



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

MAYOR

Yaniv Aronson

BOROUGH COUNCIL

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

Stephanie Cecco
Borough Manager

DECEMBER 22, 2025, ZONING HEARING BOARD MEETING PACKET

701 Fayette Street - extension request

Page 2



BOROUGH OF CONSHOHOCKEN

Zoning Administration

MAYOR
Yaniv Aronson

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

Stephanie Cecco
Borough Manager

ZONING NOTICE DECEMBER 22, 2025 ZONING HEARING BOARD MEETING

ZONING HEARING Z-2025-21

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on December 22, 2025 at 6:30 p.m. prevailing time. The meeting will be held at Borough Hall, located at 400 Fayette Street, Conshohocken, PA 19428.

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

PETITIONER: CGEM, LLC
6060 Creekside Drive
Flourtown, PA 19031

PREMISES INVOLVED: 701 Fayette Street
Conshohocken, PA 19428
BC – Business Commercial District
FCO – Fayette Corridor Overlay District, Zone 2

OWNER OF RECORD: CGEM, LLC
6060 Creekside Drive
Flourtown, PA 19031

The applicant is seeking a one (1)-year extension to December 31, 2026 of the Conshohocken Borough Zoning Hearing Board approval of the following variances granted in the Zoning Hearing Board Decision dated December 2, 2021, last extended on July 21, 2025 to expire on December 31, 2025; and pursuant to the Settlement Agreement dated June 22, 2022: from the Conshohocken Borough Zoning Code Sections §27-1303.F to allow an overall impervious coverage of 88.9% where the maximum impervious coverage cannot exceed 85%; and §27-20002 to allow a 26 off-street parking spaces and 7 off-premises parking spaces for a total of 33 parking spaces, where 46 parking spaces are required. The subsequent Settlement Agreement amended the 7 off-premises parking spaces requirement for a one-time financial contribution to the Borough's Shuttle Program.

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

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

Thank you,
Zoning Hearing Board



BOROUGH OF CONSHOHOCKEN

Zoning Administration

MAYOR
Yaniv Aronson

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Stacy Ellam, Member
Ralph Frey, Member
Adrian Serna, Member

Stephanie Cecco
Borough Manager

Date: December 9, 2025

To: Stephanie Cecco, Brittany Rogers

From: Allison A. Lee, PE

Re: 701 Fayette Street 3rd Extension Request – Zoning Determination

History of the Site:

701 Fayette Street is an approximately 18,000 SF corner property located at the northeast corner of Fayette Street and East Seventh Avenue. The property was formerly an Exxon gas service station and automotive repair shop. The site is located within the underlying BC – Borough Commercial zoning district and Zone 2 of the FCO – Fayette Street Corridor Overlay District. The site is fronted by Fayette Street to the west and East Seventh Avenue to the south; commercial properties to the north and southeast; and residential properties zoned in the BR-1 - Borough Residential District One zoning district to the northeast.

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

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

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

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

The Applicant subsequently appeared before the Conshohocken Borough Zoning Hearing Board under zoning application no. Z-2023-14 on August 21, 2023, and obtained a two (2)-year extension to June 22, 2025 based on the Zoning Hearing Board Decision dated October 5, 2023.

The Applicant more recently appeared before the Conshohocken Borough Zoning Hearing Board under zoning application no. Z-2025-04 on June 16, 2025 and was granted an extension of the previously approved variances which will expire on December 31, 2025.

Current Request:

The applicant, CGEM, LLC, is seeking an extension of the previously granted zoning reliefs pursuant to Section §27-613 of the Zoning Ordinance for an additional one (1)-year extension to December 31, 2026.

Zoning Determination:

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



Mark S. Danek, Esquire
Direct Dial: 484-344-5429
E-mail: mark.danek@obermayer.com
www.obermayer.com

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

November 14, 2025

VIA EMAIL and HAND DELIVERY

Borough of Conshohocken
Attn: Ms. Brittany Rogers, Zoning Admin.
400 Fayette Street
Conshohocken, PA 19428

**RE: 701 Fayette Street
Z-2021-09**

Dear Ms. Rogers:

On behalf of my client, CGEM, LLC ("Applicant"), I request an extension of the Zoning Hearing Board Decision dated June 22, 2022 as extended by decisions dated October 5, 2023 and July 21, 2025. The current zoning relief is set to expire on December 31, 2025.

