

RECEIVED
MAR 30 2018

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. : 18-10 DATE FILED: 3-30, 20 18

APPLICATION: BOARD OF SUPERVISORS
 ZONING HEARING BOARD

1. Date of Application: March 30, 2018

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: The Shaub Group, LLC d/b/a Keystone Fireworks
- b. Mailing address: 2357 Lincoln Highway East, Lancaster, PA 17602
- c. Telephone number: 717-278-1080
- d. State whether owner of legal title, owner of equitable title, or tenant with the permission of owner legal title: (REQUIRED)

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: Andrew C. Laird, Esquire
- b. Address: 360 W Main Street, Trappe, PA 19426
- c. Telephone number: 610-489-0700

5. Property Details:

- a. Present Zoning Classification: Commercial
- b. Present Land Use: Retail Stand Alone Above 8,500 sq ft.
- c. Location (Street Address):
2979 Germantown Pike
- d. Parcel #: 67-00-001495-00-4
- e. Lot Dimensions:
 - (1) Area: 316 x IRR 66560 SF
 - (2) Frontage: _____
 - (3) Depth: _____
- 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)**

6. Proposed Use(s):

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

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)**

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)

10. Worcester Township to provide the list of names and addresses of all property within 500 feet of the perimeter of the subject property. **(REQUIRED: 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.



Signature

Andrew C. Laird, Esquire

Printed Name

Signature

Printed Name

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF Montgomery : SS

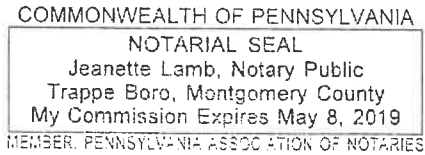
The undersigned, being duly sworn according to law, deposes and says the he/she is the above names applicant, that he/she is authorized to and does take this affidavit on behalf of the owner, and foregoing facts are true and correct.

Andrew C. Laird, Esquire
Applicant

Andrew C. Laird
Applicant

Sworn to and subscribed before me this 29th day of March, 2018

Jeanette Lamb
Jeanette Lamb
Notary Public



Date Received: 3-30-18

Andrew P. Ruggie
Zoning Officer

BEFORE THE ZONING HEARING BOARD

OF

THE TOWNSHIP OF WORCESTER

MONTGOMERY COUNTY, PENNSYLVANIA

**IN RE: The Saub Group, LLC, d/b/a Keystone Fireworks
2979 Germantown Pike**

March 30, 2017

A-1	Letter Dated February 27, 2018 Providing Tenant Allowance for Appeal
A-2	Parcel Map Identifying Location
A-3	Property Record Summary
A-4	Plan Depicting Retail Store
A-5	Retail Store Floor Plan
A-6	Section 150-112 Zoning Code
A-7	Section 150-193 Zoning Code
A-8	RESERVED
A-9	RESERVED
A-10	RESERVED

BEFORE THE ZONING HEARING BOARD

OF

THE TOWNSHIP OF WORCESTER

MONTGOMERY COUNTY, PENNSYLVANIA

IN RE: The Shaub Group, LLC d/b/a Keystone Fireworks

7. Applicant currently operates Keystone Fireworks. For more than 20 years, Keystone Fireworks has been a leading seller of fireworks in Pennsylvania. Currently, Applicant operates a 10,000 square foot “superstore” in Lancaster, Pennsylvania. Each store stocks approximately 350 unique items including sparklers and novelties and aerial fireworks.

House Bill 542 was signed into law on October 30, 2017. Under the new law, the Fireworks Act of 1939 was repealed and replaced in its entirety. Consumers can now purchase and use “Class C” or “consumer-grade” fireworks that include firecrackers, Roman Candles, bottle rockets, and similar fireworks that contain a maximum of 50 milligrams of explosive material. The expansion includes those fireworks that were previously only available to out-of-state residents.

