

ERECTED INTO A TOWNSHIP IN 1733
TOWNSHIP OF WORCESTER
AT THE CENTER POINT OF MONTGOMERY COUNTY
PENNSYLVANIA

1721 Valley Forge Road
P.O. Box 767
Worcester, PA 19490

Phone (610) 584-1410
Fax (610) 584-8901

THIS SECTION COMPLETED ONLY BY TOWNSHIP:

APPEAL NO. : ZHS 22-08 DATE FILED: April 25, 20 22

APPLICATION: BOARD OF SUPERVISORS
 ZONING HEARING BOARD

1. Date of Application: 04-25-2022

2. Classification of Appeal (Check one or more, if applicable):

- a. Appeal from the Zoning Officer's Determination
- b. Request for Variance
- c. Request for Special Exception
- d. Challenges to the Validity of Zoning Ordinance or Map
- e. Request for Conditional Use Hearing
- f. Request for Amendment to Zoning Map
- g. Request for Zoning Ordinance Amendment
- h. Request for a Curative Amendment
- i. Request for other relief within the Jurisdiction of the Zoning Hearing Board as established in Section 909.1(a) of the Pennsylvania Municipalities Code

3. Applicant:

- a. Name: BT WORCESTER, LLC
- b. Mailing address: 200 DRYDEN ROAD, SUITE 2000
DRESHER, PA 19025
- c. Telephone number: (215)-938-7300
- d. State whether owner of legal title, owner of equitable title, or tenant with the permission of owner legal title: _____ **(REQUIRED)** See Attached

Please attach Deed to prove ownership, an Agreement of Sale to prove equitable ownership, or an Affidavit allowing Tenant to apply for necessary relief.

4. Applicant's attorney, if any:

- a. Name: MATTHEW J. MCHUGH
- b. Address: KLEHR HARRISON HARVEY BRANZBURG LLP
mmchugh@klehr.com
- c. Telephone number: 215.569.1662

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▶ APR 25 2022 ◀
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5. Property Details:

- a. Present Zoning Classification: (C) Commercial/ (MR) Multi Residential Use Overaly
- b. Present Land Use: MOTOR VEHICLE SALES, MOTOR VEHICLE REPAIR, RESTAURANT, RETAIL & CONTRACTOR YARD
- c. Location (Street Address):
2974 GERMANTOWN PIKE, NORRISTOWN, PA 19403
- d. Parcel #: APN #67-00-01606-001
- e. Lot Dimensions:
 - (1) Area: 12.24 ACRES
 - (2) Frontage: Germantown Pike-516 FT, North Park Avenue-1,066 FT
 - (3) Depth: Germantown Pike-1,196 FT, North Park Avenue-497 FT
- f. Circle all that apply in regards to the above specified property:

Public Water	Public Sewer
Private Well	Private Septic
- g. Size, construction, and use of existing improvements; use of land, if unimproved: **(Please submit as an attachment)** See Attached

6. Proposed Use(s):

- a. Proposed use(s) and construction: Please provide size, construction and proposed use(s). **(Please submit as an attachment)** See Attached

7. Legal grounds for appeal (Cite specific sections of Pennsylvania Municipalities Planning Code, Zoning Ordinance, Subdivision Regulations, and/ or other Acts or Ordinances). All sections that apply must be listed in which relief is required and an explanation provided. **(Please submit as an attachment)** See Attached

8. Has any previous appeal been filed concerning the subject matter of this appeal?
 Yes No

If yes: specify: **(Please submit as an attachment)**

9. Challenges please list requested issues of fact or interpretation:
(Please submit as an attachment) See Attached

10. Worcester Township to provide the list of names and addresses of properties situated in the vicinity of the subject property as per Township Code Section 150-224

CERTIFICATION

I (We) hereby certify that the above information is true and correct to the best of my (our) knowledge, information or belief.

MM
Signature

Michael Maekman
Printed Name

Signature

Printed Name

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF Montgomery : SS

The undersigned, being duly sworn according to law, deposes and says the he/she is the above names applicant, that he/she is authorized to and does take this affidavit on behalf of the owner, and foregoing facts are true and correct.

