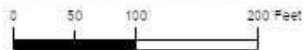
Recommend a continuous soil planting area of 5-6 ft. wide for effective tree growth & health instead of confining street trees to small 3 ft. by 3 ft. tree wells.





701 Fayette Street  
MCPC#220233001

Montgomery  
County  
Planning  
Commission  
Montgomery County Courthouse - Planning Commission  
PO Box 3111 Norristown PA 19384-0311  
P: 610 278-3723 F: 610 278-3941  
www.montcopa.org/plc/pc.htm  
Aerial photography provided by Viewmap.





**EXHIBIT "H"**  
**ARCHITECTURAL RENDERINGS**



# MIXED-USE CONSHOHOCKEN - AT FAYETTE ROAD

SCALE: NONE

DATE: 07.29.2022

PROJECT # 19046

SK.1



# MIXED-USE CONSHOHOCKEN - VIEW AT EAST 7TH AVENUE

SCALE: NONE

DATE: 07.29.2022

PROJECT # 19046

SK.2



# MIXED-USE CONSHOHOCKEN - VIEWS AT NIGHT

SCALE: AS SHOWN

DATE: 07.29.2022

PROJECT # 19046

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**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY,  
PENNSYLVANIA  
CIVIL ACTION**

Julian V. Miraglia and :  
612 Fayette Associates, LP :  
Appellants :  
v. : Land Use Appeal  
Docket No. 2021-25018  
Conshohocken Zoning Hearing Board :  
Appellee :

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**STIPULATION AND SETTLEMENT AGREEMENT**

This Stipulation and Settlement Agreement (“Agreement”) is made this 22 day of June, 2022 by and among Appellants Julian V. Miraglia and 612 Fayette Associates, LP (“Appellants”), Appellee Conshohocken Zoning Hearing Board (the “ZHB”), Intervenor CGEM, LLC (“Applicant”), and Intervenor Borough of Conshohocken (the “Borough”), agreeing as follows:

**BACKGROUND**

A. Applicant applied to the ZHB for certain variances from the standards of the Conshohocken Borough Zoning Ordinance of 2001 (“the “Zoning Ordinance”), and specifically from:

1. Zoning Ordinance § 27-1303.F to allow an overall impervious surface coverage of 88.9% of the lot area, where the maximum permitted impervious surface coverage is 85% of the lot area; and
2. Zoning Ordinance § 27-2002 to allow 26 off-street parking spaces and 7 off-site parking spaces for a total of 33 parking spaces where 46 parking spaces are

required. The 7 off-site parking spaces were to be secured by execution of a separate written agreement.

The variances described in this paragraph are referred to hereinbelow as the “Requested Zoning Relief”.

B. The Requested Zoning Relief was granted by the ZHB by decision issued December 2, 2021 (the “Decision”). The approval granted by the Decision was conditioned on the Applicant “securing and executing an agreement for the rights for the seven (7) off-site parking spaces.”

C. The Requested Zoning Relief was sought to permit Applicant to construct a 3-story, mixed-use development with the first floor containing retail space and the second and third floors containing 9 apartments (the “Project”). The Project was proposed on the property located at 701 Fayette Street, Conshohocken, PA 19428 (the “Property”).

D. Appellants appealed the Decision to this Honorable Court by notice of appeal filed December 29, 2021.

E. Applicant and the Borough intervened by Notices of Intervention filed January 7, 2022, and January 21, 2022 respectively.

F. Since the appeal was filed, the Borough has started the process of reanalyzing the zoning along the Fayette Street corridor (which includes the Property). That analysis includes addressing the issue of parking along the Fayette Street corridor, including the establishment of a shuttle program from the readily available public parking located in parking garages on the lower end of Fayette Street (near the Schuylkill River) to the upper end of Fayette Street. The shuttle program would serve to provide shuttle access to the Property from the aforementioned parking garages.



G. The parties have engaged in settlement discussions, which settlement discussions have included the mutual benefit of the shuttle program to the parties.

H. The parties to this appeal desire to resolve the issues raised in this appeal without further litigation on the terms set forth hereinbelow.