“Display fireworks,” which are classified as including salutes that contain more than two grains or 130 milligrams of explosive materials, and professional-grade aerial shells containing more than 60 grams of pyrotechnic compositions, are still only to be used by professionals with a permit from the municipality where the display will take place.

Anyone 18 years of age or older can purchase fireworks.

Applicant is properly licensed by the Pennsylvania Department of Agriculture, the agency responsible for the issuance of licenses

Pursuant to Article XVII. C. Commercial District, §150 – 112, Use regulations (See A-6), a retail outlet for the sale of fireworks is not an enumerated use. §150 – 112 (H) provides a special exception by the Zoning Hearing Board may allow any similar use to those specified. §150 – 112 (A) provides a use for a retail store selling “professional or scientific instruments.” As referenced above, certain fireworks, specifically “Display Fireworks” are only available to professionals.

Applicant also seeks a Variance and/or Special Exception to the limitation of five employees set forth in §150 – 112 (H). During seasonal sales, Applicant, for purposes of safety,

in addition to sales, would employ more than five persons, which employment would be limited to seasonal sales.

Applicant submits, the proposed use as retail store is not precluded by §150 – 193 (See A-7). There is no public hazard related to fire, explosion, or hazardous materials. OSHA provides for specific standards and directives associated with the sale of retail fireworks (<https://www.osha.gov/SLTC/pyrotechnic/retail.html>). Applicant strictly adheres to the standards in its current operations which include: Emergency action plans, Fire prevention plans, Materials handling and storage, and Medical services and first aid.

9. The requested issues of fact or interpretation are set forth in paragraph 7 above. In classifying a use as a special exception³³ or conditional use, the municipal governing board makes a legislative decision that the use is a permissible and legitimate use of property within a given zoning district and not adverse to the public interest per se. A special exception is a use envisioned by the ordinance and, if the express standards and criteria established by the ordinance are met, the use is one permitted by the ordinance.

EXHIBIT
“A-1”

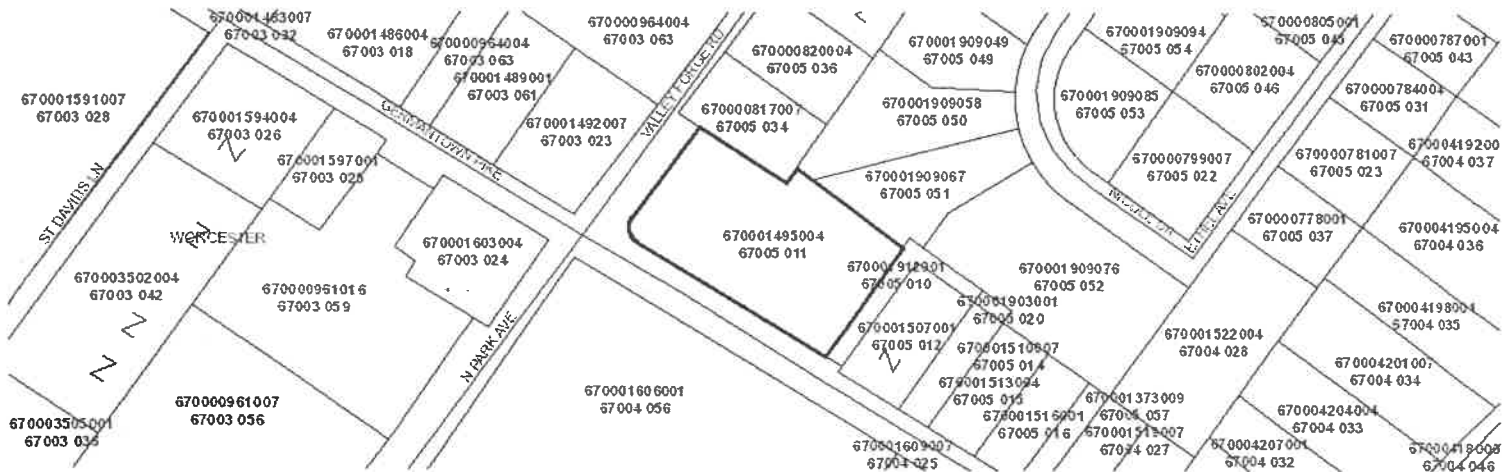
February 27, 2018

Attn: Worcester Township Zoning Hearing Board
Re: 2979 Germantown Pike, Norristown

