



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

MAYOR
Yaniv Aronson

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

Stephanie Cecco
Borough Manager

ZONING NOTICE

MAY 18TH, 2020 ZONING HEARING BOARD MEETING TO OCCUR VIA REMOTE MEANS

NOTICE IS HEREBY given that the Conshohocken Zoning Hearing Board will conduct a public hearing on Monday, May 18th, 2020 at 7:00 p.m. prevailing time via remote means. The public is encouraged to participate as set forth below.

In response to the Governor's Stay at Home Order due to COVID-19, this meeting will be held using a Web-ex platform. To the extent possible, members of Conshohocken Zoning Hearing Board members, and Borough staff/professionals will participate via both video and audio. (INSTRUCTIONS ON SECOND PAGE)

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

PETITIONER: Seven Tower Bridge Development, LLC
110 Washington St., Conshohocken, PA 19428

PREMISES INVOLVED: 110 and 161 Washington St.,
Conshohocken, PA 19428
Specially Planned District 2 Zoning District

OWNER OF RECORD: Seven Tower Bridge Development, LLC
110 Washington St., Conshohocken, PA 19428
AREP Eight Tower Bridge, LLC
161 Washington St., Conshohocken, PA 19428

The Petitioner is requesting a Variances from the terms of the Conshohocken Zoning Ordinance Sections 27-2109 (3), (5), and (6). The Petitioner proposes to install on-premises and off-premises signage advertising the development of the Seven Tower Bridge Project.

Persons who wish to become parties to the application must notify the Borough of their intent to ask for party status at least five (5) days prior to the scheduled hearing by emailing the attached entry of appearance form to zoning@conshohockenpa.gov or calling (610) 828-1092. Said persons must be available to participate in the zoning hearing on the scheduled date and time. It is noted that submitting the attached entry of appearance form does not guarantee that you will be granted party status. The Zoning Hearing Board decides who may participate in the hearing before it as a party, subject to Section 908(3) of the Municipalities Planning Code (MPC). The MPC permits party status to any person "affected" by the application. Having taxpayer status alone is not enough to claim party status; however, a person whose property or business abuts the property that is the subject of the appeal is affected and should qualify as a party. Ultimately, the ZHB makes the party status determination after reviewing the request.

Thank you,
Zoning Hearing Board

ZONING HEARING REMOTE SESSION ACCESS INSTRUCTIONS

The public is encouraged to participate as follows:

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

- Dial: 1-888-822-7517
- Access Code/Password: 430 557 7 #

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

Video Feed Participation: The public may access the video feed by using the link provided below. *Please note that this will give participants visual only. You must still dial-in in order to get audio of the meeting (see *Audio Feed Participation* section below for further instructions).

VIDEO LINK CAN BE FOUND ON THE BOROUGH OF CONSHOHOCKEN WEBSITE

If this is the first time you have used Webex, the link will direct you to a website to download the Webex application. Please follow the instructions to install the Webex application.

If you have already downloaded the Webex application, the link will redirect you to the application itself. Please follow the instructions.

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

Public Comment: There will be a designated time on the agenda for public comment. Those with public comment shall state their name and restaurant.

Prior to the start of the meeting, you may submit written comments by e-mailing them to bmyrsiades@conshohockenpa.gov. Similarly, during the meeting, you may submit written comments by e-mailing them to bmyrsiades@conshohockenpa.gov.

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

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

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

I/We _____

Request to be granted party status in Application Z _____.

Applicant: _____

Please print name and address below:

Please Sign Below:

Please return form via mail or e-mail to the below:
(Entry must be received no later than Wednesday May 13th, 2020)

MAIL:
Borough of Conshohocken
Attn: Bobbi Jo Myrsiades
400 Fayette St.
Conshohocken, PA 19428

E-MAIL:
zoning@conshohockenpa.gov



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

MAYOR

Yaniv Aronson

BOROUGH COUNCIL

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

MEMORANDUM

Stephanie Cecco
Borough Manager

Date: February 24, 2020
To: Stephanie Cecco, Brittany Rogers
From: Eric P. Johnson, PE
Re: 110 and 161 Washington Street Zoning Determination

History of the Site:

Seven Tower Bridge is a 260,000 square-foot office building with accompanying parking garage that is currently under construction at 110 Washington Street. The Seven Tower Bridge property is located along the Schuylkill River and adjacent to the Fayette Street bridge; and currently does not have any approved signage. Eight Tower Bridge is located at 161 Washington Street adjacent to the Seven Tower Bridge development and the Fayette Street bridge. The Eight Tower Bridge property is currently developed with an office building and parking garage. A Variance was previously granted allowing for 672 square-foot banner signs attached to the parking garage and a free-standing pole sign located adjacent to the Fayette Street bridge with two (2) 2' x 7' (28 total square feet) double sided signs. 110 and 161 Washington Street are both located in the SP-2 Zoning District.

Current Request:

The applicant proposes to install signage on both the 110 Washington Street (Seven Tower Bridge) and 161 Washington Street (Eight Tower Bridge) properties advertising the Seven Tower Bridge office building that is currently under construction. The following signage is proposed:

- A 20' x 40' (800 square-foot) banner sign attached to the fourth-floor steel frame of the currently under construction Seven Tower Bridge building. Once construction progresses to the point that requires the removal of the sign, it will be removed from the Seven Tower Bridge building and installed on the top side of the Eight Tower Bridge parking garage, replacing the existing 161 Washington Street banner sign.
- Install a new free-standing pole sign on the Seven Tower Bridge property adjacent to the Fayette Street Bridge with two (2) 2' x 7' (28 total square-foot) double sided signs advertising the Seven Tower Bridge project.
- Install (2) 2' x 7' (28 total square-foot) double sided signs advertising the Seven Tower Bridge project on the existing free-standing sign pole on the Eight Tower Bridge property adjacent to the Fayette Street Bridge.

The applicant has indicated the three requested signs are temporary and would be removed twelve months after the issuance of the first Occupancy Permit for Seven Tower Bridge building or December 31, 2022, whichever occurs first.

Zoning Determination:

Section 27-2109(3) defines a real estate sign as advertising the sale or rental of a building or property upon which the sign is erected and allows a maximum sign size of 75 square feet. The proposed banner sign advertising the Seven Tower Bridge development would be 800 square feet and would be located on a different property after being transferred to the Eight Tower Bridge parking garage, requiring a Variance.

Section 27-2109(5) permits one (1) freestanding sign or wall sign per building and permits a maximum sign size of 75 square feet. The proposed signage on both the Seven Tower Bridge and Eight Tower Bridge properties consists of both a freestanding sign and a wall sign, requiring a Variance.

Section 27-2109(6) defines an off-premises sign as a billboard in the SP-1, SP-2, and SP-3 Districts, and only permits billboards in the SP-3 District. Furthermore, the maximum permitted sign area is 150 square feet and maximum height 40 feet. The proposed banner and pole signs on the Eight Tower Bridge property are located off-premises and the banner sign is 800 square feet, requiring a Variance. The applicant will need to provide information on the height of a proposed signage.

The applicant will also need to provide information regarding signage that will remain on the Seven Tower Bridge and Eight Tower Bridge properties after the proposed temporary signage is removed. Specifically, will the 161 Washington banner sign be reinstalled on the Eight Tower Bridge parking garage after the Seven Tower Bridge banner sign is removed, and will the pole sign structures along Fayette street be retained for future use as permanent signs.

**BEFORE THE CONSHOHOCKEN BOROUGH
ZONING HEARING BOARD**

**IN RE: APPLICATION OF SEVEN TOWER BRIDGE
DEVELOPMENT, LLC FOR SIGNAGE
ON THE PROPERTY OF AREP EIGHT TOWER BRIDGE LLC
AND ON THE SEVEN TOWER BRIDGE PROPERTY**

**SEVEN TOWER BRIDGE DEVELOPMENT, LLC
IS REPRESENTED BY:**

**ROSS WEISS, ESQUIRE
COZEN O'CONNOR
200 Four Falls Corporate Center
Suite 400
P.O. Box 800
West Conshohocken, PA 19428
610.941.2361**

HEARING DATE: May 18, 2020

EXHIBIT BOOK

BEFORE THE CONSHOHOCKEN BOROUGH ZONING HEARING BOARD

IN RE: APPLICATION OF SEVEN TOWER BRIDGE DEVELOPMENT, LLC FOR SIGNAGE ON THE PROPERTY OF AREP EIGHT TOWER BRIDGE LLC AND ON THE SEVEN TOWER BRIDGE PROPERTY

1. Application with Addendum
 - A. Photos of the proposed signs
 - B. AREP Eight Tower Bridge LLC's authorization letter
2. Deeds for Seven Tower Bridge and Eight Tower Bridge
3. Prior Zoning Hearing Board Decisions regarding signage relief
 - A. Decision of the Zoning Hearing Board of the Borough of Conshohocken In Re: Application of Seven Tower Bridge Associates/Esther Pulver Regarding 161 Washington Street (Seven Tower Bridge) – August 2016
 - B. Decision of the Zoning Hearing Board of the Borough of Conshohocken In Re: Application of Oliver Tyrone Pulver Corp. Regarding Two Tower Bridge, 1 Fayette Street – June 2014
 - C. Decision of the Zoning Hearing Board of the Borough of Conshohocken In Re: Application of Oliver Tyrone Pulver Corp. Regarding Six Tower Bridge, 181 Washington Street – March 2012
 - D. Decision of the Zoning Hearing Board of the Borough of Conshohocken In Re: Application of Washington St. Associates II, LP, and Kynetic (aka NRG, LLC) Regarding 225 Washington Street – August 2011
 - E. Decision of the Zoning Hearing Board of the Borough of Conshohocken In Re: Application of Jacobs Engineering Group, Inc. Regarding 3 Tower Bridge, 2 Ash Street – October 2010
 - F. Decision of the Zoning Hearing Board of the Borough of Conshohocken In Re: Application of Seven Tower Bridge Associates, 110 Washington Street – August 2007
4. Additional building wall signs on other properties in Conshohocken
 - A. Keystone
 - B. Mercy Health System
 - C. Whorley Parsons
 - D. Wells Fargo Advisors

1



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

Zoning Application

| |
|-----------------------|
| Application: _____ |
| Date Submitted: _____ |
| Date Received: _____ |

- 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 _____
- Section of the Zoning Ordinance from which relief is requested:
§27-2109 _____
- Address of the property, which is the subject of the application:
AREP Eight Tower Bridge LLC, 161 Washington St., Conshohocken /
Seven Tower Bridge Development, LLC, 110 Washington St., Conshohocken

- Applicant's Name: Seven Tower Bridge Development, LLC
Address: 110 Washington St., Conshohocken, PA
Phone Number (daytime): 610-834-3185
E-mail Address: epulverflatt@otpcorp.com / ecastleman@otpcorp.com
- Applicant is (check one): Legal Owner Equitable Owner ; Tenant
- Property Owner: AREP Eight Tower Bridge LLC / Seven Tower Bridge Development, LLC
Address: See above
Phone Number: 610-834-3185
E-mail Address: epulverflatt@otpcorp.com / ecastleman@otpcorp.com
- Lot Dimensions: 3.5 Acres & 3.03 Acres, respectively Zoning District: SP-2

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

Yes No If yes, please describe.

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.

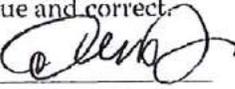
a. Attorney's Name: Ross Weiss, Esquire

b. Address: Cozen O'Connor, 200 Four Falls Corporate Center, Suite 400, West Conshohocken, PA 19428

c. Phone Number: 610-941-2361

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.

By: Donald W. Pulver, President 
Applicant

Seven Tower Bridge Development, LLC

Legal Owner

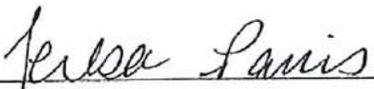
2/10/2020

Date

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 10th day of February, 2020.


Notary Public

Commonwealth of Pennsylvania - Notary Seal
Teresa Parris, Notary Public
Montgomery County
My commission expires April 16, 2022
Commission number 1282713
Member, Pennsylvania Association of Notaries

(Seal)



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

Decision

(For Borough Use Only)

Application Granted

Application Denied

MOTION:

CONDITIONS:

BY ORDER OF THE ZONING HEARING BOARD

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

DATE OF ORDER: _____

ADDENDUM

APPLICATION OF SEVEN TOWER BRIDGE DEVELOPMENT, LLC ("SEVEN TOWER BRIDGE") FOR SIGNAGE ON THE PROPERTY OF AREP EIGHT TOWER BRIDGE LLC ("EIGHT TOWER BRIDGE") AND ON THE SEVEN TOWER BRIDGE PROPERTY

BACKGROUND

1. Seven Tower Bridge is seeking variances for signage relief for its to be constructed ten-story 260,000 square foot office building and parking garage with 818 parking spaces along the Schuylkill River and adjacent to the Fayette Street Bridge. Seven Tower Bridge's property is adjacent to Eight Tower Bridge on which there is a 345,000 square foot office building and adjacent 1,200 car multilevel parking garage. Seven Tower Bridge proposes to place:
 - (A) A 40' x 20' (800 square feet) banner sign on the steel frame of the Seven Tower Bridge building when it reaches the fourth office floor.
 - (B) Install a pole with two 2' x 7' (28 square feet) banners adjacent to the Fayette Street Bridge on the Seven Tower Bridge property.
 - (C) Install two 2' x 7' (28 square feet) banners identifying Seven Tower Bridge on the existing pole adjacent to the Fayette Street Bridge on the Eight Tower Bridge property.

The banner sign identified in subparagraph (A) above will be located approximately 460' from the Fayette Street Bridge and be parallel to the Fayette Street Bridge. It will be located below the fourth floor deck to just above the second floor deck. It is estimated that it will be installed in late March and moved in late September to the top of the side of the Eight Tower Bridge garage facing the Fayette Street Bridge. It's relocation is included in the requested relief.

The pole and banner signs identified in subparagraphs (A), (B) and (C) above are temporary to remain on the Seven Tower Bridge and Eight Tower Bridge properties until the expiration of twelve months from the issuance of the first occupancy permit for Seven Tower Bridge or December 31, 2022, whichever occurs first.

Attached as Exhibit "A" are photos of the proposed Seven Tower Bridge banner signs on the Seven Tower Bridge and Eight Tower Bridge properties.