MM

Applicant

Applicant

Sworn to and subscribed before me this 22nd day of April, 20 22

Kathleen Lipski

Notary Public

Commonwealth of Pennsylvania - Notary Seal
Kathleen Lipski, Notary Public
Montgomery County
My commission expires September 12, 2024
Commission number 1300735
Member, Pennsylvania Association of Notaries

Date Received:

April 25, 2022

[Signature]
Zoning Officer

WORCESTER TOWNSHIP ZONING HEARING BOARD
APPLICATION ATTACHMENTS
2974 GERMANTOWN PIKE- APN#67-00-01606-001

3. d) **See attached Agreement of Sale**

5. g) **Size, construction, and use of existing improvements; use of land, if unimproved:**

The existing site consists of a series of commercial uses which includes motor vehicle sales, motor vehicle repair, restaurant, retail and a contractor yard. The site is comprised of multiple one-story and two-story masonry structures, multiple trailers and other outbuildings and a combination of paved, concrete and gravel surfaces with vehicle and other material storage on site.

6. a) **Proposed use(s) and construction: Please provide size, construction, and proposed use(s).**

BT WORCESTER, LLC proposes the demolition of the existing site and all existing structures and paved surfaces at 2974 Germantown Pike in Worcester Township. Two (2) new 28,800 SF 90-unit multi-residential buildings are proposed along with associated improvements, an asphalt parking with a total of 362 spaces, and stormwater management facilities which include an underground detention facility and bioretention facility.

7) **Legal grounds for appeal**

- The applicant is requesting a variance from Section 150-138A(4)(b) which states:
The following floodplain crossings are permitted when approved by the Zoning Hearing Board of Worcester Township where no other realistic design or alignment is possible, provided that disturbance to any existing woodlands and degradation of water quality are minimized to the greatest extent practicable, and provided that all required local, state, and federal regulatory permits and approvals are obtained for such crossings: Utilities, recreational trails, railroads and driveways (serving single-family detached dwelling units), roadways, streets and appurtenant stormwater conveyance facilities.

A variance is requested to allow installation of outfall structures with associated discharge piping, and sidewalk within the Floodplain Conservation District. The Floodplain Conservation District is located in the western corner of the parcel, along the existing tributary where Bowmansville (BO) Silt Loam is located. The outfall structures are proposed to be installed in order to discharge stormwater from the proposed onsite stormwater management basins and proposed offsite roadway conveyance pipes into the existing tributary. It is the only available discharge point on the site, so no other design alternative is possible. The discharge of stormwater to the tributary via the aforementioned outfall structure will meet ordinance requirements and minimize impact to adjacent properties.

- The applicant is requesting a variance from Section 150-138B(11) which states:
Uses prohibited in the Floodplain Conservation District. Any use or activity not authorized within Subsection A, herein, shall be prohibited within the Floodplain Conservation District and the following activities and facilities are specifically prohibited: Stormwater control facilities, including necessary berms, outfall facilities, and any underground storage/treatment areas

A variance is requested to allow installation of outfall structures with associated discharge piping, and sidewalk within the Floodplain Conservation District. The Floodplain Conservation District is located in the western corner of the parcel, along the existing tributary where Bowmansville (BO) Silt Loam is located. The outfall structures are proposed to be installed in order to discharge stormwater from the proposed onsite stormwater management basins and proposed offsite roadway conveyance pipes into the existing tributary. It is the only available

WORCESTER TOWNSHIP ZONING HEARING BOARD
APPLICATION ATTACHMENTS
2974 GERMANTOWN PIKE- APN#67-00-01606-001

discharge point on the site, so no other design alternative is possible. The discharge of stormwater to the tributary via the aforementioned outfall structure will meet ordinance requirements and minimize impact to adjacent properties.