Since the last extension, Applicant has been engaged with architects and engineers to complete its Land Development set of drawings, as well as the Building Permit Set of drawings. Applicant is also seeking to secure Green Globes Certification for the design and proposed building materials.

Applicant will submit its revised land development drawings for review. The Applicant is currently seeking to demolish the existing structure at the Subject Property to prepare for land development. Once the land development drawings are approved and recorded, Applicant will submit its Building Permit Set, which are near completion as well.

At this time, Applicant seeks a variance from Code §27-613 for a one-year extension of the current Zoning Decision until December 31, 2026.

Included with this letter are the following:

1. Completed Application
2. Zoning Board Decision dated June 22, 2022
3. Zoning Board Decisions dated October 5, 2023 (Extension) and July 21, 2025; and

4. Two checks made payable to the Borough of Conshohocken (\$500 application fee and \$1,500 escrow fee).

Respectfully submitted,

/s/ Mark S. Danek

Mark S. Danek, Esq.

cc: Mun Chung, Managing Member CGEM, LLC



BOROUGH OF CONSHOHOCKEN

400 Fayette Street, Suite 200, Conshohocken, PA 19428

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

Zoning Application

Application: Z-2025-21

Date Submitted: 11/14/25

Date Received: 11/14/25

1. Application is hereby made for:

☐ Special Exception ☒ Variance

☐ Appeal of the decision of the zoning officer

☐ Conditional Use approval ☐ Interpretation of the Zoning Ordinance

☐ Other _____

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

27-613 - Extension Request for Zoning Relief

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

701 Fayette Street, Conshohocken

4. Applicant's Name: CGEM, LLC - Mun Chung, Managing Member

Address: 6666 Creekside Drive, Flourtown, PA 19031

Phone Number (daytime): 484-344-5429 (thru counsel)

E-mail Address: _____

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

6. Property Owner: same

Address: _____

Phone Number: _____

E-mail Address: _____

7. Lot Dimensions: 120' x 50' Zoning District: BC

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

Yes ☒ No ☐ If yes, please describe.

Prior zoning relief granted in June 2022 to allow for the three-story mixed use building. Zoning relief was extended in October 2023 and July 2025 and expires in December 31, 2025.

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

Vacant lot - closed gas station

10. Please describe the proposed use of the property.

Same as granted in prior zoning approval. No changes requested from prior relief.

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

n/a

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

Applicant requests an extension of the Zoning Hearing Board Decision dated June 22, 2022 as extended by decision dated October 5, 2023. The current zoning relief is set to expire on June 22, 2025.

Since the last extension, Applicant has been engaged with architects and engineers to complete its land development set of drawings, as well as the Building Permit Set of drawings. Applicant is also seeking to secure Green Globes Certification for the design and proposed building materials.

In the coming weeks, Applicant will submit its revised land development drawings for review. Once approved and recorded, Applicant will submit its Building Permit Set, which are near completion as well.

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

a. The unique characteristics of the property: _____

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

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

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

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

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

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

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

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

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

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

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

a. Attorney's Name: Mark S. Danek, Esq.

b. Address: 1001 Conshohocken St Rd., Ste 1-210, W Conshohocken, PA 19428

c. Phone Number: 484-344-5429

d. E-mail Address: mark.danek@obermayer.com

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

Linda A. Vondercrone on behalf of Applicant
Applicant

Legal Owner
11-11-25

Date

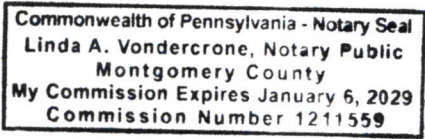
COMMONWEALTH OF PENNSYLVANIA

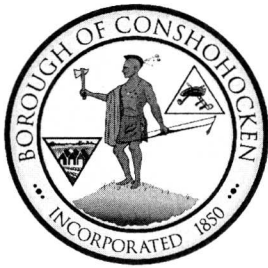
COUNTY OF MONTGOMERY

As subscribed and sworn to before me this *11th* day of
November, 20*25*.