2. Seven Tower Bridge and Eight Tower Bridge's properties are located in the SP-2 Zoning District. §27-2109 Signs Permitted in the Specialty Plan Districts (SP-1, SP-2 and SP-3) in subsection 3 limits the size of real estate signs to 75 square feet.
3. Seven Tower Bridge's banner signs to be located on the Eight Tower Bridge pole adjacent to the Fayette Street Bridge (referred to in section 1.(C) above) are off premise

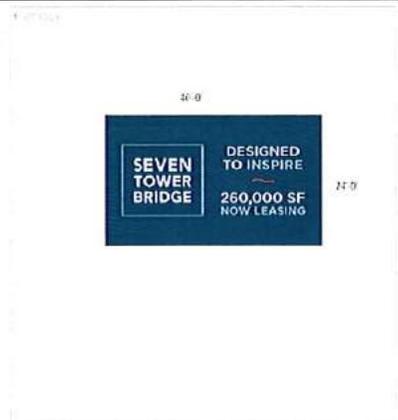
signs. The pole signs will not be attached to the Fayette Street Bridge. Seven Tower Bridge seeks an interpretation that these banner signs are permitted by right and, in the alternative, variances.

4. Seven Tower Bridge seeks an interpretation that the proposed 28 square foot banner signs on the pole adjacent to the Fayette Street Bridge on the Seven Tower Bridge property are permitted by right and, in the alternative, Seven Tower Bridge requests a variance.
5. Attached as Exhibit "B" is authorization from Eight Tower Bridge to Seven Tower Bridge to make this Application and Eight Tower Bridge's permission for the two Seven Tower Bridge banner signs to be located on the pole on its property and the 800 square foot banner sign to be moved from the Seven Tower Bridge structure to the Eight Tower Bridge garage at which time the existing Eight Tower Bridge banner sign on its parking structure will be removed.

BASIS FOR RELIEF

6. Applicant's property is located adjacent to the Schuylkill River and the Fayette Street Bridge at a grade substantially below the level of the bridge. The proposed banner signs are needed in order to direct persons coming to the Seven Tower Bridge site, including, but not limited to contractors, deliveries and prospective tenants. Due to the location of Seven Tower Bridge's property below the bridge level and away from major roads, signage must be installed on the Eight Tower Bridge pole adjacent to the Fayette Street Bridge and on the Seven Tower Bridge steel structure when it reaches the fourth floor and on the new pole on Seven Tower Bridge to deliver information at a height and size that is visible to passing motorists.
7. The unique location of the Seven Tower Bridge property adjacent to the Schuylkill River and below the Fayette Street Bridge creates a hardship that was not created by Seven Tower Bridge and will not endanger the health, safety and welfare of the community. In fact, it will benefit the community by better identifying the Seven Tower Bridge Location.
8. The relief requested is the minimal relief necessary to adequately direct the public to the Seven Tower Bridge site.
9. The relief requested is de minimis.
10. Seven Tower Bridge and Eight Tower Bridge are located in a commercial area of the Borough where many signs have been erected on buildings to direct the travelling public to the various locations.
11. Seven Tower Bridge is not the only office building site under construction in Conshohocken.

A



Contact
 DTP - Elz Casfarian / Don Pulver

Address
 7 TB, Conshohocken, PA

File Loc / Scans / DR / Path / 20-005

Details
 wall canvas (24 x 10) selected
 banner to be gray

Finishes
 printed mesh banner
 per customer supplied file

BANNER SECURED AND SUSPENDED FROM BELOW 9TH FL DECK TO JUST ABOVE 7TH FL DECK. RATE MAY THROUGH JULY. BANNER THEN TO BE RELOCATED TO 6TH GARAGE.



CITY SIGN

Sales: Jeff Carson
 424 Caledon Dr., Pottsville, PA 19044
 215-412-1323 | jcar@citysign.net

Date: 02-04-2020 (V7)
 File: 05-12-2020 (V9)

Page 1



**SEVEN
TOWER
BRIDGE**

DESIGNED
TO INSPIRE
**260,000 SF
NOW LEASING**

Contact
DTP - Elizabeth Cateman / Dee Fulmer

Address
715, Conshohocken PA

File Loc / Scans / D.R. / Post / 20-005

Details
15' wall banner 24' x 40'

Finishes
printed mesh banner
per customer supplied file*

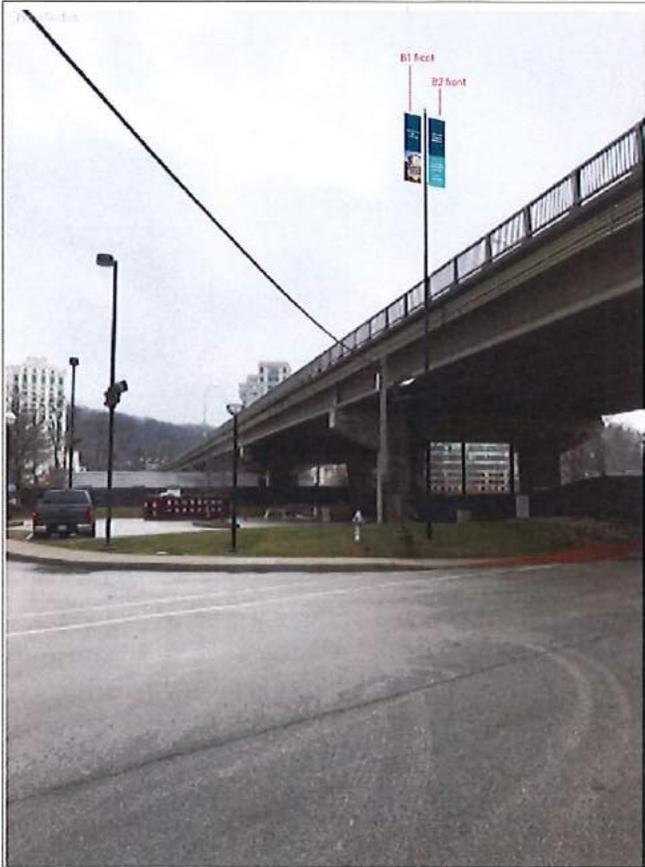
*change to text on customer file



Sales: Jeff Carson

424 Carleean Dr., Pottstown, PA 19064
215-442-1323 jeff@citysign.net

Date: 09/04/2020 (40)
File: 06/12/2020 (40)



Contact:
 OIP - Elizabeth/ Ben P. L...

Address:
 7 TB, Coresholcken, PA

File Loc / Scans / DR / Pict / 20-003

Detail:
 4 EF pole pocket banners 2' x 7' and 1 top pole with banner or no

Finishes:
 printed mesh banners
 poles shown supplied files

CITY SIGN

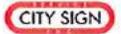
Sales: Jeff Carson
 424 Caledonia Dr., Portsmouth, PA 19684
 215 842 1323 jcarson@citysign.net

Date: 02/04/2020 (V7)
 Date: 05/12/2020 (02)

Page: 3



Contact:
OIP - Eric Cardeman / Don Pulver
Address:
7TB, Conshohocken, PA
File Loc / Status / DR / Perm / 20/005



Sales: Jeff Carson
424 E. Lincoln Dr. | Harrisburg, PA 17104
717-443-1373 | jfc@citysign.net

Date: 02/04/2020 (V2)
Date: 05/12/2020 (V3)

B



American Real Estate Partners

Donald W. Pulver, President
Seven Tower Bridge Development, LLC
Two Tower Bridge
One Fayette St., Suite 450
Conshohocken, PA 19428

February 11, 2020

Re: Application of Seven Tower Bridge Development, LLC for Signage on the Property of
AREP Eight Tower Bridge LLC and Seven Tower Bridge Development, LLC

Dear Don:

I have reviewed the above application for Seven Tower Bridge Development, LLC to place signage on its property, on the pole adjacent to the Fayette Street Bridge and a banner sign on the AREP Eight Tower Bridge LLC parking garage. I am writing to confirm that AREP Eight Tower Bridge LLC approves the placement of these signs as shown on the Exhibits to the Application. In addition, you are authorized to file the Application for Seven Tower Bridge Development, LLC as the Applicant on behalf of AREP Eight Tower Bridge LLC as the Owner.

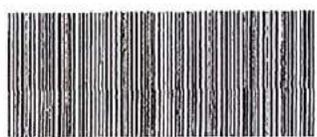
Very truly yours,

A handwritten signature in blue ink, appearing to read "M. Cooper", is written over a light blue horizontal line.

AREP Eight Tower Bridge LLC
By: American Real Estate Partners Management LLC, as Agent
By: Michael J. Cooper
Managing Director - Asset Management

2

77b

| | | | | | | | | | | | | | | | |
|--|---|---------|---------------|--------|----------------------|--------|----------------------|--------|--------------------------|--------|--------------------------|--------|---------------|-----------------|--|
|   <p>RECORDER OF DEEDS MONTGOMERY COUNTY <i>Jeanne Sorg</i></p> <p>One Montgomery Plaza Swede and Airy Streets ~ Suite 303 P.O. Box 311 ~ Norristown, PA 19404 Office: (610) 278-3209 ~ Fax: (610) 278-3869</p> | <p>DEED BK 6157 PG 01398 to 01405.1 INSTRUMENT # : 2019072939 RECORDED DATE: 10/15/2019 02:56:56 PM</p>  <p>5591334-0024U</p> <p align="center">MONTGOMERY COUNTY ROD</p> | | | | | | | | | | | | | | |
| OFFICIAL RECORDING COVER PAGE Page 1 of 9 | | | | | | | | | | | | | | | |
| <p>Document Type: Deed Document Date: 10/04/2019 Reference Info:</p> | <p>Transaction #: 5928720 - 15 Doc (s) Document Page Count: 7 Operator Id: ppiyakan</p> | | | | | | | | | | | | | | |
| <p>RETURN TO: (Mail) COMMONWEALTH LAND TITLE INSURANCE CO 1700 MARKET STREET SUITE 2100 PHILA, PA 19103</p> | <p>PAID BY: THERESA M SOLITARIO</p> | | | | | | | | | | | | | | |
| <p>* PROPERTY DATA: Parcel ID #: 05-00-11848-20-7 Address: FAYETTE ST</p> <p>Municipality: PA Conshohocken Borough (100%) School District: Colonial</p> | | | | | | | | | | | | | | | |
| <p>* ASSOCIATED DOCUMENT(S):</p> | | | | | | | | | | | | | | | |
| <p>CONSIDERATION/SECURED AMT: \$1.00 TAXABLE AMOUNT: \$5,704,300.00</p> <p>FEES / TAXES:</p> <table border="0"> <tr><td>Recording Fee:Deed</td><td>\$86.75</td></tr> <tr><td>Affidavit Fee</td><td>\$1.50</td></tr> <tr><td>Additional Pages Fee</td><td>\$6.00</td></tr> <tr><td>Additional Names Fee</td><td>\$0.50</td></tr> <tr><td>Affordable Housing Pages</td><td>\$6.00</td></tr> <tr><td>Affordable Housing Names</td><td>\$0.50</td></tr> <tr><td>Total:</td><td>\$101.25</td></tr> </table> | Recording Fee:Deed | \$86.75 | Affidavit Fee | \$1.50 | Additional Pages Fee | \$6.00 | Additional Names Fee | \$0.50 | Affordable Housing Pages | \$6.00 | Affordable Housing Names | \$0.50 | Total: | \$101.25 | <p>DEED BK 6157 PG 01398 to 01405.1 Recorded Date: 10/15/2019 02:56:56 PM I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.</p>  <p align="right"><i>Jeanne Sorg</i> Jeanne Sorg Recorder of Deeds</p> |
| Recording Fee:Deed | \$86.75 | | | | | | | | | | | | | | |
| Affidavit Fee | \$1.50 | | | | | | | | | | | | | | |
| Additional Pages Fee | \$6.00 | | | | | | | | | | | | | | |
| Additional Names Fee | \$0.50 | | | | | | | | | | | | | | |
| Affordable Housing Pages | \$6.00 | | | | | | | | | | | | | | |
| Affordable Housing Names | \$0.50 | | | | | | | | | | | | | | |
| Total: | \$101.25 | | | | | | | | | | | | | | |

Revis 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

5
RECORDED BY
11

2019 OCT 15 P 1:15

PREPARED BY:

David M. Scolnic, Esquire
Hangley Aronchick Segal Pudlin & Schiller
One Logan Square, 27th Floor
Philadelphia, PA 19103

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
05-00-11848-20-7 CONSHOHOCKEN
FAYETTE ST
SEVEN TOWER BRIDGE ASSOCIATES \$15.00
B 017 U 051 L 2208 DATE: 10/15/2019 JE

RECORD AND RETURN TO:

Alan D. Keiser
Commonwealth Land Title Insurance Company
1700 Market Street, Suite 2110
Philadelphia, PA 19103

PHI 190780
Commonwealth Land Title Insurance Company
1700 Market Street
Suite 2100
Philadelphia, PA 19103

Tax Parcel No.: 05-00-11848-20-7

SPECIAL WARRANTY DEED

THIS INDENTURE made this 4th day of October, 2019, to be effective as of October 11, 2019, between **SEVEN TOWER BRIDGE ASSOCIATES**, a Pennsylvania limited partnership (hereinafter called the "Grantor"), having an address at Two Tower Bridge, One Fayette Street, Suite 450, Conshohocken, PA 19428 and **SEVEN TOWER BRIDGE DEVELOPMENT, LLC**, a Delaware limited liability company (hereinafter called the "Grantee"), having an address at Two Tower Bridge, One Fayette Street, Suite 450, Conshohocken, PA 19428.

WITNESSETH, that the said Grantor, for ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, and intending to be legally bound, has conveyed, granted, bargained, sold, released and confirmed, and by these presents does convey, grant, bargain, sell, release and confirm unto the said Grantee, its successors and assigns:

ALL THAT CERTAIN lot or piece of ground, with the buildings and improvements thereon erected, situate, lying and being in the County of Montgomery, Commonwealth of Pennsylvania, as more fully described in Schedule I attached hereto and made a part hereof.

TOGETHER with all and singular the buildings, improvements, streets, alleys, passages, ways, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in any wise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever, of it, the said Grantor, in law, equity, or otherwise howsoever, of, in, and to the same and every part thereof.