- The applicant is requesting a variance from Section 150-88(D) which states:
Setbacks. No parking area, service area, loading area or access drive shall be located within 75 feet of any property line, except as required for normal ingress and egress. **A variance is requested to allow a reduction of the 75-foot parking setback to a 20-foot setback along Germantown Pike and a 25-foot setback along North Park Avenue, where there is an existing non-conformance. The reduction of the setback increases the buffering distance between the proposed development and the residential properties to the southeast and southwest. Additionally, the proposed 25 feet of frontage respects the existing ultimate right-of-way along cited roadways, allowing for any future improvements to occur therein.**

AGREEMENT FOR THE SALE OF COMMERCIAL REAL ESTATE

ASC

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

PARTIES

BUYER(S): BT Wexford GP, LLC c/o BET Investments, Inc. 200 Dryden Road, Suite 2000, Dresher, PA 19025 Email: mmarkman@betinvestments.com, dgreeley@betinvestments.com, ggambel@betinvestments.com	SELLER(S): Reba Dubner Family Limited Partnership c/o Barry M. Miller, Esquire 54 East Penn Street, Norristown, PA 19401 Email: Barry_Miller@lawofficeofbmiller.com
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PROPERTY

PROPERTY ADDRESS 2974 West Germantown Pike
 ZIP 19403
 in the municipality of Worcester Township
 County of Montgomery, in the Commonwealth of Pennsylvania.
 Identification (e.g., Parcel #; Lot, Block; Deed Book, Page, Recording Date): +/-14.5 acres as described in that Indenture dated December 28, 1994 as recorded on December 29, 1994 in the land records of Montgomery County in DB 5101, PG 0796, et seq
 Tax ID #(s): 67-00-01606-00-1

BUYER'S RELATIONSHIP WITH PA LICENSED BROKER

No Business Relationship (Buyer is not represented by a broker)

Broker (Company) <u>BET Investments, Inc.</u> Company Address <u>200 Dryden Road, Suite 2000, Dresher, PA 19025</u> Company Phone <u>(215)938-7300</u> Company Fax <u>(215)938-8651</u> Broker is (check only one): <input checked="" type="checkbox"/> Buyer Agent (Broker represents Buyer only) <input type="checkbox"/> Dual Agent (See Dual and/or Designated Agent box below)	Licensee(s) (Name) <u>Gregory F. Gambel, Jr.</u> <u>Daniel J. Greeley</u> Direct Phone(s) <u>(215)938-7300 x 111</u> Cell Phone(s) <u>(215)630-0024</u> Fax <u>(215)938-8651</u> Email <u>ggambel@betinvestments.com</u> Licensee(s) is (check only one): <input type="checkbox"/> Buyer Agent (all company licensees represent Buyer) <input checked="" type="checkbox"/> Buyer Agent with Designated Agency (only Licensee(s) named above represent Buyer) <input type="checkbox"/> Dual Agent (See Dual and/or Designated Agent box below)
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Transaction Licensee (Broker and Licensee(s) provide real estate services but do not represent Buyer)

SELLER'S RELATIONSHIP WITH PA LICENSED BROKER

No Business Relationship (Seller is not represented by a broker)

Broker (Company) <u>Compass Pennsylvania, LLC</u> Company Address <u>1624 Locust Sreet, Floor 5, Philadelphia, PA 19103</u> Company Phone <u>(267)380-5813</u> Company Fax Broker is (check only one): <input checked="" type="checkbox"/> Seller Agent (Broker represents Seller only) <input type="checkbox"/> Dual Agent (See Dual and/or Designated Agent box below)	Licensee(s) (Name) <u>Linda Gedney</u> Direct Phone(s) <u>(267)380-5813</u> Cell Phone(s) <u>(215)205-0181</u> Fax Email <u>linda.gedney@gmail.com</u> Licensee(s) is (check only one): <input type="checkbox"/> Seller Agent (all company licensees represent Seller) <input checked="" type="checkbox"/> Seller Agent with Designated Agency (only Licensee(s) named above represent Seller) <input type="checkbox"/> Dual Agent(See Dual and/or Designated Agent box below)
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Transaction Licensee (Broker and Licensee(s) provide real estate services but do not represent Seller)

DUAL AND/OR DESIGNATED AGENCY

A Broker is a Dual Agent when a Broker represents both Buyer and Seller in the same transaction. A Licensee is a Dual Agent when a Licensee represents Buyer and Seller in the same transaction. All of Broker's licensees are also Dual Agents UNLESS there are separate Designated Agents for Buyer and Seller. If the same Licensee is designated for Buyer and Seller, the Licensee is a Dual Agent.