Linda A. Vondercrone
Notary Public

(Seal)





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

Decision

(For Borough Use Only)

Application Granted ☐

Application Denied ☐

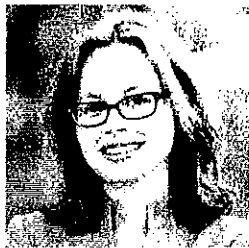
MOTION:

CONDITIONS:

BY ORDER OF THE ZONING HEARING BOARD

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

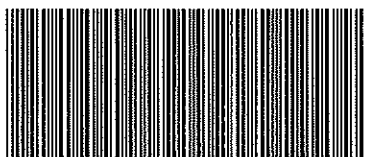
DATE OF ORDER: _____



RECORDER OF DEEDS
MONTGOMERY COUNTY
Jeanne Sorg

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

DEED BK 6136 PG 01408 to 01412
INSTRUMENT # : 2019031000
RECORDED DATE: 05/20/2019 01:19:45 PM



5635172-0008U

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Page 1 of 5

Document Type: Deed
Document Date: 05/17/2019
Reference Info:

Transaction #: 5844392 - 3 Doc
(s)
Document Page Count: 4
Operator Id: ebossard

RETURN TO: (Pickup)
SUBURBAN PHILADELPHIA ABSTRACT INC
922 W. RIDGE PIKE
CONSHOHOCKEN, PA 19428

PAID BY:
SUBURBAN PHILADELPHIA ABSTRACT INC

*** PROPERTY DATA:**

Parcel ID #: 05-00-03296-00-2
Address: 701 FAYETTE ST

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

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT:
\$1,000,000.00

FEES / TAXES:

Recording Fee: Deed	\$86.75
State RTT	\$10,000.00
Conshohocken Borough RTT	\$5,000.00
Colonial School District RTT	\$5,000.00
Total:	\$20,086.75

DEED BK 6136 PG 01408 to 01412
Recorded Date: 05/20/2019 01:19:45 PM
I hereby CERTIFY that this document is
recorded in the Recorder of Deeds Office in
Montgomery County, Pennsylvania.



Jeanne Sorg
Recorder of Deeds

Rev1a 2016-01-29

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

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

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



Prepared by and Return to:

Suburban Philadelphia Abstract, Inc.
922 West Ridge Pike
Conshohocken, PA 19428
610-828-6133

RECORDER OF DEEDS
MONTGOMERY COUNTY

2019 MAY 20 P 1:08

File No. 469-556

UPI # 05-00-03296-00-2

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

05-00-03296-00-2 CONSHOHOCKEN
701 FAYETTE ST

IVENS PROPERTIES LLC
B 037 U 052 L 4260 DATE: 05/20/2019

\$15.00
JE

000

This Indenture, made the 17th day of May, 2019,

Between

**IVENS PROPERTIES, LLC, A PENNSYLVANIA LIMITED LIABILITY
COMPANY**

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

C G E M, LLC

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

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

ALL THAT CERTAIN lot, tract or parcel of land, hereditaments and appurtenances, situate lying and being in Conshohocken Borough, County of Montgomery, Commonwealth of Pennsylvania and more particularly bounded and described according to a survey and plan thereof prepared by Ezra Golub & Associates, Professional Engineers and Land Surveyors of Levittown, Pennsylvania, dated 4/7/88 and numbered D-23521501 as follows to wit:

BEGINNING at a point, said point being the intersection of the Northeasterly right-of-way line of 7th Avenue (80 feet wide) and the Southeasterly right-of-way line of Fayette Street (100 feet wide), and running thence (1) along said right-of-way line of Fayette Street (100 feet wide) North 41 degrees 00 minutes 00 seconds East a distance of 150 feet to a P K Nail, thence (2) along the lands now or formerly of Texaco Refining and Marketing, Inc. South 49 degrees 00 minutes 00 seconds East a distance of 120 feet to a PK Nail, thence (3) partly along a 20 feet wide public driveway and along land now or formerly of Carl D. and Rita M. Hamilton South 41 degrees 00 minutes 00 seconds West a distance of 150 feet to an iron pin, thence (4) along said right-of-way of 7th Avenue (80 feet wide) North 49 degrees 00 minutes 00 seconds West a distance of 120 feet to an iron pin and first mentioned point and place of beginning.



CONTAINING 18,000 square feet on 413 acres of land, more or less
LESS AND EXCEPT any deeds, condemnations, takings, or declarations of record.

UNDER AND SUBJECT to agreements, easements, rights of way, covenants, conditions
and restrictions of record.

BEING Parcel No. 05-00-03296-00-2

BEING THE SAME premises which 701 Fayette St. Conshohocken, LLC, a Pennsylvania limited liability company by indenture bearing date the 14th day of December 2004 and as recorded at Norristown in the Office for the Recorder of Deeds in and for the County of Montgomery on the 3rd day of March 2005 in Deed Book 5545 page 1061 granted and conveyed unto Ivens Properties, LLC, a Pennsylvania limited liability company in fee.