TO HAVE AND TO HOLD the said lot or piece of ground above described, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances unto the said Grantee, its successors and

AK

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

UNDER AND SUBJECT to all covenants, conditions, restrictions, easements and rights of way of record to the extent valid, subsisting and enforceable, including, but not limited to, that certain Declaration of Environmental Covenant containing Activity and Use Limitations recorded on March 10, 2010 with the Recorder of Deeds for Montgomery County, Deed Book 5760, pages 02086-02098.

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

[Remainder of Page Intentionally Left Blank; Signature Page Follows]

IN WITNESS WHEREOF, the Grantor has executed this Special Warranty Deed as of the day and year first above written.

GRANTOR:

SEVEN TOWER BRIDGE ASSOCIATES,
a Pennsylvania limited partnership

By: Seven Oliver Building Partner, L.P. its general partner

By: Seven Oliver Tower Associates, its general partner

By: Seven Oliver Tower Corporation, its general partner

By: 

Donald W. Pulver
President

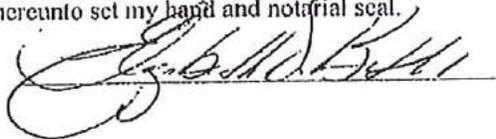
COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF Philadelphia : SS

On this, the 4th day of October, 2019, before me, the undersigned officer, personally appeared Donald W. Pulver who acknowledged himself to be the President of Seven Oliver Tower Corporation, a corporation which is the general partner of Seven Oliver Tower Associates, a limited partnership, which is the general partner of Seven Oliver Building Partner, L.P., a limited partnership, which is the general partner of Seven Tower Bridge Associates, a limited partnership, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation, as the general partner of Seven Oliver Tower Associates, a limited partnership, as the general partner of Seven Oliver Building Partner, L.P., a limited partnership, as the general partner of Seven Tower Bridge Associates, a limited partnership, by himself as President.

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

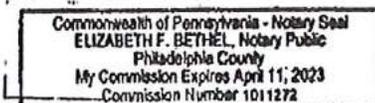
Notary Public



Elizabeth F. Bethel

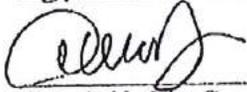
(NOTARIAL SEAL)

My Commission Expires



The address of the within-named Grantee is:

Two River Bridge, Inc
Payette St. 5th Fl
Crested Rock, PA 15428

A handwritten signature in cursive script, appearing to read "J. J. [unclear]", written over a horizontal line.

On Behalf of the Grantee

Schedule I to
Special Warranty Deed

Legal Description of Property

PARCEL NO. 1

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements erected thereon.

SITUATE in the Borough of Conshohocken, Montgomery County, Commonwealth of Pennsylvania, described in accordance with a Record Plan for Seven Tower Bridge Associates, L.P., prepared by Pennoni Associates, Inc., West Chester, Pennsylvania, dated June 17, 2009, to wit:

COMMENCING at a point on the centerline of Fayette Street, said point being under the overhead bridge structure of said Fayette Street and measured from a point also on the centerline of said Fayette Street, South 41 degrees 00 minutes 00 seconds West 180.52 feet to the point of beginning, the property then continuing along property now or formerly owned by Eight Tower Bridge Development Associates for the following Two (2) Courses:

1. South 51 degrees 45 minutes 34 seconds East for 325.49 feet;
2. South 58 degrees 40 minutes 13 seconds East 349.21 feet;

Thence along property now or formerly owned by Six Tower Bridge Associates, the following Three (3) Courses and Distances:

1. South 61 degrees 36 minutes 59 seconds East 5.15 feet;
2. South 18 degrees 23 minutes 35 seconds West 68.23 feet;
3. South 36 degrees 36 minutes 00 seconds West 150.50 feet;

Thence the following Eight (8) Courses and distances:

1. North 65 degrees 08 minutes 31 seconds West 22.42 feet;
2. North 58 degrees 45 minutes 00 seconds West 40.00 feet;
3. North 48 degrees 10 minutes 00 seconds West 200.00 feet;
4. North 54 degrees 45 minutes 00 seconds West 238.20 feet;
5. North 43 degrees 15 minutes 00 seconds West 215.30 feet;
6. North 43 degrees 15 minutes 00 seconds West 13.65 feet;
7. North 41 degrees 00 minutes 00 seconds East 149.99 feet;

8. South 51 degrees 45 minutes 34 seconds East 13.70 to point of beginning.

PARCEL NO. 2

TOGETHER WITH all those appurtenant real property easements as set forth in Deed from Alco Standard Corporation to Montgomery County Industrial Development Authority, dated 3/5/1979 recorded in Deed Book 4464 page 360, Deed dated 11/2/1984 and recorded in Deed Book 4752 page 1696 and Deed dated 2/28/1996 and recorded in Deed Book 5147 page 557; as amended by Termination, Relocation and Grant of Easement between Montgomery County Development Corporation "MCDC" and Montgomery County Industrial Development Authority "MCIDA", dated 11/18/1995 and recorded 5/8/1996 as in Deed Book 5147 page 562.

TOGETHER WITH all those appurtenant real property easements as set forth in a Reciprocal Easement Agreement by and between Tower Bridge North Associates and Six Tower Bridge Associates, dated 1/22/1999 and recorded 1/29/1999 in Deed Book 5257 page 1915. Agreement as affected by Amendment to Reciprocal Easement Agreement made 3/28/2000 by and among Tower Bridge North Associates, Tower Bridge Inn Associates, L.P. and Six Tower Bridge Associates dated 3/28/2000 and recorded 4/4/2000 in Deed Book 5312 page 1250. Second Amendment to Reciprocal Easement Agreement dated 12/7/2009, but effective 2/9/2010, and recorded 3/8/2010 in Deed Book 5760 page 1565.

TOGETHER WITH all those appurtenant real property easements as set forth in Storm Drainage Easement Agreement made 1/31/2001 by and between Six Tower Bridge Associates and Eight Tower Bridge Development Associates, recorded 2/6/2001 in Deed Book 5349 page 795.

TOGETHER WITH all those appurtenant real property easements as set forth in Utilities Easement Agreement made 1/31/2001 by and between Six Tower Bridge Associates and Eight Tower Bridge Development Associates, recorded 2/6/2001 in Deed Book 5349 page 817. Assignment of Utility Easement and Grant of Utility and Access Easement Agreement dated 12/7/2009, but effective 2/9/2010, and recorded 3/8/2010 in Deed Book 5760 page 1479.

TOGETHER WITH all those appurtenant real property easements as set forth in Water Line Easement by and between Six Tower Bridge Associates and Seven Tower Bridge Associates dated 12/7/2009, but effective 2/9/2010, and recorded 3/8/2010 in Deed Book 5760 page 1546.

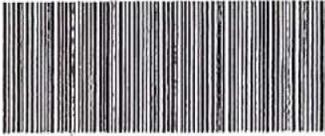
TOGETHER WITH all those appurtenant real property easements as set forth in Reciprocal Storm Water Easement Agreement between AREP Eight Tower Bridge LLC, and Seven Tower Bridge Associates, dated ___/___/2019 and recorded ___/___/2019 in Deed Book ____ page ____.

TOGETHER WITH all those appurtenant real property easements as set forth in Multi-Use Easement Agreement: between AREP Eight Tower Bridge LLC, and Seven Tower Bridge Associates, dated ___/___/2019 and recorded ___/___/2019 in Deed Book ____ page ____.

Tax ID / Parcel No. 05-00-11848-20-7.

BEING the same premises which Seven Tower Bridge Associates conveyed to Seven Tower Bridge Associates by Deed of Confirmation dated 2/9/2010 and recorded 3/3/2010 in Deed Book 5760 page 308, in fee.

87B

| | | | | | | | | | | | | | | | |
|--|---|---------|----------------------|--------|--------------------------|--------|-----------|----------------|--------------------------|--------------|------------------------------|--------------|---------------|-----------------------|--|
|   <p>RECORDER OF DEEDS MONTGOMERY COUNTY <i>Jeanne Sorg</i></p> <p>One Montgomery Plaza Swede and Alry Streets ~ Suite 303 P.O. Box 311 ~ Norristown, PA 19404 Office: (610) 278-3289 ~ Fax: (610) 278-3869</p> | <p>DEED BK 6110 PG 01204 to 01209 INSTRUMENT # : 2018070101 RECORDED DATE: 10/10/2018 10:22:38 AM</p>  <p>3912414-0020J</p> <p align="center">MONTGOMERY COUNTY ROD</p> | | | | | | | | | | | | | | |
| OFFICIAL RECORDING COVER PAGE Page 1 of 6 | | | | | | | | | | | | | | | |
| <p>Document Type: Deed Document Date: 10/01/2018 Reference Info:</p> | <p>Transaction #: 4089217 - 4 Doc(s) Document Page Count: 5 Operator Id: sford</p> | | | | | | | | | | | | | | |
| <p>RETURN TO: (Simplifile) LandAmerica - Philly 1700 Market St 21st Floor Philadelphia, PA 19103 (215) 241-6392</p> | <p>PAID BY: LANDAMERICA - PHILLY</p> | | | | | | | | | | | | | | |
| <p>* PROPERTY DATA: Parcel ID #: 05-00-11848-10-8 Address: 161 WASHINGTON ST</p> <p>Municipality: PA Conshohocken Borough (100%) School District: Colonial</p> | | | | | | | | | | | | | | | |
| <p>* ASSOCIATED DOCUMENT(S):</p> | | | | | | | | | | | | | | | |
| <p>CONSIDERATION/SECURED AMT: \$108,000,000.00</p> <p>FEES / TAXES:</p> <table border="0"> <tr><td>Recording Fee:Deed</td><td>\$86.75</td></tr> <tr><td>Additional Pages Fee</td><td>\$2.00</td></tr> <tr><td>Affordable Housing Pages</td><td>\$2.00</td></tr> <tr><td>State RTT</td><td>\$1,080,000.00</td></tr> <tr><td>Conshohocken Borough RTT</td><td>\$540,000.00</td></tr> <tr><td>Colonial School District RTT</td><td>\$540,000.00</td></tr> <tr><td>Total:</td><td>\$2,160,090.75</td></tr> </table> | Recording Fee:Deed | \$86.75 | Additional Pages Fee | \$2.00 | Affordable Housing Pages | \$2.00 | State RTT | \$1,080,000.00 | Conshohocken Borough RTT | \$540,000.00 | Colonial School District RTT | \$540,000.00 | Total: | \$2,160,090.75 | <p>DEED BK 6110 PG 01204 to 01209 Recorded Date: 10/10/2018 10:22:38 AM</p> <p>I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.</p>  <p align="right">Jeanne Sorg Recorder of Deeds</p> |
| Recording Fee:Deed | \$86.75 | | | | | | | | | | | | | | |
| Additional Pages Fee | \$2.00 | | | | | | | | | | | | | | |
| Affordable Housing Pages | \$2.00 | | | | | | | | | | | | | | |
| State RTT | \$1,080,000.00 | | | | | | | | | | | | | | |
| Conshohocken Borough RTT | \$540,000.00 | | | | | | | | | | | | | | |
| Colonial School District RTT | \$540,000.00 | | | | | | | | | | | | | | |
| Total: | \$2,160,090.75 | | | | | | | | | | | | | | |

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:

James A. McGraw, Esq.
Day Pitney LLP
242 Trumbull Street
Hartford, CT 06103

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
05-00-11848-10-B CONSHOHOCKEN BOROUGH
181 WASHINGTON ST
EIGHT TOWER BRIDGE DEV ASSOC \$15.00
B 017 L 3 U 052 4338 10/09/2018 HW

After recording return to:

Jay Zagoren, Esq.
Dechert LLP
2929 Arch Street
Philadelphia, PA 19104

Commonwealth Land Title Insurance Company
1700 Market Street
Suite 2100
Philadelphia, PA 19103

PHL-1832177(TC)

Tax Parcel no. 05-00-11848-10-8

SPECIAL WARRANTY DEED

This Special Warranty Deed made this 1st day of October, 2018, to be effective the 5th day of October, 2018.

BETWEEN:

EIGHT TOWER BRIDGE DEVELOPMENT ASSOCIATES, a Pennsylvania limited partnership ("Grantor"), c/o Barings, One Financial Plaza, Suite 1700, Hartford, Connecticut 06103,

AND

AREP EIGHT TOWER BRIDGE LLC, a Delaware limited liability company ("Grantee"), c/o American Real Estate Partners Management LLC, 2350 Corporate Park Drive, Suite 110, Herndon, Virginia 20171.

WITNESSETH, That the said Grantor, for and in consideration of the sum of One Hundred Eight Million and 00/100 Dollars (\$108,000,000.00) lawful money of the United States of America and other consideration, unto it well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, conveyed, bargained and sold, released and confirmed, and by these presents does grant, convey, bargain and sell, release and confirm unto the said Grantee, its successors and assigns, those parcels of land located in Montgomery County, Pennsylvania and as more particularly described on Exhibit "A" attached hereto.

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

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

Under and Subject to any and all easements, covenants, conditions and other restrictions of record.

And the said Grantor, and its successors and assigns does covenant, promise and agree, to and with the said Grantee, its successors and assigns, by these presents, that the said Grantor and its successors and assigns, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against it the said Grantor and its successors and assigns, and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under the said Grantor, its successors and assigns, or any of them, shall and will **WARRANT** and forever **DEFEND**.

Being the same premises conveyed to Grantor by that certain Deed from Tower Bridge North Associates, a Pennsylvania limited partnership, dated January 26, 2001, and recorded on February 5, 2001 in Montgomery County in Deed Book 5349, at Page 583.

[Signature Page Follows]

EXECUTED as of the 14th day of October, 2018, to be effective the 3rd day of October, 2018.

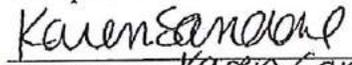
EIGHT TOWER BRIDGE DEVELOPMENT ASSOCIATES

By: Cornerstone 8TB LLC, its general partner

By: Barings LLC, its manager

By: 
Name: Christopher Cassella
Title: Managing Director

Signed, sealed and delivered in the
in the presence of:


Printed Name: Karen Sandar

Grantee's Address:
c/o American Real Estate Partners Management LLC
2350 Corporate Park Drive
Suite 110
Herndon, Virginia 20171



THE STATE OF CONNECTICUT

COUNTY OF HARTFORD

This instrument was acknowledged before me on OCTOBER 1, 2018, by CHRISTOPHER CASSELLA, MANAGING DIRECTOR of Barings LLC, a Delaware limited liability company, as manager of Cornerstone 8TB LLC, a Delaware limited liability company, as general partner of EIGHT TOWER BRIDGE DEVELOPMENT ASSOCIATES, a Pennsylvania limited partnership, as his/her free act and deed and the free act and deed of said entities.