By signing this Agreement, Buyer and Seller each acknowledge having been previously informed of, and consented to, dual agency, if applicable.

Buyer Initials: ASC Page 1 of 9 Seller Initials:

Entity# : 4195067
Date Filed : 09/16/2021
Pennsylvania Department of State

PENNSYLVANIA DEPARTMENT OF STATE
BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS

Return document by mail to:
CT - COUNTER
Name: 13854753 So 1
Address: nicole.grlme@wolterskluwer.com
City: _____ State: _____ Zip Code: _____
 Return document by email to: _____

Certificate of Amendment - Domestic
Limited Partnership/Limited Liability Company
DSCB:15-8622/8822 (rev. 2/2017)

TCO210916MC0867

Read all instructions prior to completing. This form may be sub

Fee: \$70

Check one: Limited Partnership (§ 8622) Limited Liability Company (§ 8822)

In compliance with the requirements of the applicable provisions (relating to Amendment or Restatement of Certificate), the undersigned, desiring to amend or restate its Certificate of Limited Partnership/Certificate of Organization, hereby certifies that:

1. The name of the limited partnership/limited liability company is: BT Wexford GP, LLC

2. The date of filing of the original Certificate of Limited Partnership/Certificate of Organization is:

06/17/2013
Date (MM/DD/YYYY)

3. The current registered office address as on file with the Department of State. Complete part (a) OR (b) – not both:

(a) 200 Dryden Road, Suite 2000 Dresher PA 19025 Montgomery
Number and street City State Zip County

(b) c/o: _____
Name of Commercial Registered Office Provider County

4. Check, and if appropriate complete, one of the following:

The amendment adopted by the limited partnership/limited liability company, set forth in full, is as follows:

The entity name BT Wexford GP, LLC is hereby changed to BT Worcester, LLC

The amendment adopted by the limited partnership/limited liability company is set forth in full in Exhibit A attached hereto and made a part hereof.

5. Effective date of amendment (check, and if appropriate complete, one of the following):

The amendment shall be effective upon filing this Certificate of Amendment in the Department of State.

The amendment shall be effective on: _____ at _____
Date (MM/DD/YYYY) Hour (if any)

2021 SEP 16 AM 9:37
PA DEPT OF STATE

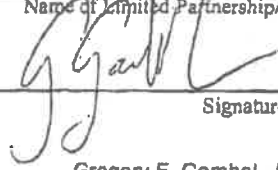
6. Check if the amendment restates the Certificate of Limited Partnership/Certificate of Organization:

- The restated Certificate of Limited Partnership/Certificate of Organization supersedes the original Certificate of Limited Partnership/Certificate of Organization and all previous amendments thereto.

IN TESTIMONY WHEREOF, the undersigned limited partnership/limited liability company has caused this Certificate of Amendment to be executed by a duly authorized person thereof this 31st day of August, 2021