Please consider this document an affidavit allowing Keystone Fireworks to apply for any special exceptions, variances or other relief necessary from Worcester Township to obtain occupancy at 2979 Germantown Pike for their proposed use as a Pennsylvania licensed retail consumer fireworks facility.


Rite Aid Corporation

EXHIBIT
“A-2”



EXHIBIT

“A-3”

PARID: 670001495004
 2 ROEBLING ST DELAWARE LLC

2979 GERMANTOWN PIKE

Parcel

TaxMapID 67005 011
 Parid 67-00-01495-00-4
 Land Use Code 4286
 Land Use Description C - RETAIL STAND ALONE ABOVE 8,000 SF
 Property Location 2979 GERMANTOWN PIKE
 Lot #
 Lot Size 66560 SF
 Front Feet 316
 Municipality WORCESTER
 School District METHACTON
 Utilities ALL PUBLIC//

Owner

Name(s) 2 ROEBLING ST DELAWARE LLC
 Name(s)
 Mailing Address 801 ARNOLD AVE
 Care Of
 Mailing Address
 Mailing Address POINT PLEASANT BEACH NJ 08742

Current Assessment

Appraised Value	Assessed Value	Restrict Code
849,730	849,730	

Estimated Taxes

County	2,939
Montco Community College	331
Municipality	42
School District	25,032
Total	28,344
Tax Lien	Tax Claim Bureau Parcel Search

Last Sale

Sale Date	23-MAR-05
Sale Price	\$5,800,000
Tax Stamps	58000
Deed Book and Page	5588-02284
Grantor	BALDRIDGE WORCESTER LLC
Grantee	2 ROEBLING ST DELAWARE LLC
Date Recorded	01-FEB-06

Sales History

Sale Date	Sale Price	Tax Stamps	Deed Book and Page	Grantor	Grantee	Date Recorded
03-23-2005	\$5,800,000	58000	5588-02284	BALDRIDGE WORCESTER LLC	2 ROEBLING ST DELAWARE LLC	02-01-2006
06-29-2004	\$0	0	5517-01990	MILNER RALPH H & JOYCE R	BALDRIDGE WORCESTER LLC	07-19-2004
09-28-1984	\$130,000	1300	-		MILNER RALPH H & JOYCE R	
03-01-1979	\$102,460	0	-		ATLANTIC RICHFIELD CO	

Lot Information

Lot Size 66560 SF
Lot #
Remarks INCL. UNITS 11,17,18 & 27
Remarks 316 X IRR 66560 SF
Remarks

Commercial Parcel Summary

No. of Cards 1
Land Use Code 4286
Gross Building Area (Total of all Cards) 9440
Net Building Area (Total of all Cards) 9440
Total Living Units

Commercial Parcel Summary

Use	Area
RETAIL STORE	9,440

Commercial Card Summary

Card 1
Imp Name SINGLE RETAIL PHARMACY
Structure Code 345
Structure DISCOUNT DEPT STORE
Sprinkler Y
Units
Identical Units 1
Year Built 2005
Gross Building Area 9440
Elevator/Escalator N

Accessory Structures

Card	Type	Type	Size	Year Built
1	PA3	PAVING, ASPHALT W/LIGHTING	30000	2005

Permits

1 of 4

Permit Date 17-JUN-2008
Permit Number 07-105
Amount
Purpose SIGN
Notes
Notes
Status CLOSED