Karen L. Boyce
Notary Public

My Commission Expires:
Printed Name of Notary:



Exhibit A

Legal Description

ALL THAT CERTAIN TRACT or piece of land, situate in Borough of Conshohocken, County of Montgomery, Commonwealth of Pennsylvania, more particularly described herein and shown on a "Record Plan," prepared for Oliver, Tyrone, Pulver Corporation, prepared by Robert E. Blue, Consulting Engineers, P.C., Blue Bell, Pennsylvania, dated November 9, 1998, latest revised for recording January 30, 2001, and recorded in Land Site Plan Book 5, Page 316 on February 6, 2001, bounded and described, as follows:

BEGINNING at a point at the intersection of the southerly sideline of Washington Street (15 feet from the centerline) and the easterly sideline of Fayette Street (40 feet from centerline); thence from said point of beginning and along the sideline of Washington Street, the following three courses and distances: (1) South 74 degrees 19 minutes 42 seconds East, a distance of 180.28 feet to a point; (2) South 65 degrees 08 minutes 54 seconds East, a distance of 104.75 feet to a point; (3) along the arc of a circle, curving to the left, having a radius of 2,581.77 feet, an arc distance of 179.89 feet to a point; thence along lands of now or formerly Lot #2, the following three courses and distances: (1) South 18 degrees 50 minutes 38 seconds West, a distance of 208.96 feet to a point; (2) South 75 degrees 03 minutes 16 seconds East, a distance of 35.25 feet to a point; (3) South 32 degrees 31 minutes 55 seconds West, a distance of 116.98 feet to a point; thence along lands of now or formerly Montgomery County Industrial Development Authority, the two following courses and distances: (1) North 58 degrees 33 minutes 25 seconds West, a distance of 275.26 feet to a point; (2) North 51 degrees 38 minutes 46 seconds West, a distance of 325.57 feet to a point under the Fayette Street Bridge and on the centerline thereof; thence along the centerline, under the aforementioned bridge, North 41 degrees 00 minutes 00 seconds East, a distance of 157.25 feet to a point; thence along the southerly sideline of Washington Street, the following three courses and distances: (1) along the arc of a circle, curving to the left, having a radius of 306.48 feet, an arc length of 32.85 feet to a point; (2) South 74 degrees 19 minutes 42 seconds East, a distance of 10.63 feet to a point; (3) along the required right-of-way line for an aerial easement for the Fayette Street Bridge, North 41 degrees 00 minutes 00 seconds East, a distance of 3.32 feet to a point, said point being the first mentioned point and place of beginning.

Together with the rights for storm drainage facilities and easement recorded in Deed Book 5349, page 795.

Together with utilities easement recorded in Deed Book 5349, Page 817 and Deed Book 5760, page 1479.

Together with the rights set forth in the Reciprocal Easement Agreement recorded at Deed Book 5257, page 1915, as amended at Deed Book 5312, page 1250 and Second Amendment to same in Deed Book 5760, page 1565.

Together with easement rights as set forth in Deed Book 5147, page 562.

Together with a parking easement recorded in Deed Book 5760, page 1529.

Tax ID / Parcel No. 05-00-11848-10-8.

3

A

BEFORE THE ZONING HEARING BOARD OF CONSHOHOCKEN

**IN RE: APPLICATION OF
SEVEN TOWER BRIDGE ASSOCIATES/ESTHER PULVER**

REGARDING

**161 WASHINGTON STREET
(SEVEN TOWER BRIDGE)**

DECISION OF THE BOARD

I. HISTORY

On or about August 4, 2016, Seven Tower Bridge Associates/Esther Pulver (hereinafter called "Applicant"), filed the within Appeal seeking Variances from the terms of Sections 27-2109(3), 27-2109(5), and 27-2109(6), of the Borough of Conshohocken Zoning Ordinance of 2001 (together with all amendments thereto, the "Zoning Ordinance"), seeking permission to erect off-premises real estate signs advertising the sale or rental of a building or property exceeding seventy-five (75) square feet on one (1) side or one-hundred fifty (150) square feet on two sides and exceeds forty (40) feet in height for the property located at 161 Washington Street, Conshohocken, Pennsylvania (hereinafter called "Subject Property").

After notice was duly given and advertised, a hearing was held on said Appeal at Borough Hall on September 6, 2016 at 8:00 p.m.

At the hearing, the following Exhibits were introduced and admitted:

P-1 – Public Notice of the Case.

A-1 – Application with Addendum and Exhibits.

A-2 – Deed.

A-3 – Prior Decisions.

A-4 – Additional Building Wall Signs.

II. FINDINGS OF FACT

1. The Subject Property is located at 161 Washington Street, Conshohocken, Pennsylvania in the Specially Planned 2 Zoning District.
2. The Subject Property is owned by Eight Tower Bridge Development Association of One Fayette Street, Suite 450, in Conshohocken.
3. The Applicant was represented by Ross Weiss, Esquire.
4. The Applicant is requesting three (3) variances from the terms of the Zoning Ordinance.
5. Mr. Weiss called Mr. Jeff Carson to testify. Mr. Carson testified to the following:
 - a. Mr. Carson is affiliated with City Signs.
 - b. The Application is to permit Seven Tower Bridge to use existing and new sign structures on the premises of Eight Tower Bridge to advertise for Seven Tower Bridge.
 - c. Seven Tower Bridge is a to-be-constructed 250,000 square foot office building with a 818-space parking garage.
 - d. Seven Tower Bridge will be located between Eight Tower Bridge and the Schuylkill River.
 - e. Eight Tower Bridge is an existing 345,000 square foot office building with a 1,200-space parking garage.
 - f. Eight Tower Bridge currently has signage.

- g. Eight Tower Bridge also currently has a banner sign on its parking garage and identifying signage on a pole (hereinafter referred to as "pole sign") on the property adjacent to the Fayette Street bridge.
- h. The pole sign and the banner sign are currently on opposite sides of the Eight Tower Bridge property.
- i. The pole sign consists of two (2) banners, each measuring two (2) feet by seven (7) feet.
- j. The pole sign banners are double-sided.
- k. The banner sign on the parking garage is six (6) feet by twenty-two (22) feet, measuring 132 square feet.
- l. The existing pole sign banners will be replaced by new banners of the same dimensions on the same pole structure.
- m. The existing pole sign banners identify the marketing and development of Eight Tower Bridge; the signage "points" to the property.
- n. The proposed pole sign banners will be similar in design and content to the existing banners, but changed to reference Seven Tower Bridge.
- o. The Fayette Street bridge is elevated above the Seven Tower Bridge property.
- p. Zoning relief was requested roughly ten (10) years ago to allow for the construction of the pole sign and the installation of the existing banner sign. At the time, the signage was to advertise Eight Tower Bridge, the same property on which the signs were placed.
- q. The proposed pole sign would occupy the existing structure and sign frames.

- r. The proposed banner sign would now advertise Seven Tower Bridge and be moved to a different side of the Eight Tower Bridge parking garage.
- s. The Eight Tower Bridge banner sign will be removed if permission for the Seven Tower Bridge banner sign is granted.
- t. Relief is needed as the 132 square foot banner sign exceeds the permitted seventy-five (75) square feet.
- u. Relief is needed as these signs are now off-premises advertising for Seven Tower Bridge being placed on Eight Tower Bridge.
- v. Authorization for the placement of the signs has been received from the owner of Eight Tower Bridge.
- w. Zoning relief has been granted for other projects to exceed the maximum sign size.
- x. Mr. Carson was previously qualified as an expert in signage.
- y. The geographical nature of the property being low-lying and below the Fayette Street bridge creates a hardship. The property is basically obscured from view. The signage allows easy identification of the development through reuse of the existing signage visible from the Fayette Street bridge. The challenges of the topography for this site exceed similar challenges presented by other sites in the area.
- z. The signage is important during the pre-construction and construction phase to generate interest from tenants.
- aa. The signage is important to aide visitors and workers in finding the site.

- bb. Eight Tower Bridge and its garage obstruct the view of Seven Tower Bridge from the Fayette Street bridge, Harry Street, and Washington Street.
 - cc. The requested relief is an extension of the previous relief granted.
 - dd. There is no record of problems caused by this signage.
 - ee. The proposed signage could be no smaller in size. The size is optimal for visibility from the surrounding roadways.
 - ff. The size of the proposed signage is the most realistic and smallest amount possible.
 - gg. The proposed signage is consistent with other signs in the area.
 - hh. The proposed signage has no detrimental effect.
 - ii. The location of the proposed signage is optimal for traffic and visibility.
 - jj. Without the proposed signage, it would be easy for a visitor to miss the location of Seven Tower Bridge.
 - kk. The signage is unable to strictly conform to the Zoning Ordinance due to the inherent physical circumstances and conditions.
 - ll. There has been no difficulty in maintaining the existing signage.
 - mm. No signage is mounted on the Fayette Street bridge.
 - nn. There will no direct illumination of the signs.
6. Mr. Weiss called Mr. Donald W. Pulver to testify. Mr. Pulver testified to the following:
- a. Mr. Pulver is the developer of the Tower Bridge buildings in both Conshohocken and West Conshohocken.
 - b. It is Mr. Pulver's belief that the signage aided visitors in locating the building.

- c. The Seven Tower Bridge site has a great riverfront location but is obscured by its placement below the Fayette Street bridge.
- d. Once the building is erected to its full fourteen (14) stories, it will be visible from the Fayette Street bridge. But, until construction is completed, its existence will be unknown.
- e. The signage is most important during the construction phase. It's the only way to identify the site.
- f. The Seven Tower Bridge site is primarily accessed by easements from the other surrounding office building properties.
- g. The signage is also important to advertising during the lease-up period to ensure occupancy.
- h. The signage should be in place until the building is about 80 percent (80%) rented.
- i. The building plans have been fully approved; the foundation has already been constructed with assistance from an RACP grant.
- j. The building and the site have been kept in conformity with all zoning and building rules.
- k. The building will most likely require at least four (4) years to reach 80 percent (80%) leasing.
- l. The signage is best suited on the Eight Tower Bridge due to the heavy construction area on Seven Tower Bridge.
- m. The signage should be erected immediately to aid in leasing the property. Early leasing supports the financing of the construction.

7. When originally approved, the signage was on-premises advertising, per the Zoning Ordinance, as it advertised for Eight Tower Bridge. The change in the content of the advertising to advertising for Seven Tower Bridge changes the signage to off-premises advertising.
8. Temporary signs would be more appropriate for the relief requested.
9. Three (3) years from the issuance of the Certificate of Occupancy or six (6) years from the date of this Decision would be accepted by the Applicant.
10. No public comment was offered.

III. DISCUSSION

The Applicant is requesting three (3) variances from the terms of Sections 27-2109(3), 27-2109(5), and 27-2109(6).

Section 27-2109 is titled "Signs Permitted in the Specially Planned Districts (SP-1, SP-2 and SP-3)" and states the following:

- "1. Official street and traffic signs and any signs required by law.
2. Incidental signs for the convenience and safety of the public (for example, signs identifying parking areas, telephones, rest rooms, etc.) Each sign not to exceed four square feet in size and containing no advertising.
3. Real estate sign for advertising the sale or rental of the building or property upon which the sign is erected, provided that the total area on any one side of such signs on any one street frontage of any property in single or separate ownership shall not exceed 75 square feet.
4. Trespassing signs and signs indicating private ownership of roadways or other property, on the same premises therewith, provided that the total area on any one side of such sign shall not exceed two square feet and shall be spaced at intervals of not less than 100 feet of street frontage or property line.

5. One freestanding sign or wall sign per building. The sign may be illuminated, either directly or indirectly. The total area of the sign shall not exceed the linear footage of the building's front facade or 75 square feet whichever is less. Corner properties are allowed one additional freestanding or wall sign provided its total area does not exceed the linear frontage of the building's facade for the side on which the sign is placed or 75 square feet, whichever is less.
6. Billboards defined in this Chapter as an off-premises sign may be constructed in the SP-3 Specially Planned District Three only. The following regulations shall apply:
 - A. An off-premises sign may be double-faced with two advertising surfaces. However, both surfaces shall be the same size and shape. The maximum area per side is 150 square feet.
 - B. The maximum height for off-premises signs erected on the ground is 40 feet.
 - C. Rooftop signs are expressly prohibited.
 - D. No portion of the supporting structure shall be visible above any advertising display area.
 - E. Signs must be at least 50 feet from the ultimate right-of-way line.
 - F. Signs may not be erected within 1,000 feet of each other in any direction.
 - G. Signs may not be attached to a bridge.
 - H. All off-premises signs shall be erected on permanent footings and support structures designed by a registered structural engineer.
 - I. A sign permit is required. The applicant for a sign permit shall present a written statement from the owner of the property, duly authorized, that the applicant has the right to use the property to erect a sign as well as maintain the sign during the time that the sign is erected. The owner must further verify in writing that it will, at its sole cost and expense, cause the sign to be removed at such time as there is no further use of the sign.
 - J. The applicant, at his sole expense, shall remove any off-premises sign, if the sign remains without bona fide advertisement, which shall include nonrental of the sign space, for 90 days, or if the right to use the property has expired for any reason whatsoever.
7. One Tenant Identification Sign per Development. Such sign shall not exceed eight feet in height or 36 square feet in total area. One such sign shall be permitted at

each vehicular entrance to the development. The area of such signs shall be exclusive of the permitted area of all other signs.”

In a request for a variance, the Board is guided by Section 27-611 of the Ordinance and Section 910.2 of the Pennsylvania Municipalities Planning Code (hereinafter called “MPC”). An applicant for a variance has the burden of establishing that a literal enforcement of the provisions of the Ordinance will result in an unnecessary hardship as that term is defined by law, including court decisions, and that the allowance of the variance will not be contrary to the public interest. Section 27-611 of the Ordinance and Section 910.2 of the MPC permit the Board to grant a variance where it is alleged that the provisions of the Ordinance inflict unnecessary hardship upon the Applicant and when the Board can make certain prescribed findings where relevant in a given case.