BT Wexford GP, LLC

Name of Limited Partnership/Limited Liability Company

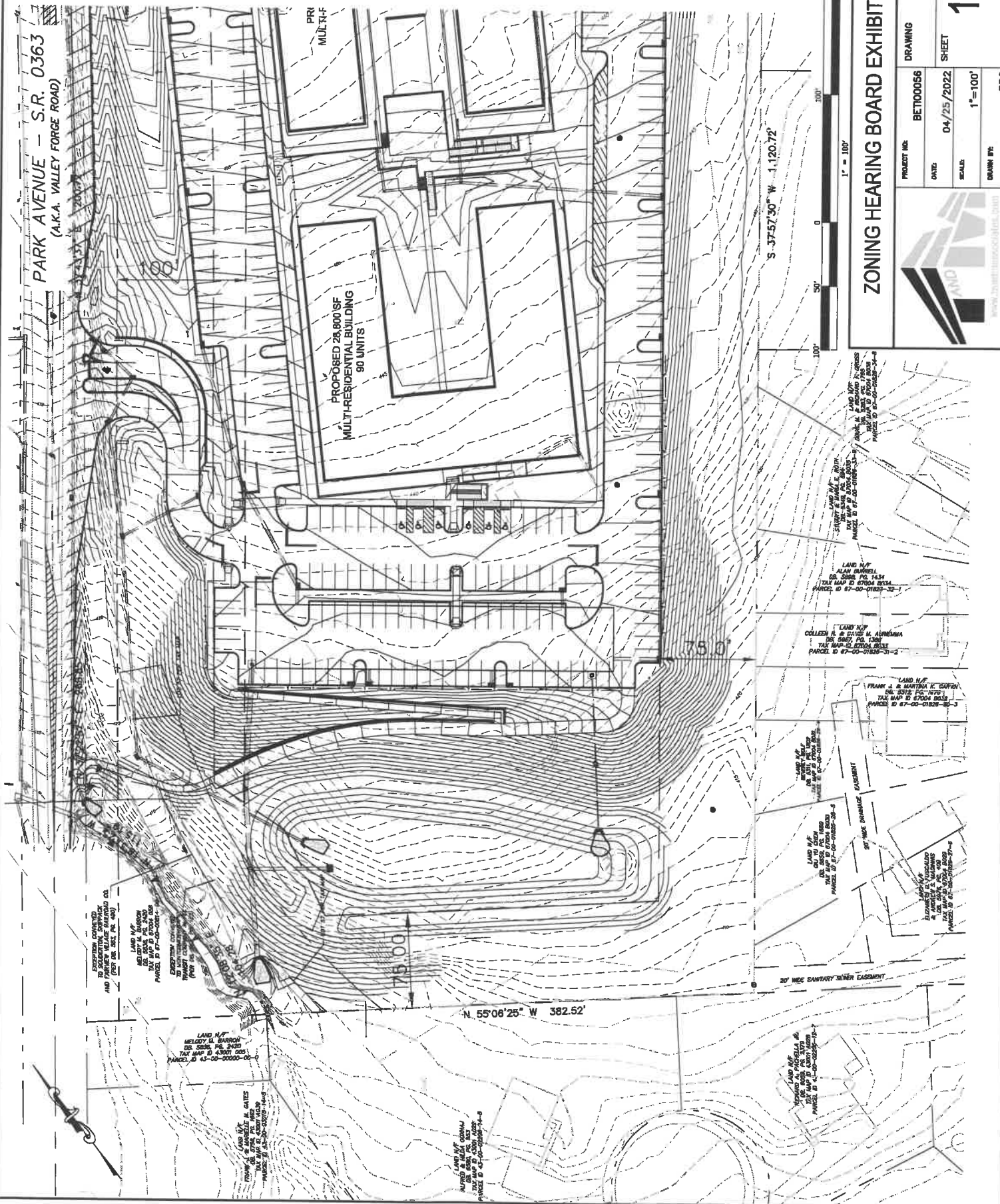


Signature

Gregory F. Gambel, Jr., Authorized Signatory

Title

PARK AVENUE - S.R. 0363
(A.K.A. VALLEY FORGE ROAD)