Assessment History

Appraised Value	Assessed Value	Restrict Code	Effective Date	Reason	Notice Date
849,730	849,730		01-JAN-15	APPEAL	17-SEP-14
849,730	849,730		01-DEC-05	NEW COMMERCIAL/INDUSTRIAL BLDG	06-DEC-05
	849,730		01-DEC-05	NEW COMMERCIAL/INDUSTRIAL BLDG	

3/29/2018

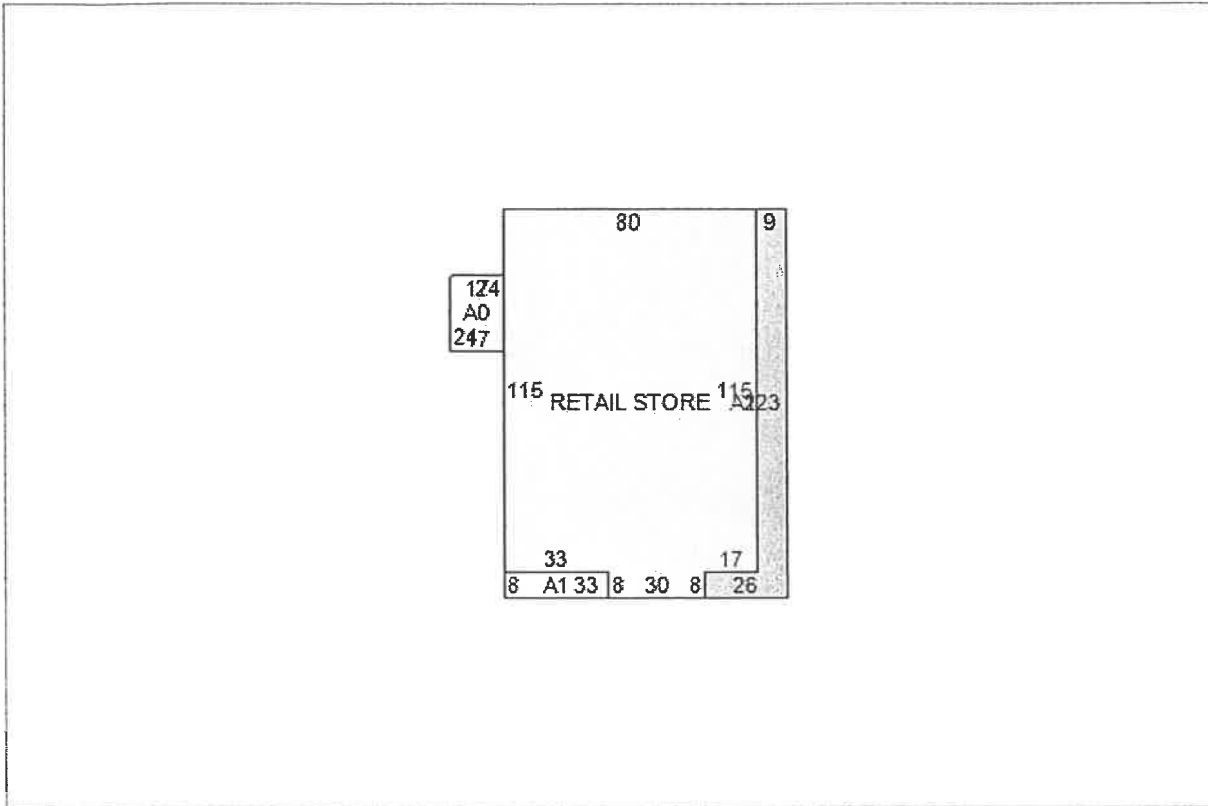
Montgomery, Pennsylvania

266,240	01-JAN-05	REVERSE SUBDIVISION
118,520	01-SEP-04	DEMOLITION
172,430	01-JAN-98	REASSESSMENT
16,500	01-JAN-87	

EXHIBIT
“A-4”