The requested variances are dimensional in nature. In such situations, the Supreme Court of Pennsylvania has stated, “the owner is asking only for a reasonable adjustment of the zoning regulations in order to utilize the property in a manner consistent with the applicable regulations.” See Hertzberg v. Zoning Board of Adjustment of City of Pittsburgh, 721 A.2d 43, 47 (Pa. 1998). Thus, the Pennsylvania Supreme Court has stated, the level “of proof required to establish unnecessary hardship is indeed lesser.” See id. at 48.

As the testimony and evidence presented to the Board in this case have shown, the Project appears to attempt to accommodate both a positive use of the Property with minimal relief being requested.

As a result of all the above, the Application meets the requirements of “unnecessary hardship” required under the MPC. See id. The Board, upon thorough and deliberate review of the materials submitted and testimony offered, has determined that the proposed variances are appropriate in consideration of the unique characteristics of the Property.

The requested variances will not adversely affect the public interest.

IV. 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 variances are not contrary to the public interest. Accordingly, the Board is able to make the following relevant findings under Section 910.2 of the MPC and Section 27-611 of the Zoning Ordinance:

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 the variances are therefore necessary to enable the reasonable use of the Subject Property;
3. That the 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; and,

5. That the variances will represent the minimum variances that will afford relief and will represent the least modification possible.

B

BEFORE THE ZONING HEARING BOARD OF CONSHOHOCKEN

IN RE: APPLICATION OF
OLIVER TYRONE PULVER CORP.

REGARDING

TWO TOWER BRIDGE
1 FAYETTE STREET, CONSHOHOCKEN, PA 19428

DECISION OF THE BOARD

I. History of the Case:

By application dated June 24, 2014 (the "Application"), Oliver Tyrone Pulver Corp. (the "Applicant") is seeking zoning relief from the Zoning Hearing Board (the "Board"), in the nature of variances from Sections 27-2108, 27-2108.1.1.1 and 27-2108.1.2 (each a "Variance," and collectively, the "Variances") all from the Conshohocken Borough Zoning Ordinance of 2001 (together with all amendments thereto, the "Zoning Ordinance"). The property is presently zoned Borough Commercial ("BC"), which (i) permits only one sign per side of the building (whereas the Applicant requests two); (ii) limits the size of wall signs to 35 square feet (whereas the Applicant intends to exceed the sign size limitations); and (iii) limits the size of monument signs to 35 square feet, with a 25% increase for each additional tenant (whereas the Applicant intends to exceed the sign size limitations).¹

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

¹ The Applicant also requested relief under Section 27-2108.1 regarding the maximum height of the monument sign. However, the proposed monument sign is 9.4 feet high, and the maximum permissible height is 12 feet. Therefore, no relief under Section 27-2108.1 is required with respect to the monument sign.

A public hearing ("Hearing") was held before the Board on the evening of August 4, 2014, at 7:30 pm prevailing time, at the Fellowship House, 515 Harry Street, in Conshohocken, Pennsylvania. At the conclusion of the hearing, the Board discussed the issue and rendered a decision. Due notice was given for the public hearing. After the conclusion of the hearing, the Board found as follows:

II. Findings of Fact:

1. The Applicant is Oliver Tyrone Pulver Corp., and Six Oliver Town Assoc. is the owner of the Property. Said Applicant was represented by Ross Weiss, Esquire ("Weiss"), counsel to the Applicant. Weiss indicated the Applicant would present the testimony of two (2) witnesses, Barry Rodenstein, on behalf of Brixmor, a tenant of the Property ("Rodenstein"), and Jeff Carson, on behalf of City Sign ("Carson"). Weiss provided the Board with a packet of exhibits that were admitted as A-A through A-P.

2. The property involved, Two Tower Bridge, 1 Fayette Street (the "Property"), consists of a commercial office building and detached parking structure. The Property is presently zoned BC.

3. The Applicant, through its counsel, testified that it wished to install building signage benefiting Brixmor on the North and South elevations of the building as well as new monument signage (collectively, the "Signs"). Currently, the Zoning Ordinance (i) permits only one sign on each side of the building (whereas the Applicant requests two), (ii) limits the size of wall signs to 35 square feet (whereas the Applicant intends to exceed the sign size limitations), and (iii) limits the size of monument signs to 35 square feet with an increase of 25% for each additional tenant (whereas the Applicant intends to add signage for an additional tenant that will exceed the permissible size).

See Sections 27-2108, 27-2108.1.1; 27-2108.1.2. As a result, all of the Signs require relief from the Zoning Ordinance (the "Proposed Relief").

4. Rodenstein testified that Brixmor, a real estate entity owning shopping centers throughout the country, has a regional office located at the Property. The building on the property consists of 80,000 square feet, and Rodenstein indicated that Brixmor occupies 32,000 square feet there. He also stated that Brixmor has almost 200 employees in Conshohocken. Rodenstein stated that the current signage at the Property was inadequate.

5. The Chairman of the Board, Rick Barton (the "Chairman") asked the members of the Board, the Zoning Officer and the Zoning Solicitor for questions of Rodenstein.

a) Janis B. Vacca ("Vacca") asked whether customers had complained that they had difficulty finding the Property due to the inadequate signage. Rodenstein stated that all of the surrounding office buildings look similar and that when describing the Property versus the neighboring buildings, it is hard for customers to find the small monument sign and indicated that there is no signage bearing the address of the Property.

b) The Chairman asked about Brixmor's current signage on the building. Weiss indicated that the next witness would speak to the signage.

6. The Chairman asked the public for any questions for Rodenstein. There were no questions. Weiss called Carson as his next witness.

7. Carson's qualifications were presented and the Board accepted him as a sign expert. Carson testified that he met with the Applicant as well as representatives of

Brixmor to develop the Signs. Carson, using an aerial photo admitted as Exhibit A-C, oriented the Board and the public to the Property. Carson indicated that the Property is bordered to the south by Elm Street, to the east by Harry Street, and to the north by 1st Avenue. He also stated that the Property consists of both the office building and a detached parking garage. The office building and the parking structure are separated by an unopened portion of East Hector Street. The main entrance to the office building is off of the unopened portion of East Hector Street. Carson testified that the Property has four (4) sides with street frontage, including the side fronting the driveway or alley. Carson also pointed out an existing historic, trailblazer sign that exists in front of the office building.

8. Carson further testified with respect to the existing signage on the Property. He indicated that Wells Fargo Advisors, another tenant of the Property, has two (2) letter sets (wall signs) on the exterior of the building, as illustrated in Exhibit A-E. The Wells Fargo Advisors signs are located on the north and south sides of the building, respectively, the same sides of the building for the proposed wall signs. The Wells Fargo Advisors signs are 3 feet by 21 feet, for a total of 126 cumulative square feet. The current monument sign, Carson stated, is 30 square feet of exposure and does not include an address.

9. Carson also testified with respect to the proposed Signs. He indicated that the proposed monument sign would be a total exposure of 38 square feet and include identification signs for Brixmor, Wells Fargo Advisors and an address identifier. The total monument sign would be 82 square feet, but 43 square feet of that area constitutes the shroud of the sign. The overall height of the monument sign would be 9 feet 4 inches,

which is compliant with the Zoning Ordinance. With respect to the proposed monument sign, the Applicant requested relief for an additional 8 square feet of copy space. The location of the proposed monument sign is the same location as the existing monument sign. The proposed wall signs, on the other hand, would be located on the HVAC screening on the roof of the building. On the south side of the building, where a Wells Fargo Advisors wall sign already exists, the Applicant is requesting 154 and one half square feet of face lit LED-illuminated letters for the Brixmor wall sign. Carson, referring to Exhibit A-I, indicated that an identical wall sign is also proposed for the north side of the building, where the other Wells Fargo Advisors wall sign also presently exists.

10. Next, Carson walked through several other exhibits showing signage on other office buildings located in the Borough. In particular, he discussed Exhibit A-P which portrayed letters for NextDocs located at Six Tower Bridge along the Schuylkill River. Carson testified that the NextDocs signs are identically the same as the proposed wall signs for Brixmor. Located on both the east and south sides of the building, Carson testified that the NextDocs signs are also illuminated.

11. Carson concluded his testimony by stating that the property is suitable for the Proposed Relief and that the Proposed Relief would not substantially injure or detract from the use of the neighboring properties. Weiss also indicated that the Signs had been submitted to the Design Review Committee ("DRC") for approval. Carson testified that the DRC recommended approval of the Signs with the condition, among others, that the base of the monument sign be surrounded by landscaping (the "Landscaping Condition").

12. The Chairman asked the members of the Board, the Zoning Officer and the Zoning Solicitor for questions of Carson.

a) Cardamone asked about the conditions imposed by the DRC in addition to the Landscaping Condition. Carson indicated that one of the conditions was that the sight triangle at the sign be cleared (the "Sight Condition") and that the historical marker be moved (the "Historic Condition" and, together with the Sight Condition and the Landscaping Condition, the "DRC Conditions"). Carson indicated that the historical marker could remain in its present position, but that it would be more visible if it were moved further north on Fayette. The Applicant agreed to comply with all of the DRC Conditions.

b) Vacca asked about the existing monument sign. Carson confirmed that the existing monument sign is 30 square feet and that the proposed monument sign is 38 square feet of copy area. The shroud itself is 82 square feet. The shroud increases the height so that the sign is visible off the ground as the roadbed at the location of the monument sign is above the monument sign. Vacca also asked about the proposed wall signs. Carson confirmed that the wall signs would be located on the north and south sides of the building, respectively. Carson indicated that the south side wall sign would face an entirely commercial area and that the north side wall sign would face the retail and office buildings along Fayette Street. Carson also confirmed that all of the other signs shown as examples, except for the Keystone sign, are also illuminated. Vacca also asked about the neighboring buildings directly across the street. Carson indicated that direct neighbors are the Borough offices, Worley Parson and the Mercy Health System. Carson confirmed that no residential properties are located directly across the street. Carson stated that the wall signs would be lit whenever it is dark.

c) The Chairman next asked whether any zoning relief was required for the existing Wells Fargo Advisors. Carson stated he could not be sure, but assumed some relief was required because the signs exceed the allowable square footage.

d) Zoning Solicitor Katherine E. Missimer, Esquire ("Missimer") asked about the NextDocs signs on Exhibit A-P and whether the NextDocs signs are in the same location as the proposed wall signs. Carson stated that the NextDocs signs are face lit letters on the HVAC screen assembly.

e) Zoning Officer Christine Stetler ("Stetler") asked whether the Applicant had applied to the Historic and Museum Commission regarding the movement of the historical marker. The Applicant indicated that they had made initial contact, but that they would pursue the discussion. Stetler also asked about the height of the monument sign, stating that the shroud would be included in the calculation of the height. Carson stated that even with the inclusion of the shroud, the height is still only 9 feet 4 inches. Carson did confirm that zoning relief was necessary because the proposed monument sign did exceed the allowable size. Stetler asked Carson to confirm what zoning district the other signs he presented were located in. Carson stated that his example signage was mainly located in the Business Commercial district, but that riverfront signage is actually zoned SP-1 and SP-2. Stetler also stated that the NextDocs sign is in the SP district.

13. The Chairman next asked for public questions. There were no questions. Weiss briefly clarified the fact that the exemplary signs utilized in the Applicant's testimony were indeed located in Specially Planned districts, but that they served as good examples because the Signs at the Property would be part of the same community of

buildings. He also stated that this building is unique because it has four (4) sides, with three (3) fronting streets, and the Zoning Ordinance permits one sign per street frontage. With regard to the unnecessary hardship purported to be relieved by the Proposed Relief, Weiss stated that the Property was unique because the main entrance was not located on a public street, but located between the parking garage and the building.

14. The Chairman then requested statements from the public for or against the Proposed Relief. There were no public statements.

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

III. Discussion:

The Applicant wishes to install one monument sign and two (2) wall signs. Currently, the Zoning Ordinance for the BC district (i) permits only one sign on each side of the building (whereas the Applicant requests two); (ii) permits wall signs that do not exceed 35 square feet (whereas the Applicant requests that two wall signs measuring 154 and one half feet be permitted); and (iii) permits monument signs no more than 35 square feet, with an increase of 25% for each additional tenant (whereas the Applicant requests a monument sign totaling 82 square feet with 38 square feet of copy area). See Sections 27-2108; 27-2108.1.1; 27-2108.1.2. Thus, the Applicant is seeking a Variance for the 154 and one half square foot wall signs, a Variance to permit multiple wall signs on the same side of the building; and a Variance to permit the monument sign to be 82 square feet. See Zoning Ordinance section 27-2108; 27-2108.1.1; 27-2108.1.2.

Section 27-611 of the Zoning Ordinance permits the Board to grant a variance when the "Zoning Ordinance inflict[s] unnecessary hardship upon the applicant." See id.

at 27-611.1.A. Unnecessary hardship is to be determined to be present when the Board determines, as applicable, that:

- a) there are unique physical circumstances or conditions to the property;
- b) there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and thus the variance is necessary to enable reasonable use of the property;
- c) the unnecessary hardship has not been created by the applicant;
- d) the granting of the variance, if authorized would not alter the essential character of the neighborhood; and
- e) the granting of the variance, if authorized will represent the minimum variance to afford the relief and represent the least modification possible to the regulation in issue.

Id. at Section 27-611. See also MPC, at 53 P.S. §10910.2.

The Board has reviewed the Proposed Relief carefully in connection with the requirements of Section 27-611 and the MPC standards for a variance, see MPC, at 53 P.S. §10910.2, as well as the testimony and evidence submitted, and questions raised by fellow Board members.

The Board is also convinced that, as the testimony and evidence presented at the Hearing have shown, the location, topography and the dimensional nature of the Property are of such a "unique physical . . . condition" that it is difficult to provide adequate signage for the Property within the confines of the Zoning Ordinance. See id. at 6.11.

As a result, the Board has agreed to grant the Proposed Relief in order to permit the Signs, as proposed, subject to the DRC Conditions.

C

BEFORE THE ZONING HEARING BOARD OF CONSHOHOCKEN

**IN RE: APPLICATION OF
OLIVER TYRONE PULVER CORP.**

REGARDING

**SIX TOWER BRIDGE
181 WASHINGTON STREET**

DECISION OF THE BOARD

I. History of the Case:

By application dated March 20, 2012 (the "Application"), the Applicant is seeking zoning relief from the Zoning Hearing Board (the "Board"), in the nature of three (3) variances from Section 27-2109.5 regarding (a) the prohibition against more than one (1) wall sign or monument sign on any building in the Specially Planned-2 ("SP-2") District as detailed in the Conshohocken Borough Zoning Ordinance of 2001 (together with all amendments thereto, the "Zoning Ordinance") and (b) a total square footage for any such sign of no more than seventy five (75) square feet, both relating to real property located at 181 Washington Street, Conshohocken, Pennsylvania and also known as Six Tower Bridge (collectively, the "Property").