ZONING HEARING BOARD EXHIBIT

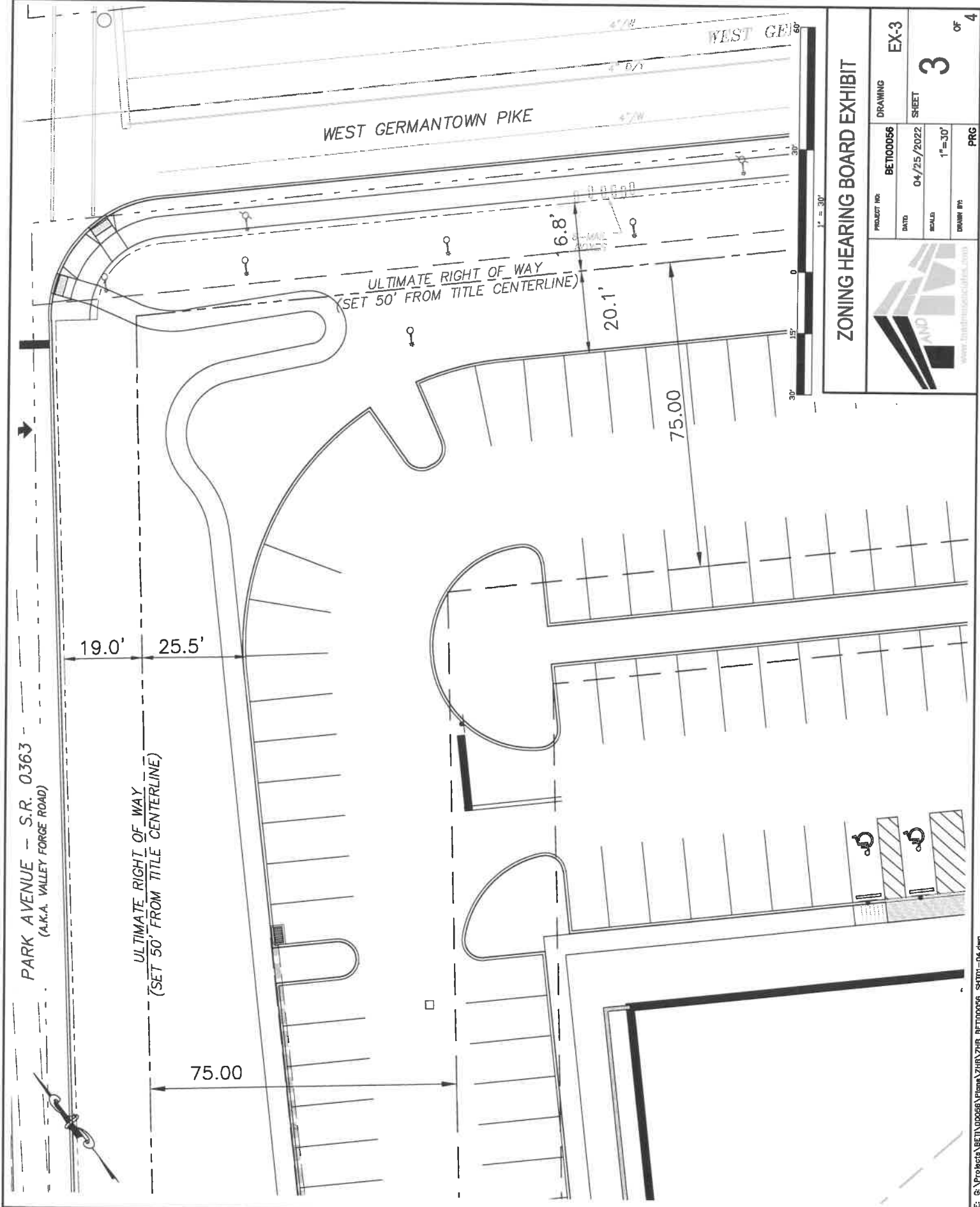
PROJECT NO:	BET100056	DRAWING	EX-1
DATE:	04/25/2022	SHEET	1
SCALE:	1"=100'		
DRAWN BY:	PRG		OF 4