PARID: 670001495004
2 ROEBLING ST DELAWARE LLC

2979 GERMANTOWN PIKE



Printed on Thursday, March 29, 2018, at 3:32:13 PM EST

EXHIBIT

“A-5”

CONSTRUCTION NOTES

RITE AID
 STORE PLANNING
 DEPARTMENT
 P.O. BOX 1157
 HARRISBURG, PA 17105
 (717) 761-2633

STORE NO.
 11157

RITE AID PHARMACY
 28778
 CERRANTON PIKE
 NORRISTOWN, PA

PROJECT TYPE
 NEW STORE RELOCATION
 EXPANSION RENOVATION
 REMODEL FIRE REBUILT
 MODERN RESET RELOC. PROJECT

PROJECT ATTRIBUTES
 1-HOUR PHOTO 1-DOOR
 HAND DP S. N. C.
 BENC-TRHU

BUILDING TYPE
 CMP SA 10.8
 RM1 13.8 WPT
 RM

DECOR TYPE
 DMS 4/PVC CBP 4/PVC
 DM1 WPT LAST SCHEME

BUILDING AREA (SQ. FT.)
 SALES FLOOR: NEW
 PHARMACY: -0-
 WAITING AREA: -0-
 REGISTRATION: -0-
 CHECKOUT: -0-
 SERVICE: -0-
 METROPHIS: -0-
 SUB TOTAL: -0-
 RITE AID TOTAL: -0-
 OVERALL TOTAL: -0-
 SALES AREA: -0-
 SHOWING

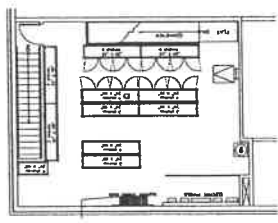
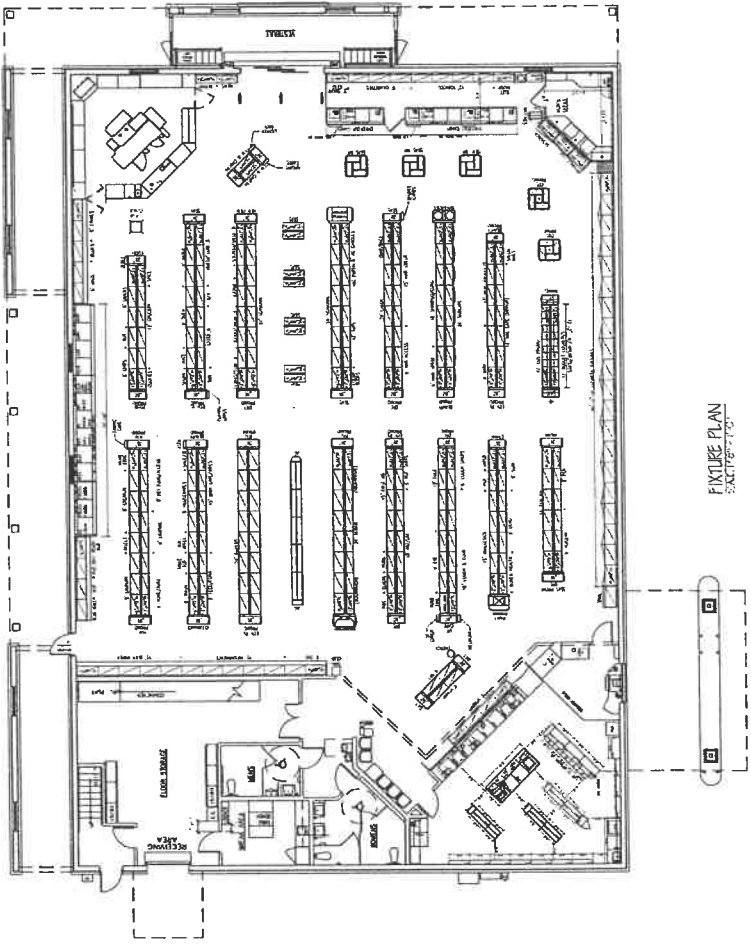
PROJECT CONTACTS
 DIRECTOR OF CONSTRUCTION
 XXXX
 REC. CONSTRUCTION MANAGER
 XXXX
 ASST. REC. CONST. MANAGER
 XXXX
 STORE PLANNER (ARCH. SERV. MGR.)
 NAME: _____
 TITLE: _____