The Applicant is requesting that it be permitted to add two (2) wall signs (each a "Wall Sign", and collectively, the "Wall Signs"), as detailed in Exhibits P-3A and P-3B, to the building at the Property (the "Building"), in addition to the existing monument sign at the site (the "Variances" or "Proposed Relief"). One (1) of the proposed Wall Signs exceeds the seventy five (75) square foot cap on wall signage. See Exhibit P-3B, P-3D.

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

A public hearing ("Hearing") was held before the Board on the evening of May 7, 2012 at 7:00 pm prevailing time, at the Borough Hall in Conshohocken, Pennsylvania. At the conclusion of the hearing, the Board discussed the issue and rendered a decision. Due notice was given for the public hearing. After the conclusion of the hearing, the Board found as follows:

II. Findings of Fact:

1. The Applicant is Oliver Tyrone Pulver Corp., the owner of the Property. Said Applicant was represented by Ross Weiss, Esquire, counsel to the Applicant.
2. The Property involved is a commercial office building at 181 Washington Street, in Conshohocken, Pennsylvania. The Property is also known as Six Tower Bridge, and is presently zoned SP-2.
3. The Applicant, through its counsel, testified that it wished to add the Wall Signs to the Building, as noted on Exhibits P-3B and P-3D, so as to assist in making it easier to identify the location of a newly obtained tenant, a company called Nextdocs. There are two (2) Wall Signs being proposed. The first is on the northern face of the Building and is a non-illuminated, dimensional lettered sign "Nextdocs", which is sixty five (65) square feet in size (the "Northern Wall Sign"). On the eastern face of the Building, the Applicant proposes to put up an internally illuminated, channel lettered sign also stating "Nextdocs" and measuring one hundred nineteen square (119) feet in size (the "Eastern Wall Sign"). As the Eastern Wall Sign is proposed to be in excess of seventy five (75) square feet, relief is also required for the size of said sign.

4. The Applicant noted that the Building is located in a basin like portion of the Borough, and thus visibility is difficult for visitors attempting to locate the address. The Applicant also noted that the Board has previously granted relief to surrounding buildings for this same issue.

5. The Applicant presented Jeff Carson, of City Sign, Inc., to testify regarding the proposed signage. Carson was qualified as an expert witness during the hearing and testified as to the size, illumination and location of the signs as being necessary to increase the visibility of the Building in a safe and appropriate manner, so that the Building can be located more easily.

6. Applicant presented examples of similar type signage in the nearby area. See Exhibits P-3G and P-3I.

7. Applicant entered into the record a letter of support for the Proposed Relief from the landlord of the Property. See Exhibit A-9.

8. Currently, the Zoning Ordinance for SP-2 only permits an applicant either one (1) wall sign or one (1) monument sign at any given building. See Section 27-2109.5. Further, wall signs are not to exceed a total of seventy five (75) square feet. As a result, the addition of the two (2) proposed Wall Signs, one (1) of which exceeds seventy five (75) square feet, while maintaining the existing monument sign, requires relief from the Zoning Ordinance.

9. The Applicant argued that the addition of the Wall Sign would make the Property much more visible from the major roadways as invitees attempted to locate the Property.

10. Under questioning, Applicant advised that only the Eastern Wall Sign would be illuminated, with internal illuminating letters.

11. The Applicant also presented Dave Bogardis, of Nextdocs, to testify as to the plans of the proposed tenant. Bogardis testified that Nextdocs intended to commence a lease for one and one half (1 ½) floors, totaling 30,000 square feet, on July 1, 2012. Bogardis also advised that Nextdocs intended to bring seventy (70) employees to the site, and expected to grow (and thereby employ additional employees) over the near term, with hours of 9 am until 5 pm for the vast majority of the employees.

12. Bogardis testified that he was concerned that it would be difficult for customers to locate Nextdocs without the Wall Signs being contemplated.

13. Carson testified that he believed that the Wall Signs being proposed represented the minimum amount of relief necessary to effectively improve the ability to locate the Building through signs on the walls at the site.

14. No one testified for, or against, the Proposed Relief.

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

III. Discussion:

The Applicant wishes to add two (2) Wall Signs to the Building, in addition to the existing monument sign, one of which will exceed seventy five (75) square feet, thereby violating Section 27-2109.5, which only permits one (1) monument or wall sign per building for a maximum square footage of seventy five (75) feet. See Section 27-2109.

Thus, the Applicant is seeking the three (3) Variances so that the location of the Applicant will be more apparent from the surrounding roadways.

Section 27-611 of the Zoning Ordinance permits the Board to grant a variance when the "Zoning Ordinance inflict[s] unnecessary hardship upon the applicant." See id. at 27-611.1.A. Unnecessary hardship is to be determined to be present when the Board determines, as applicable, that:

- a) there are unique physical circumstances or conditions to the property;
- b) there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and thus the variance is necessary to enable reasonable use of the property;
- c) the unnecessary hardship has not been created by the applicant
- d) the granting of the variance, if authorized would not alter the essential character of the neighborhood; and
- e) the granting of the variance, if authorized will represent the minimum variance to afford the relief and represent the least modification possible to the regulation in issue.

Id. at Section 27-611. See also MPC, at 53 P.S. §10910.2.

The Board has reviewed the Proposed Relief carefully in connection with the requirements of Section 27-611 and the MPC standards for a variance, see MPC, at 53 P.S. §10910.2, as well as the testimony and evidence submitted, and the questions raised by fellow Board members. The Board believes that unnecessary hardship is present in this matter, as it is difficult to locate the Building or any other building located in that

portion of the Borough, as noted by the prior relief granted by this Board for other nearby buildings.

As a result, the Board has agreed to grant the Proposed Relief in order to permit the Eastern Wall Sign and the Northern Wall Sign, provided each is built and maintained in conformity with the exhibits, including but not limited to Exhibit P-3B and P-3D, as well as the testimony at the Hearing, and further is within all other applicable Borough codes and regulations relating to the Wall Signs at the Property (the "Conditions").

The Board believes the Proposed Relief represents the minimum variance necessary to accommodate the Applicant's vision while representing the least modification possible to the Ordinance's regulations. See Zoning Ordinance Section 27-611.

Thus, the Board holds that the Application meets the requirements of "unnecessary hardship" required under the MPC for a variance, see id., and grants the Proposed Relief from Zoning Ordinance Section 27-2109.5 for the Eastern Wall Sign and the Northern Wall Sign, subject to the Conditions detailed herein.

IV. Conclusions of Law:

1. The matter was properly presented before the Board.
2. The matter was properly advertised and the hearing both timely and appropriately convened in accordance with the provisions of both the Zoning Ordinance and the MPC.
3. The Zoning Ordinance and the MPC both permit the Board to grant Variances from Zoning Ordinance Section 27-2109.5 for the Proposed Relief, as well as to restrict such Variance to the Conditions imposed by the Board.

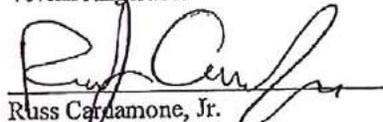
ORDER

The Board grants the Applicant's request for the Variance to the Zoning Ordinance Section 27-2109.5 for the construction and placement of the Northern and Eastern Wall Signs, subject to the Conditions, and in accordance with the provisions of this Opinion.

CONSHOHOCKEN ZONING HEARING BOARD¹


Richard Barton, Chairman


Vivian Angelucci


Russ Cardamone, Jr.

¹ Janis Vacca and Gregory F. Scharff did not participate in the hearing or rendering of a decision regarding this Application.



D

BEFORE THE ZONING HEARING BOARD OF CONSHOHOCKEN
IN RE: APPLICATION OF
WASHINGTON ST. ASSOCIATES II, LP, and KYNETIC (AKA NRG, LLC)

REGARDING

225 WASHINGTON STREET

DECISION OF THE BOARD

I. History of the Case:

By application dated August 29, 2011 (the "Application"), the Applicant is seeking zoning relief ("Proposed Relief") from the Zoning Hearing Board (the "Board"), in the nature of one variance Section 27-2109.5 (the "Variance") regarding wall signs on the commercial building (the "Building") located at 225 Washington Street, Conshohocken, Pennsylvania (the "Property") to allow for four (4) wall signs to be placed, one on each side of the Building, all as further detailed in Exhibits P-5R through P-8R (the "Proposed Signage"), all from the Conshohocken Borough Code (together with all amendments thereto, the "Borough Code"). The Borough Code prohibits walls signage of more than seventy five (75) square feet, and the Proposed Signage ranges in size from one hundred seventy four (174) square feet to between three hundred (300) and four hundred (400) square feet depending on the side of the Building.

The property is presently zoned Specially Planned District Two ("SP-2").

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

A public hearing ("Hearing") was held before the Board on the evening of October 2, 2010, at 7:30 pm prevailing time, at the Borough Hall in Conshohocken,

Pennsylvania. At the conclusion of the hearing, the Board discussed the issue and rendered a decision. Due notice was given for the public hearing. After the conclusion of the hearing, the Board found as follows:

II. Findings of Fact:

1. The Applicant is collectively, Washington St. Associates II, LP, the owner of the Property, and Kynetics¹, the proposed tenant of the Property ("Tenant"). Said Applicant was represented by Edmund Campbell, Jr., Esquire, counsel to the Applicant.

2. The Building involved is the commercial building located 225 Washington Street, Conshohocken, Pennsylvania, which has been subject to the redevelopment of the waterfront area in the Borough. The Property is presently zoned SP-2.

3. The Applicant, through its counsel, testified that the Proposed Signage it wished to install was comprised of four (4) wall signs, two hundred forty four (244) square feet each on the east and west sides of the Building, one hundred seventy four (174) square feet on the south side of the Building, and between three hundred (300) and four hundred (400) square feet on the north side of the Building, all as noted on Exhibits P-5R through P-8R. The Proposed Signage would highlight the tenants four (4) brands, "Kynetic", "Fanatics," "Shop Runners" and "Rue La La" on each side of the Building, all as noted on the Exhibits P-5R through P-8R. The Applicant testified that the Proposed Signage was necessary for the corporate branding the Applicant was seeking to achieve.

Currently, the Borough Code for SP-2 permits wall signs of up to seventy five (75) square feet² total on a building, unless said building is a corner property. See

¹ The Application notes the co-Applicant as "NRG", however at the Hearing, counsel for the Applicants noted that NRG had changed its name to "Kynetic".

Section 27-2109.5. The Building presently has other signs, including two previously approved by the Board via variance. As a result, the Proposed Signage requires relief from the Borough Code.

4. Representatives of the Tenant testified that it wished to have a national headquarters at the Property. The Applicant expected thirty (30) to forty (40) non-employees a day to enter the Building, as well as approximately one hundred (100) to one hundred thirty (130) employees initially³.

5. Counsel for the Applicant stated that the unnecessary hardship requesting to be relieved was that, due to the unique physical characteristics of the Property, including the location of the site in terms of access from and to the major thoroughfares, as well as the size of the development upon the Property, the Proposed Signage was needed to direct individuals to, and around, the site to effectively locate the Tenant. In light of the desire to convert a formerly industrial property into a commercial office use, as Borough Council encouraged for this Property, it was necessary to take extra efforts to increase the visibility of the site and its tenants. Such increased visibility, the Applicant contended, requires signs and advertising in excess of those permitted in SP-2.

6. Jeff Carson, of City Sign, Inc., testified for the Applicant. Mr. Carson noted the difficult location of the Property, and the need for corporate branding required the size and LED illumination of the Proposed Signage as detailed in the Exhibits.

7. The Applicant presented Saj Cherian, Vice President of Kynetic, to detail the intended use of the Building. At present, Mr. Cherian advised, Kynetic intended to

² The Proposed Signage are not all attached but are four (4) different names and separately mounted on the walls of the Building. At the Hearing, the Board determined to treat each side as a single wall sign, and thus, considered the Application to be a request for four (4) walls signs.

³ The Applicant noted that it expects to ultimately have two hundred (200) employees on site.

lease the third floor of the Property, but expected to grow significantly over time, as the company was making the location its national headquarters. Mr. Cherian also stressed that the additional signage was necessary for the corporate branding that the company was seeking. Mr. Cherian also advised that the company, as an internet based company, intended to be a 24/7 operation.

8. The Board questioned the need for the size, and quantity of the Proposed Signage, and both Mr. Cherian and counsel for the Applicant stressed the unique physical characteristics of the location as well as the need to both identify and brand the site.

9. Paul McConnell, President of Borough Council, testified in favor of the Proposed Relief.

10. No one testified against the Proposed Relief.

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

III. Discussion:

The Applicant wishes to install four (4) wall signs, one on each of the sides of the Building. The signs on the east and west sides of the Building will be two hundred forty four (244) square feet each, one hundred seventy four (174) square feet on the south side of the Building, and between three hundred (300) and four hundred (400) square feet on the north side of the Building, all as noted on Exhibits P-5R through P-8R. The Proposed Signage would highlight the tenant's four (4) brands, "Kynctic", "Fanatics," "Shop Runners" and "Rue La La" on each side of the Building, all as noted on the Exhibits. The Tenant intends to have its national headquarters at the site and use the Proposed Signage to create corporate branding of the site.

Currently, the Borough Code for SP-2 permits wall signs up to seventy five (75) square feet in the aggregate. See Section 27-2109.5. Thus, the Applicant is seeking the Variance to allow the Proposed Signage up to the four hundred (400) square footage as applicable and as noted above. See Section 27-2109.5.

Section 27-611 of the Borough Code permits the Board to grant a variance when the "Borough Code inflict[s] unnecessary hardship upon the applicant." See id. at 27-611.1.A. Unnecessary hardship is to be determined to be present when the Board determines, as applicable, that:

- a) there are unique physical circumstances or conditions to the property;
- b) there is no possibility that the property can be developed in strict conformity with the provisions of the Borough Code and thus the variance is necessary to enable reasonable use of the property;
- c) the unnecessary hardship has not been created by the applicant
- d) the granting of the variance, if authorized would not alter the essential character of the neighborhood; and
- e) the granting of the variance, if authorized will represent the minimum variance to afford the relief and represent the least modification possible to the regulation in issue.