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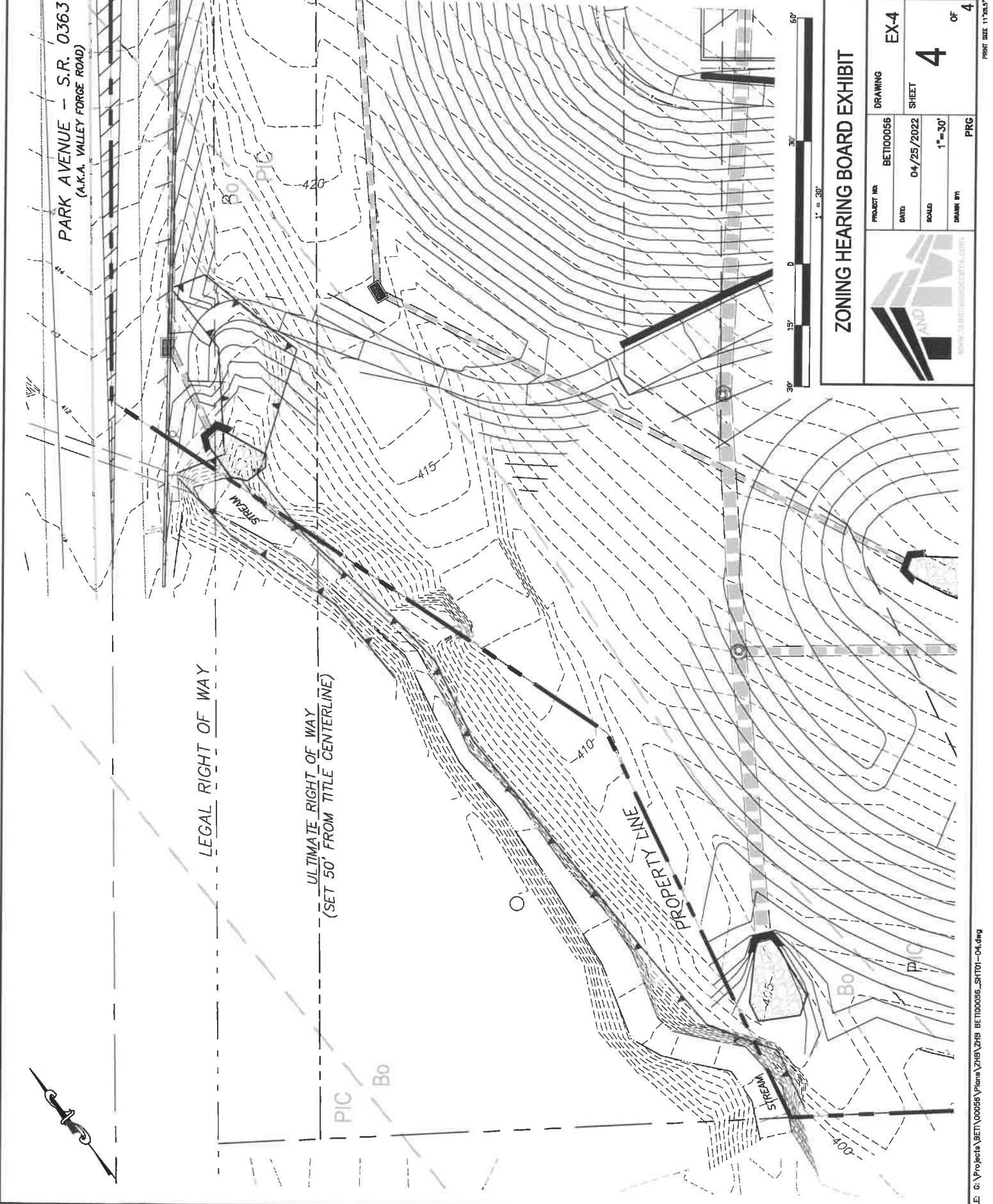
FILE: G:\Projects\BETH\000056\Plan\ZHB\ZHB BETH000056_SHT01-04.dwg



ZONING HEARING BOARD EXHIBIT

PROJECT NO.	BETH000056	DRAWING	EX-3
DATE	04/25/2022	SHEET	3
SCALE	1"=30'	PRG	4
 www.tandmassociates.com			

PRINT SIZE 11"x8.5"



PARK AVENUE - S.R. 0363
(A.K.A. VALLEY FORGE ROAD)

LEGAL RIGHT OF WAY

ULTIMATE RIGHT OF WAY
(SET 50' FROM TITLE CENTERLINE)

PROPERTY LINE

ZONING HEARING BOARD EXHIBIT

	PROJECT No.	BETD00056	DRAWING	EX-4
	DATE	04/25/2022	SHEET	4
	SCALE	1"=30'		OF 4
	DRAWN BY	PRC		