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

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

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

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



ATTEST

IVENS PROPERTIES, LLC, A PENNSYLVANIA
LIMITED LIABILITY COMPANY

By: _____

William P. Ivens, Member

By: _____

Karen Ann Ivens, Member

[SEAL]

Commonwealth of Pennsylvania } ss
County of MONTGOMERY

This record was acknowledged before me on May 17, 2019 by William P. Ivens as
Member, and by Karen Ann Ivens as Member, who represent that they are authorized to act on
behalf of Ivens Properties, LLC, a Pennsylvania Limited Liability Company.

Notary Public

My commission expires _____

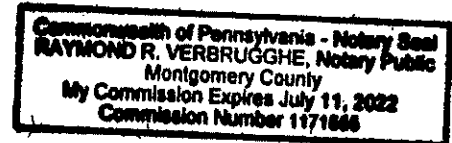
The precise residence and the complete post office
address of the above-named Grantee is:

6142 CREEKSIDE DRIVE
FLOURTOWN, Pa. 19031

On behalf of the Grantee

File No. 469-556

Record and return to:
Suburban Philadelphia Abstract, Inc.
922 West Ridge Pike
Conshohocken, PA 19428



Deed	UPI # 05-00-03296-00-2 Ivens Properties, LLC, a Pennsylvania Limited Liability Company TO C G E M, LLC	Suburban Philadelphia Abstract, Inc. 922 West Ridge Pike Conshohocken, PA 19428
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BEFORE THE ZONING HEARING BOARD OF CONSHOHOCKEN

IN RE: APPLICATION OF CGEM, LLC

REGARDING

701 FAYETTE STREET

EXTENSION OF APPLICATION NO. Z-2021-09

DECISION OF THE BOARD

I. HISTORY

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

Upon the conclusion of the hearings, the ZHB voted to approve the Application and granted the following specific relief:

1. A variance from the terms of Section 27-1303.F of the Ordinance to allow an overall impervious coverage of 88.9 percent where a maximum of 85 percent is permitted;
2. A variance from the terms of Section 27-2002 of the Ordinance to allow 26 off-street parking spaces and 7 off-premises parking spaces for a total of 33 parking spaces where a minimum of 46 parking spaces are required.

The ZHB placed a condition upon its grant of the above-stated relief, requiring Applicant to secure and execute an agreement for the rights to seven (7) off-site parking spaces (the “Condition”). After this decision was issued, an objector who had obtained party status appealed therefrom to the Court of Common Pleas.

By way of a Settlement Agreement, reached in June of 2022, the parties agreed to remove the Condition from the Decision. In lieu of the removed Condition, Applicant agreed to make a one-time contribution to the Borough's shuttle program in the amount of \$25,000. All other provisions of the ZHB's decision remained intact. This settlement was made an Order of the Court of Common Pleas on June 22, 2022. The granted relief was due to expire and become void unless all necessary permits had been obtained within one (1) year.

On June 29, 2023, Applicant submitted a letter to the ZHB requesting an extension of the time afforded to commence development pursuant to the relief granted by the ZHB and affirmed by the Order dated June 22, 2022 ("Extension Request").

After notice was duly given and advertised, a hearing on the Extension Request was commenced on August 21, 2023 ("Hearing"). At the hearing, the following Exhibits were introduced and admitted:

P-1 Application for Extension

P-2 Zoning Determination

P-3 Proof of Notice

Applicant was represented by Mark S. Danek, Esquire.

No members of the public requested party status.

No members of the public offered comment either in support of or opposition to the Extension Request.

II. FINDINGS OF FACT

1. The Subject Property is located at 701 Fayette Street in the Borough.
2. Applicant owns the Subject Property.
3. Applicant is proposing to construct a three-story, mixed-use development with the first floor consisting of retail space on the Subject Property.
4. After executing the Settlement Agreement in June of 2022, Applicant engaged with the Borough to obtain preliminary and final land development approval, which was accomplished on February 16, 2023.
5. However, the land development approval is subject to several conditions that Applicant has not yet completely fulfilled.
6. Applicant cannot obtain all of the necessary permits until all of the preliminary conditions have been completed.
7. Applicant expects that these permits will be obtained soon but wants to be sure that no further relief will be necessary after the instant application.

III. DISCUSSION

Section 27-613 of the Ordinance provides that “[u]nless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain any and all permits within one year of the date of approval.”