NOW, THEREFORE, intending to be legally bound, and for valuable consideration exchanged, the adequacy of which is hereby acknowledged, the parties agree as follows:

### AGREEMENT

1. The foregoing Background paragraphs A through H are incorporated herein as if fully set forth.

2. The zoning relief granted for the Project is hereby amended to remove the requirement of 7 off-site parking spaces, and to remove the condition for execution of an agreement for the rights to use the off-site parking spaces.

3. Instead of providing 7 off-site parking spaces, Applicant shall, upon receipt of final, unappealable land development approval, make a one-time contribution to the Borough's shuttle program in the amount of \$25,000.00, payable to the Borough. The contribution required by this paragraph shall be made contemporaneously with recording of the Land Development Agreement for the Project.

4. This Court shall retain jurisdiction until the contribution required by paragraph 3 is made to the Borough. At that time, Appellants shall file a praecipe to settle, discontinue, and end this appeal.

5. The parties agree that this Agreement shall be presented to the Court for adoption of this Agreement by order of Court.

6. This Agreement reflects the entire understanding and agreement of the parties in connection with the matters set forth herein. The terms of this Agreement may be amended, modified or waived only by an instrument in writing signed by all of the parties and upon Court approval.

7. The terms and provisions of this Agreement were jointly negotiated and finalized, and no provision of this Agreement shall be construed against or interpreted to the disadvantage of any of the undersigned parties by any court or other governmental or judicial authority by reason of any of the undersigned parties being deemed to have drafted, structured or dictated such provision thereof.


8. This Agreement may be executed in any number of counterparts, and by each of the parties on separate counterparts, each of which, when so executed, shall be deemed an original, but all of which shall constitute but one and the same instrument. Delivery of an executed counterpart of this Agreement by facsimile or electronic transmission shall be equally as effective as delivery of an original.

9. This Agreement shall inure to the benefit of, and be binding upon, each of the parties and their respective successors and assigns.

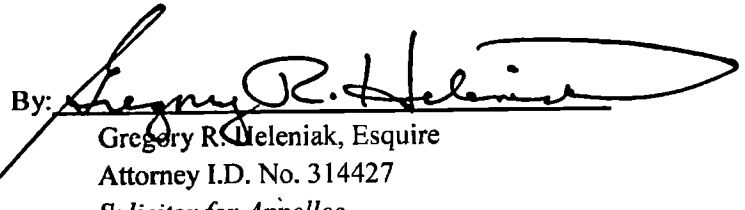
10. The parties hereto declare that they have read and fully understand the terms of this Agreement, have consulted with their respective counsel, or have had full opportunity to consult with counsel, regarding such terms and that they voluntarily accept the same for purposes of making a full and final compromise, adjustment and settlement of any and all issues raised in the Appeal. The parties further declare that the respective person executing this Agreement on their behalf has complete and absolute authority to do so for the purposes contained herein.

IN WITNESS WHEREOF, the parties hereto execute this Settlement Agreement as of the date set forth above.


**DAVIS BUCCO MAKARA & DORSEY**

By:   
Paul A. Bucco, Esquire  
Attorney I.D. No. 52561  
*Attorneys for Appellants Julian V. Miraglia  
and 612 Fayette Street Associates, L.P.*

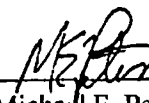
**RUDOLPH CLARKE, LLC**

By:   
Gregory R. Heleniak, Esquire  
Attorney I.D. No. 314427  
*Solicitor for Appellee  
Conshohocken Zoning Hearing Board*

**THE DANEK LAW FIRM**

By:   
Mark S. Danek, Esquire  
Attorney I.D. No. 84825  
*Attorney for Intervenor CGEM, LLC*

**EASTBURN AND GRAY, PC**

By:   
Michael E. Peters, Esquire  
Attorney I.D. No. 314266  
*Solicitor for Borough of Conshohocken*

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**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY,  
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Conshohocken Zoning Hearing Board : Docket No. 2021-25018  
Appellee :

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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2022, the  
Stipulation and Settlement Agreement attached hereto is entered as an order of this Court.

BY THE COURT:

\_\_\_\_\_  
, J.