Id. at Section 27-611. See also MPC, at 53 P.S. §10910.2.

The Board has reviewed the Proposed Relief carefully in connection with the requirements of Section 27-611 and the MPC standards for a variance, See MPC, at 53 P.S. §10910.2, as well as the testimony and evidence submitted, and questions raised by fellow Board members. The Proposed Relief concerns the Board as it increases the

altering of the appearance and configuration of properties in that district by permitting even more signage on the Building—where already two (2) prior variances have been granted by the Board. While the Board has previously granted relief of this nature to this Property and, as the Applicant noted during the Hearing, to other buildings in the surrounding area, the Board is concerned that the impact of the advertising and signage will ultimately overwhelm the residential nature that Borough Council intended when it approved the development of the site by Washington St. Associates II, LP, the owner. Nonetheless, the Board is also swayed by the commitment made by the Tenant to the Borough and the site (including its commitment to making it a national headquarter), the quality of the Proposed Signage, the reality of the difficulty of the visibility of the location and the fact that no residents voiced opposition to this further increase in signage.

The Board is also convinced that, as the testimony and evidence presented at the Hearing have shown, the location, topography and the dimensional nature of the Property are of such a “unique physical . . . condition” that it is difficult to achieve the corporate branding the proposed tenant desires within the confines of the Borough Code. See id. at Section 27-611.

As a result, the Board has agreed to grant the Proposed Relief in order to permit the Proposed Signage, not to exceed two hundred forty four (244) square feet each on the east and west sides of the Building, one hundred seventy four (174) square feet on the south side of the Building, and between three hundred (300) and four hundred (400) square feet on the north side of the Building, and in conformity with the detailed plans noted as Exhibits P-5R through P-8R, and subject to the following conditions: (a) the

block area on the south side of the Building shall be painted prior to the installation of the Proposed Signage; (b) the Proposed Signage shall each be deemed as one sign for each side of the Building; and (c) the Applicant shall conform with the detailed plans presented to the Board as Exhibits P-5R through P-8R for the specific entities noted thereon (collectively, the "Conditions").

The Board believes the Proposed Signage represent the minimum variance necessary to accommodate the Applicant's vision while representing the least modification possible to the Ordinance's regulations. See Section 27-611.

Thus, the Board holds that the Application meets the requirements of "unnecessary hardship" required under the MPC for a variance, See id., and grants the Proposed Relief from Borough Code Section 27-2109.5 for the Proposed Signage, subject to the Conditions detailed herein. The Board wishes to stress however, that the granting of the Proposed Relief, as limited and detailed herein, does not, by any means, create or grant open ended permission to modify the Borough Code by variance for the Property.

IV. Conclusions of Law:

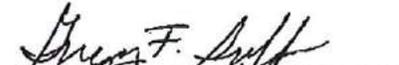
1. The matter was properly presented before the Board.
2. The matter was properly advertised and the hearing both timely and appropriately convened in accordance with the provisions of both the Borough Code and the MPC.
3. The Borough Code and the MPC both permit the Board to grant the Variance from Borough Code Section 27-2109.5 for the Proposed Relief, as well as to restrict such variances to the Conditions imposed by the Board.

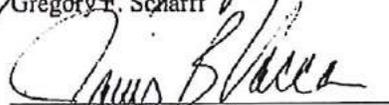
ORDER

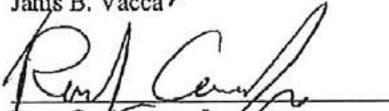
The Board grants the Applicant's request for the Variance to the Borough Code Section 27-2109.5 for the placement of the Proposed Signage, subject to the Conditions, and in accordance with the provisions of this Opinion.

CONSHOHOCKEN ZONING HEARING BOARD


Vivian Angelucci


Gregory F. Scharff


Janis B. Vacca


Russ Cardamone, Jr.

Dissenting in the Opinion:


Richard Barton, Chairman







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BEFORE THE ZONING HEARING BOARD OF CONSHOHOCKEN

**IN RE: APPLICATION OF
JACOBS ENGINEERING GROUP, INC.**

REGARDING

**3 TOWER BRIDGE
2 ASH STREET**

DECISION OF THE BOARD

I. History of the Case:

By application dated October 10, 2010 (the "Application"), the Applicant is seeking zoning relief from the Zoning Hearing Board (the "Board"), in the nature of one (1) variance from Section 27-2109.5 regarding the prohibition against more than one (1) wall sign or monument sign on any building in the Specially Planned-2 ("SP-2") District as detailed in the Conshohocken Borough Zoning Ordinance of 2001 (together with all amendments thereto, the "Zoning Ordinance") relating to real property located at 2 Ash Street, Conshohocken, Pennsylvania and also known as 3 Tower Bridge (collectively, the "Property").

The Applicant is requesting that it be permitted to add a wall sign (the "Wall Sign"), as detailed in Exhibit A-3 to the building at the Property (the "Building"), in addition to the existing monument sign at the site (the "Variance" or "Proposed Relief"). See Exhibit A-1.

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

A public hearing ("Hearing") was held before the Board on the evening of December 6, 2010, at 7:00 pm prevailing time, at the Borough Hall in Conshohocken, Pennsylvania. At the conclusion of the hearing, the Board discussed the issue and rendered a decision. Due notice was given for the public hearing. After the conclusion of the hearing, the Board found as follows:

II. Findings of Fact:

1. The Applicant is Jacobs Engineering Group, Inc., the tenant of the Property. Said Applicant was represented by Gary Walter, Jr., Esquire, counsel to the Applicant.
2. The Property involved is a commercial office building at 2 Ash Street, in Conshohocken, Pennsylvania. The Property is also known as Three Tower Bridge, and is presently zoned SP-2.
3. The Applicant, through its counsel, testified that it wished to add the Wall Sign to the Building, as noted on Exhibit A-3, so as to assist in making it easier to identify the location of Jacobs Engineering. The Wall Sign is proposed to be 74.4 square feet, which size is permitted in SP-2.
4. The Applicant noted that Jacobs employs some 340-350 employees at the location, and has been at the site for approximately fifteen (15) years. It is the sole tenant for the site.
5. The Applicant gave two reasons regarding the unnecessary hardship necessitating the Proposed Relief. First, despite the fifteen (15) years at the site, it is still difficult to find the Building—Google and other similar Internet mapping services direct people to a location two (2) blocks away, at Washington and Ash streets. Second, the

Applicant has recently undergone a re-branding of its company so that it will have a consistent look/identification at its various locations throughout the United States. The proposed Wall Sign is in keeping with its new logo look.

6. Applicant presented examples of similar type signage in the nearby area. See Exhibits A-6, A-7 and A-8.

7. Applicant entered into the record a letter of support for the Proposed Relief from the landlord of the Property. See Exhibit A-9.

8. Currently, the Zoning Ordinance for SP-2 only permits an applicant either one wall sign, or one monument sign at any given building. See Section 27-2109.5. As a result, the addition of the Wall Sign, while maintaining of the monument sign, requires relief from the Zoning Ordinance.

9. The Applicant argued that the addition of the Wall Sign would make the Property much more visible from the major roadways as invitees attempted to locate the Property.

10. Under questioning, Applicant advised that the Wall Sign would be illuminated, with internal and external lighting that would not impact beyond the Property line.

11. No one testified for, or against, the Proposed Relief.

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

III. Discussion:

The Applicant wishes to add the Wall Sign to the Building, in addition to the existing monument sign, thereby violating Section 27-2109.5, which only permits one monument or wall sign per building. See Section 27-2109.

Thus, the Applicant is seeking the Variance so that the location of the Applicant will be more apparent from the surrounding roadways. In addition, the Applicant is undergoing a major re-branding of its business, and the proposed Wall Sign, as noted on Exhibit A-6, will be in keeping with such efforts. See Exhibits A-1 A-2, A-6; See Zoning Ordinance section 27-2109.5.

Section 27-611 of the Zoning Ordinance permits the Board to grant a variance when the "Zoning Ordinance inflict[s] unnecessary hardship upon the applicant." See id. at 27-611.1.A. Unnecessary hardship is to be determined to be present when the Board determines, as applicable, that:

- a) there are unique physical circumstances or conditions to the property;
- b) there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and thus the variance is necessary to enable reasonable use of the property;
- c) the unnecessary hardship has not been created by the applicant
- d) the granting of the variance, if authorized would not alter the essential character of the neighborhood; and
- e) the granting of the variance, if authorized will represent the minimum variance to afford the relief and represent the least modification possible to the regulation in issue.

Id. at Section 27-611. See also MPC, at 53 P.S. §10910.2.

The Board has reviewed the Proposed Relief carefully in connection with the requirements of Section 27-611 and the MPC standards for a variance, see MPC, at 53 P.S. §10910.2, as well as the testimony and evidence submitted, and the questions raised by fellow Board members. The Board believes that unnecessary hardship is present in this matter, as it is difficult to locate the Building, as exemplified by the testimony relating to Google and other such services mis-locating the Building.

As a result, the Board has agreed to grant the Proposed Relief in order to permit the Wall Sign, provided such is built and maintained in conformity with the exhibits, including but not limited to Exhibit A-6, as well as the testimony at the Hearing, and further is within all other applicable Borough codes and regulations relating to the Wall Sign at the Property (the "Conditions").

The Board believes the Proposed Relief represents the minimum variance necessary to accommodate the Applicant's vision while representing the least modification possible to the Ordinance's regulations. See Zoning Ordinance Section 27-611.

Thus, the Board holds that the Application meets the requirements of "unnecessary hardship" required under the MPC for a variance, see id., and grants the Proposed Relief from Zoning Ordinance Section Section 27-2109.5 for the proposed Wall Sign, subject to the Conditions detailed herein.

IV. Conclusions of Law:

1. The matter was properly presented before the Board.

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

3. The Zoning Ordinance and the MPC both permit the Board to grant the Variance from Zoning Ordinance Section 27-2109.5 for the Proposed Relief, as well as to restrict such Variance to the Conditions imposed by the Board.

ORDER

The Board grants the Applicant's request for the Variance to the Zoning Ordinance Section 27-2109.5 for the use of the Wall Sign, subject to the Conditions, and in accordance with the provisions of this Opinion.

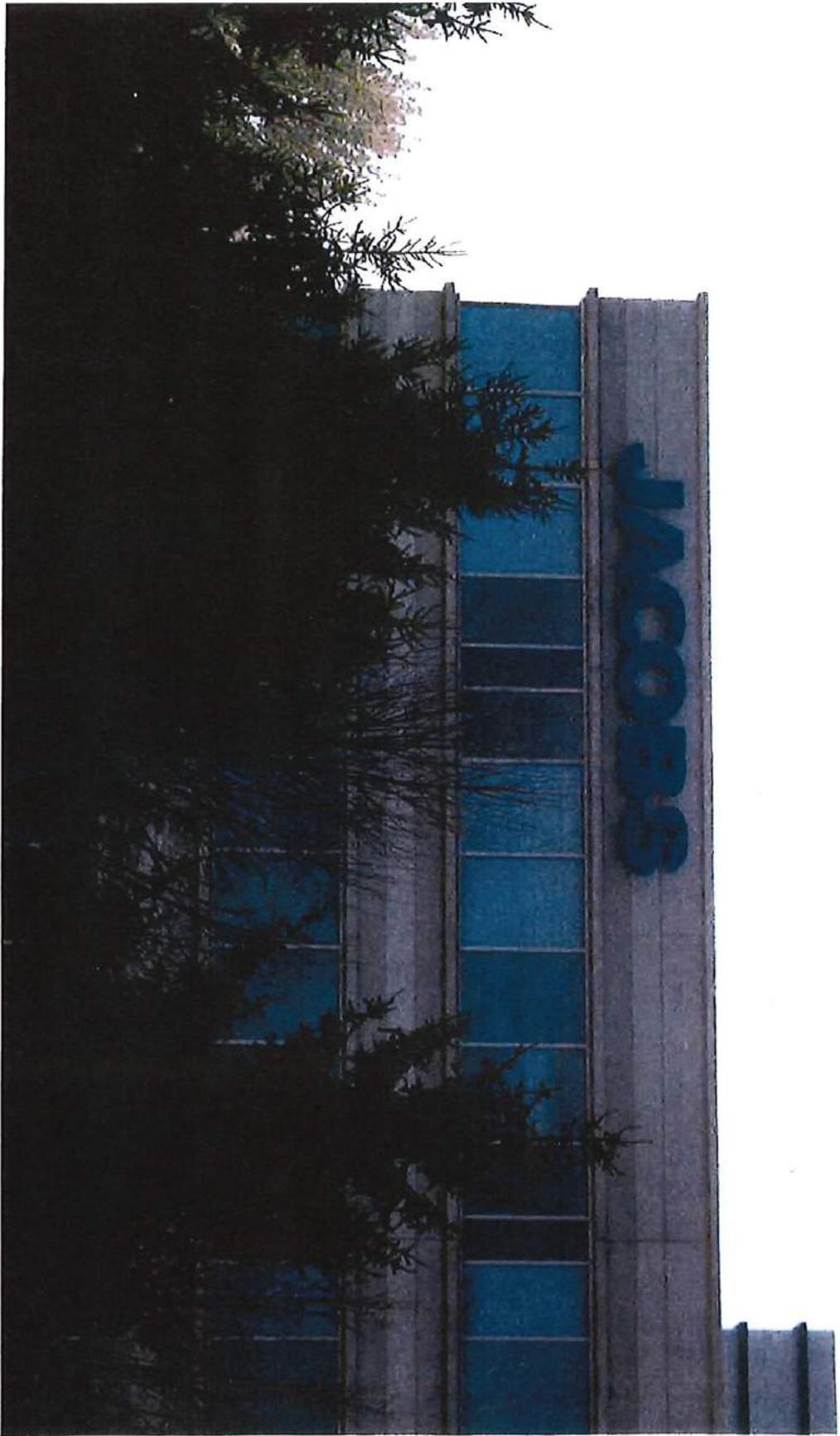
CONSHOHOCKEN ZONING HEARING BOARD

Richard Barton, Chairman

Vivian Angelucci

Henry Jaffe

Janis B. Vacca



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BEFORE THE ZONING HEARING BOARD OF CONSHOHOCKEN

IN RE: APPLICATION OF SEVEN TOWER BRIDGE ASSOCIATES
PZ-2007-19

DECISION OF THE BOARD

I. History of the Case:

By Application dated August 24, 2007 (the "Application"), the Applicant is seeking zoning relief from the Zoning Hearing Board (the "Board"), in the nature of variances from the Conshohocken Borough Zoning Ordinance of 2001 (together with all amendments thereto, the "Zoning Ordinance") for the real property located at 110 Washington Street, Conshohocken, Pennsylvania (the "Property"). The Property is presently zoned Specially Planned District Two ("SP-2"). The Applicant is seeking zoning relief from the Board in the nature of one (1) variance under Section 17.5.G.2.C regarding flood proofing, one (1) variance under Section 15.5.B.4. regarding the minimum building setback requirement, one (1) variance under Section 15.6.B.4 regarding the types of foundation plantings which may be used at the site. Finally, the Applicant requested an interpretation of Section 17.5.C.3 regarding construction within 50 feet of the riverbank and Section 17.5.E.5., regarding paved roads, driveways, and parking lots. The interpretation the Applicant requests regards whether these Sections were applicable to the proposed project and if they indeed were applicable, the Applicant requested a variance from these Sections.