In a request for a modification of a condition of approval, an Applicant “can obtain relief if [the Applicant] establishes: (1) Either grounds for traditional variance or changed circumstances which render the condition inappropriate; and (2) Absence of injury to the public interest.” South Broad St. Neighborhood Assoc. v. Zoning Bd. of Adjustment, 208 A.3d 539, 545 (Pa. Commw. Ct. 2019). “For changed circumstances to support modification of a condition, the record must contain substantial evidence of exactly ‘what changes in circumstances render the [previously imposed] conditions no longer appropriate.’” Id.

IV. CONCLUSIONS OF LAW

From the facts presented, it is the judgment of the Board that Applicant has proven all elements as required to justify a modification of a condition. Accordingly, the Board can make the following conclusions of law:

1. Applicant has established changed circumstances that render the condition no longer appropriate; and
2. Applicant's request causes no injury to the public interest.

ORDER

AND NOW, this 5th day of October, 2023, the Application of CGEM, LLC, Mun Chung, LLC seeking a two (2) year extension of time of the relief previously granted by the ZHB and restated by Order dated June 22, 2022, issuing several variances from the Conshohocken Borough Zoning Ordinance of 2001, as stated herein, is **GRANTED**. All relief previously granted, and as stated herein, shall now expire on June 22, 2025 unless all applicable permits are obtained or further extension granted by the Zoning Hearing Board.

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

CONSHOHOCKEN ZONING HEARING BOARD

Date Emailed:

October 5, 2023

/s/ Richard Barton

Richard Barton, Chair

/s/ Marlow Doman

Marlowe Doman

/s/ Alan Chmielewski

Alan Chmielewski

/s/ Tyler Dunphy

Tyler Dunphy

I, Gregory R. Heleniak, the Solicitor of the Borough of Conshohocken Zoning Hearing Board, hereby certify that each member of said Board has read and approved this written opinion, which accurately reflects the actions and vote by said Board at its August 21, 2023, hearing in this matter. Said Board members have consented to their signatures to be affixed to this Decision as above.


Gregory R. Heleniak, Esquire

COMMONWEALTH OF PENNSYLVANIA
BOROUGH OF CONSHOHOCKEN ZONING HEARING BOARD
APPEAL NO. Z-2025-04
APPLICATION OF CGEM, LLC
701 FAYETTE STREET

DECISION

I. HISTORY

On or about June 21, July 19, September 13, and October 18, 2021, the Conshohocken Borough Zoning Hearing Board (hereinafter “ZHB”) held a hearing on the Application of CGEM, LLC (hereinafter “Applicant”) for Variances from the Conshohocken Zoning Ordinance of 2001, as amended (the “Ordinance”), specifically Section 27-1303.F to permit an impervious coverage ratio of 88.9% where no greater than 85% is permitted, and Section 27-2002 to allow thirty-three (33) total parking spaces where a minimum of forty-six (46) parking spaces are required, for the property located at 701 Fayette Street, Conshohocken, Pennsylvania, Parcel Number 05-00-03296-00-2 (hereinafter “Subject Property”).

The ZHB Granted the Application by an Order dated December 2, 2021. The relief was due to expire and become void unless the approved use began within six (6) months of the Order. The December 2, 2021, decision is incorporated by reference. The relief granted in the December 2, 2021, decision expired, but an extension of said relief was approved up to June 22, 2025, after an additional hearing on August 21, 2023, in a Decision dated October 5, 2023.

After notice was duly given and advertised, a hearing was scheduled for and commenced on the Application and testimony was received on June 16, 2025. At the hearing, the following Exhibits were introduced and admitted:

- P-1: Application
- P-2: Extension Request Letter dated May 14, 2025
- P-3: Zoning Determination dated
- P-4: Letter dated June 5, 2020
- P-5: Public Notice

The Applicant was represented by Mark S. Danek, Esquire.

Party status was not requested or granted to any member of the public.

II. FINDINGS OF FACT

1. The Subject Property is located at 701 Fayette Street, Conshohocken, Pennsylvania.
2. The Subject Property is in the BC Zoning District.
3. The Zoning Hearing Board of the Borough of Conshohocken met all the requirements of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code as to the requisite Legal Notice of the Hearing.
4. The Subject Property is owned by the Applicant.
5. The Applicant's construction project has required multiple forms of municipal approvals in addition to approval by the ZHB, including land development approval.
6. The Applicant offered the following testimony on its own behalf at the hearing:
 - a. This project has received a one (1) year extension and a two (2) year extension.
 - b. Applicant proposes that it be permitted an additional one (1) year extension to complete the land development process.
 - c. Upon performing soil tests on the property in June of 2023, the Applicant discovered dangerous sinkhole-like conditions and determined that the proposed foundation of the property needed to be reconfigured.