RITE AID
 STORE NUMBER
 11157

CEILING HEIGHTS
 SALES FLOOR: 11'-0"
 COSMETIC OVERHEAD: N/A
 PHARMACY: N/A

REVISED BY: _____
 DATE: _____
 FOR NOTES: CHECK NET TAC PLAN

REVISIONS
 NO. DATE BY DESCRIPTION
 1 11/15/03 JAL FOR NOTES, CHECK NET TAC PLAN



MEZZANINE PLAN
 SECTION 1-1

FIXTURE PLAN
 SECTION 1-2

EXHIBIT

“A-6”

Township of Worcester, PA
Thursday, March 29, 2018

Chapter 150. Zoning

Article XVII. C Commercial District

§ 150-112. Use regulations.

A building may be erected or used and a lot may be used or occupied for any one of the following purposes and no other:

- A. Retail store selling or leasing for local neighborhood use one or more of the following items at retail: food, groceries, meats, vegetables, fruit, drugs, cosmetics, hardware, clothing, jewelry, watches, optical goods, nursery stock, musical, professional or scientific instruments.
- B. Office, bank, financial institution.
- C. Personal service shop of a dressmaker, shoe repairer, tailor, hairdresser.
- D. Medical offices of a private practitioner, other than a clinic.
- E. Undertaker, not including crematorium.
- F. Baker, confectioner or custom shop for the production of articles to be sold only on the premises.
- G. Restaurant, catering operation, ice cream shop or other food service operation, provided not more than four persons are employed by the same, and provided that no alcoholic beverages are served.
- H. Any similar use to those specified in this section above, when authorized as a special exception by the Zoning Hearing Board and when not employing more than five persons.
- I. Special exceptions. The following uses are permitted when authorized as a special exception by the Zoning Hearing Board.
 - (1) Public garages.
 - (2) Motor vehicle sales.
 - (3) Motor vehicle service or repair, employing not more than three persons.
 - (4) Motor vehicle rental or leasing.
 - (5) Gasoline service station when limited to three bays and customary sales room and including sanitary toilet rooms, provided that any outdoor display of merchandise is kept within 25 feet of the building or on the pump islands, and provided that between the hours of 10:00 p.m. and 6:00 a.m., prevailing time, it will be closed, with no illumination evident excepting a dim nightlight indoors.
 - (6) Hotel, motel or similar lodging facility.
 - (7) Wholesale merchandise establishment.
 - (8) Multiple use office building.
 - (9) Laundry or dry cleaning.

(10) Parking lot incidental to any of the uses under this subsection.
[Amended 8-21-1996 by Ord. No. 150]

(11) Nursing homes, personal care facilities and life care facilities.
[Added 12-15-1999 by Ord. No. 176]

(12) Hospitals.
[Added 12-15-1999 by Ord. No. 176]

J. Municipal use as defined in Article III.
[Added 9-15-1993 by Ord. No. 133]

EXHIBIT
“A-7”

*Township of Worcester, PA
Thursday, March 29, 2018*

Chapter 150. Zoning

Article XXIV. General Regulations

§ 150-193. Prohibited uses.

In all parts of the Township, no building may be erected, altered or used and no lot or premises may be used for any trade, processing or business which is noxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination, glare, hazardous substances or noise which constitutes a public hazard, whether by fire, explosion, hazardous materials or otherwise.