The Zoning Ordinance permits the Board to grant a variance when failure to do so would "inflict unnecessary hardship" upon an applicant. See id. at Section 6.11.A.

A public hearing was held before the Board on the evening of October 1, 2007, at 7:45 p.m. prevailing time, at the Borough Hall in Conshohocken, Pennsylvania. At the conclusion of the hearing, the Board discussed the issues and rendered a decision. Due notice was given for the public hearing. After the conclusion of the hearing, the Board found as follows:

II. Findings of Fact:

1. The Applicant is Seven Tower Bridge Associates. The owner of the property is R. and J. Holding Company. Said Applicant was represented by Ross Weiss, Esquire, counsel to the Applicant.
2. The property involved includes the commercial property at 110 Washington Street, Conshohocken, Pennsylvania. The Property is presently zoned SP-2.
3. The Property has been the subject of three prior Decisions by the Board: July 11, 1995; June 18, 1998; and May 20, 1999.
4. The Applicant presented the testimony of Michael Kissinger, a Registered Professional Engineer with Pennoni Associates, Inc.
5. Mr. Kissinger testified that the Applicant wished to construct an office building and associated parking facility on the property.
6. No member of the public spoke in favor or in opposition to the Application.
7. The Board finds that the matter was properly advertised pursuant to the Zoning Ordinance and the Pennsylvania Municipal Planning Code ("MPC").

III. Discussion:

The Applicant is seeking zoning relief from the Board in order to construct an office building and associated parking facility. This Property has been the subject of three (3) prior Decisions of the Board. The first was on July 11, 1995. The second was on June 18, 1998. The third occurred on May 20, 1999.

The relief sought by the Applicant has been detailed above.

Section 6.11 of the Zoning Ordinance permits the Board to grant a variance when the "Zoning Ordinance inflict[s] unnecessary hardship upon the applicant." See id. at 6.11.A. Unnecessary hardship is to be determined to be present when the Board determines, as applicable, that:

- a) there are unique physical circumstances or conditions to the property;
- b) there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and thus the variance is necessary to enable reasonable use of the property;
- c) the unnecessary hardship has not been created by the applicant;
- d) the granting of the variance, if authorized would not alter the essential character of the neighborhood; and
- e) the granting of the variance, if authorized will represent the minimum variance to afford the relief and represent the least modification possible to the regulation in issue.

Id. at Section 6.11. See also MPC, at 53 P.S. §10910.2.

The Board has reviewed the Proposed Relief carefully in connection with the requirements of Section 6.11 and the MPC standards for a variance, see MPC, at 53 P.S.

§10910.2, as well as the testimony and evidence submitted, and questions raised by fellow Board members.

One of the roles of the Board is to balance the often conflicting property rights of property owners in the Borough. The Board takes this responsibility very seriously.

IV. Conclusions of Law:

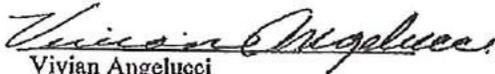
1. The matter was properly presented before the Board.
2. The matter was properly advertised and the hearing both timely and appropriately convened in accordance with the provisions of both the Zoning Ordinance and the MPC.
3. The Zoning Ordinance and the MPC both permit the Board to grant the variances from the Zoning Ordinance Sections.

ORDER

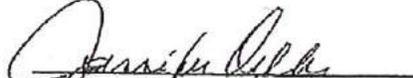
The Board grants the Applicant's requests for variances to the Zoning Ordinance Sections 17.5.G.2.C and 15.6.B.4. The Board has determined that relief from Section 15.5.B.4 is not necessary as the proposed building is not located within the floodplain. The Board has determined that Conditional Use approval from the Conshohocken Borough Council under Sections 17.5.C.3 and 17.5.E. is required for construction of the walking trail and installation of utilities.

CONSHOHOCKEN ZONING HEARING BOARD

Arnold Martinelli, Chair


Vivian Angelucci

Gregory F. Scharff


Jennifer Oehler


Richard Barton

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BEFORE THE ZONING HEARING BOARD OF CONSHOHOCKEN

IN RE: APPLICATION OF SEVEN TOWER BRIDGE ASSOCIATES

REGARDING

110 WASHINGTON STREET

DECISION OF THE BOARD

I. History of the Case:

By application dated October 15, 2007 (the "Application"), the Applicant is seeking zoning relief from the Zoning Hearing Board (the "Board"), in the nature of several variances (each a "Variance" and collectively, the "Variances") from 20.11.A.2., which requires all parking spaces which are designated for use by people with disabilities to be at least twenty (20) feet in length and thirteen (13) feet in width, all from the Conshohocken Borough Zoning Ordinance of 2001 (together with all amendments thereto, the "Zoning Ordinance") and all for real property located at 110 Washington Street, in the Specially Planned District Two ("SP-2") of Conshohocken (the "Property").

The Applicant is requesting that it be granted the Variances so that it may develop parking at the site which includes spaces designated for use by people with disabilities which measure eight (8) feet in width by eighteen (18) feet in length in the enclosed parking lot, and eight (8) feet in width by twenty (20) feet in length in the outside parking lot (the "Proposed Relief").

The Zoning Ordinance permits the Board to grant a variance when failure to do so would "inflict unnecessary hardship" upon an applicant. See id. at Section 6.11.A.

A public hearing was held before the Board on the evening of November 5, 2007, at 7:30 pm prevailing time, at the Borough Hall in Conshohocken, Pennsylvania. At the conclusion of the hearing, the Board discussed the issue and rendered a decision. Due notice was given for the public hearing.

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

II. Findings of Fact:

1. The Applicant is Seven Tower Bridge Associates, equitable owner of the Property. Said Applicant was represented by Ross Weiss, Esquire, counsel to the Applicant.
2. The property involved is located at 110 Washington Street in Conshohocken, Pennsylvania. The Property is presently zoned SP-2.
3. The Applicant through its counsel, testified that it wished to develop a portion of the Property into a parking lot. Portions of the parking lot would be enclosed (the "Enclosed Lot") and other portions would be outside (the "Outside Lot", and collectively with the Enclosed Lot, the "Project"). In order to do so, the Applicant needed to fulfill the Zoning Ordinance requirement that at least two percent (2%) of all parking spaces for the Project be set aside for people with disabilities (the "Accessible Spaces"). Further, each such Accessible Space must fulfill the requirements of Section 20.11.A.2.C regarding the size of parking spaces for people with disabilities.
4. The Applicant requested relief pursuant to Section 6.11 of the Zoning Ordinance from 20.11.A.2.c, which requires all Accessible Spaces be at least twenty (20)

feet in length and thirteen (13) feet in width.¹

5. The Applicant offered John A. Navin, P.E. as a traffic engineer for the Project (the "Applicant's Traffic Engineer") and Michael Kissinger, P.E. as a design engineer (the "Applicant's Design Engineer" and collectively with the Applicant's Traffic Engineer, the "Engineers").

6. The Applicant, through its counsel and the Engineers, testified that the Project intended to comply with the Zoning Ordinances requirements as to number of Accessible Spaces, however due to the configuration of the development of the site, needed relief as to (i) the width of each such Accessible Space, regardless of whether the space was indoors or outside, from thirteen (13) feet to eight (8) feet; and (ii) the length Accessible Space in the Enclosed Lot, from twenty (20) feet to eighteen (18) feet.

7. Applicant's Engineers testified it was difficult to build the Accessible Spaces with the thirteen (13) foot width, and though they were still looking at trying to accommodate the Zoning Ordinance, it would be much more practical in the larger scheme of the Project, if they were permitted to reduce the width to eight (8) feet. Further, upon questioning from the Board and Christine Stetler (the "Zoning Officer"), the Applicant acknowledged that it still had to comply with the Americans with Disabilities Act (the "ADA") as such related to the five (5) foot aisles/islands required to about the Accessible Spaces.

¹ It should be noted that the Application initially requested relief solely as to the length of the Parking Spaces in the Enclosed Lot (Applicant requested relief to permit the length to be reduced from twenty (20) feet to eighteen (18) feet). At the Hearing, the Applicant requested that the Application be amended to add approval to (i) permit the reduction of the width of the Accessible Spaces in the Enclosed Lot and Outside Lot from thirteen (13) feet to eight (8) feet.

8. The Applicant's Engineers also testified that the full twenty (20) foot length in the Enclosed Lot would be extremely difficult as it would impact the aisle width, which was limited already (though in conformity with the Zoning Ordinance) due to the configuration of the Enclosed Lot; permitting eighteen (18) foot length for the Accessible Spaces would allow a standardizing of length for all parking spaces—though reserved for people with disabilities and those which were not—throughout the Enclosed Lot.

9. Applicant's Traffic Engineer testified that of the sixteen (16) Accessible Spaces, the fourteen (14) in the Enclosed Lot needed relief from the twenty (20) foot length requirement of 20.11.A.2. (and instead be allowed to be only eighteen (18) feet in length) and all the Accessible Spaces need relief to reduce their width from thirteen (13) feet to eight (8) feet.

10. Joseph Januzelli, Building Coded Officer for the Borough, testified that neither the ADA, nor the American National Standards Institute standards ("ANSI") have a minimum length requirement.

11. James R. Watson, Borough Engineer, testified, similar to Mr. Januzelli, that the various applicable codes did not have a required length for Accessible Parking, however, he felt eighteen (18) feet was an "absolute" minimum.

12. Counsel for the Board, David Nasatir (the "Board Solicitor") noted that if the Zoning Ordinance were more stringent than the ADA or ANSI, the Board could loosen those requirements provided it did not dilute the requirements to the point they were less stringent than the ADA or ANSI.

13. There were no other parties to testify for or against the Applicant.

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

III. Discussion:

The Applicant intends to develop 813 parking spaces, and pursuant to the Zoning Ordinance, will include sixteen (16) spaces reserved for use by people with disabilities. Pursuant to its plans, the Applicant wishes to obtain the following Variances from Section 20.11.A.2.c:

(a) relief to permit the reduction of the width of all sixteen (16) of the Accessible Spaces from thirteen (13) feet to eight (8) feet regardless of whether said spaces are in the Enclosed Lot or Outside Lot;

(b) relief to permit the length of the fourteen (14) Accessible Spaces in the Enclosed Lot to be reduced from twenty (20) feet to eighteen (18) feet;

Applicant argues this is a *di minimus* reduction in size to accommodate both the intent of providing access to individuals with disabilities with the dimensional layout of the proposed building and configuration of the Property.

Section 6.11 of the Zoning Ordinance permits the Board to grant a variance when the "Zoning Ordinance inflict[s] unnecessary hardship upon the applicant." See id. at 6.11.A. Unnecessary hardship is determined to be present when the Board determines, as applicable, that:

- a) that there are unique physical circumstances or conditions to the property;
- b) there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and thus the variance is necessary to enable reasonable use of the property;

- c) that the unnecessary hardship has not been created by the applicant;
- d) the granting of the variance, if authorized would not alter the essential character of the neighborhood; and
- e) the granting of the variance, if authorized will represent the minimum variance to afford the relief and represent the least modification possible to the regulation in issue.

Id. at Section 6.11. See also MPC, at 53 P.S. §10910.2.

The Board has reviewed the Proposed Relief carefully in connection with the requirements of Section 6.11 and the MPC standards for a variance. See MPC, at 53 P.S. §10910.2. As the testimony and evidence presented at the hearing have shown, the reduction in the length of the Accessible Spaces in the Enclosed Lot, from twenty (20) feet to eighteen (18) feet, appears to be of a minimal nature so as to not intrude upon the essential character of the SP-2 portion of the Borough, nor unreasonably intrude upon the restrictions imposed upon under the Zoning Ordinance, and likely reduces the danger of a parked vehicle protruding into a tight parking aisle.

As far as the reduction in the width for all the Accessible Spaces, the Board is inclined to grant this Variance as well. The Board believes that the ADA requirement of a five (5) foot island/side aisle-way adjacent to any such Accessible Space, will grant any user of that space sufficient room to maneuver in getting out of, or into, their vehicle. The Board suspects that Borough Council may have intended that the thirteen (13) foot parking width required of an Accessible Space as inclusive of the five (5) foot island/aisle-way when it approved the Zoning Ordinance

As a result of the above, the Board grants each of the requested Variances, provided the Project is developed in conformity with the plans and specifications delivered to the Board as part of the Applicant's Application or presented at the hearing.

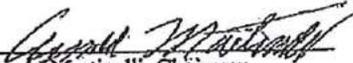
IV. Conclusions of Law:

1. The matter was properly presented before the Board.
2. The matter was properly advertised and the hearing both timely and appropriately convened in accordance with the provisions of both the Zoning Ordinance and the MPC.
3. The Zoning Ordinance and the MPC both give the Board the necessary discretion to determine whether or not the Variances may be granted for proposed Project.

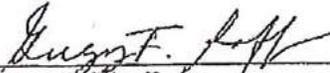
ORDER

For the reasons stated herein, the Board grants the Applicant's request for the Variances to the Zoning Ordinance all as detailed herein.

CONSHOHOCKEN ZONING HEARING BOARD²


Arnold Martinelli, Chairman


Vivian Angelucci


Gregory F. Scharff


Jennifer Qehler

² Zoning Board Member Richard Barton did not attend the Hearing or participate in this decision.

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A



B



C



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