- d. In the time between discovery of the soil issues and the date of the hearing, the Applicant had been revising multiple versions of plans and discussing with various architects as to how to stabilize the structure so to avoid any danger.
 - e. Applicant has recently submitted a second set of revisions of a land development plan for the property for Borough review.
 - f. Applicant expects to be able to submit for a set of building permits soon after the date on which the hearing was scheduled.
 - g. Applicant is applying for a one (1) year extension in an abundance of caution, but does not believe that they require a full year of time.
7. No members of the public offered any comments on the Application.

III. DISCUSSION

Section 27-613 of the Ordinance states:

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain any and all permits within one year of the date of approval.

In the request for a modification of a condition of approval, an Applicant “can obtain relief if [the Applicant] establishes: (1) Either grounds for traditional variance or changed circumstances which render the condition inappropriate; and (2) Absence of injury to the public interest.” South Broad St. Neighborhood Assoc. v. Zoning Bd. of Adjustment, 208 A.3d 539, 545 (Pa. Commw. Ct. 2019). “For changed circumstances to support modification of a condition, the record must contain substantial evidence of exactly ‘what changes in circumstances render the [previously imposed] conditions no longer appropriate.’” Id.

Furthermore, “a zoning hearing board, ‘as fact finder, is the ultimate judge of credibility and resolves all conflicts of evidence.’ In re Appeal of Brickstone Realty Corporation, 789 A.2d 333, 339 (Pa. Commw. Ct. 2001). Indeed, a zoning hearing board ‘has the power to reject even uncontradicted testimony if [it] finds the testimony lacking in credibility.’ Constantino v. Zoning Hearing Board of Borough of Forest Hills, [618 A.2d 1193, 1196 (Pa. Commw. Ct. 1992)]” (Delaware Riverkeeper Network v. Middlesex Twp. Zoning Hearing Bd., No. 2609 C.D. 2015, 2019 WL 2605850 (Pa. Commw. Ct. June 26, 2019). Thus, determination of credibility of testimony of witnesses is left entirely to the discretion of the Board as a quasi-judicial governing body.

IV. CONCLUSIONS OF LAW

From the facts presented, it is the judgment of the Board that the Applicant has proven all elements as required to justify a modification of a condition. Accordingly, the Board can make the following conclusions of law:

1. The Applicant has established changed circumstances that render the condition no longer appropriate; and
2. The Applicant's request causes no injury to the public interest.

ORDER

AND NOW, this 21st day of July, 2025, the Application, seeking an extension of time for the relief previously granted on December 2, 2021, to permit an impervious coverage ratio of 88.9% and the maintenance of only thirty-three (33) parking spaces, is **GRANTED AS FOLLOWS:**

- 1) The applicant is granted an extension of time up to and through December 31, 2025.

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

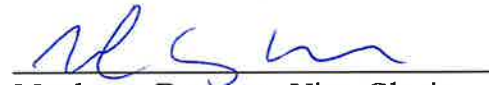
**BOROUGH OF CONSHOHOCKEN
ZONING HEARING BOARD**

A copy of this Decision and Order was sent to all Parties via E-mail or United States First Class Mail on:

July 30, 2025

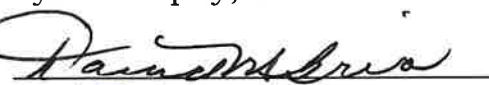


Richard Barton, Chair

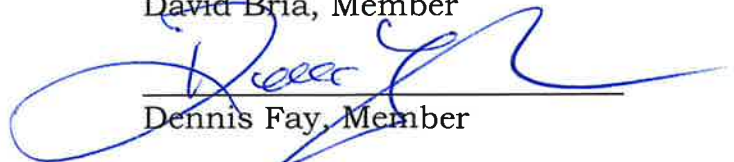


Marlowe Doman, Vice Chair





David Bria, Member



Dennis Fay, Member

THIS DECISION AND ORDER OF THE BOROUGH OF CONSHOHOCKEN ZONING HEARING BOARD IS FINAL, AND ANY APPEAL OF IT MUST BE FILED WITH THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY WITHIN THIRTY (30) DAYS FOLLOWING THE ABOVE-STATED MAILING DATE.