

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. : 15-04 DATE FILED: 11/25, 20 15 TIME FILED: — .M.

APPEAL TO: ZONING HEARING BOARD

1. Date of Application: 11/24/15
2. Classification of Appeal (Check one or more, if applicable):
 - a. Request for Variance (Planning Code, Section 912).
 - b. Request for Special Exception (Planning Code, Section 913).
 - c. Appeal from the Zoning Officer (Planning Code, Section 909).
 - d. Challenge to the validity of ordinance or map (Planning Code, Section 910).
 - e. Request for hearing involving on-lot sewage disposal systems (Sewage Facilities Act 537).
 - f. Determination of Flood Plain District Boundaries in case of dispute (Zoning Ordinance, Floodplain District Section 150-136)
 - g. Other _____
3. Applicant:
 - a. Name: Trustees of the Local Union No. 126 Occupational Safety, Health & Education Trust Fund
 - b. Mailing address: 3455 Germantown Pike
Collegetown, PA 19426
 - c. Telephone number: 610-489-1185
 - 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 OR Agreement of Sale to prove equitable ownership):**

Owner of legal title
4. Applicant's attorney, if any:
 - a. Name: Bernadette A. Kearney, Esq./Hamburg Rubin Mullin Maxwell & Lupin
 - b. Address: 375 Morris Road, PO Box 1479, Lansale, PA 19446
 - c. Telephone number: 215-661-0400

5. Property:
- a. Present Zoning Classification: AGR
 - b. Present Land Use: Classroom training; office; assembly
 - c. Location (Street Address):
3455 Germantown Pike
 - d. Parcel #: 67-00-01366-00-7
 - e. Lot Dimensions:
 - (1) Area: 5.168 acres gross; 4.996 acres net of Germantown Pike r/w
 - (2) Frontage: 300 feet approx.
 - (3) Depth: 642 feet approx.
 - f. Size, construction, and use of existing improvements; use of land, if unimproved:
See Attached

- 6.
- a. Proposed use and construction: Size, construction and proposed use. (Attach supplementary sheets).
See Attached
 - b. If only change of use of land is proposed, what is its proposed use?
N/A
 - c. Circle all that apply in regards to the above specified property:

Proposed	<u>Public Water</u>	<u>Public Sewer</u>
	Private Well	Private Septic

7. Legal grounds for appeal (cite specific sections of Planning Code, Zoning Ordinance, Subdivision Regulations, or other Acts or Ordinances) All sections that apply must be listed in which zoning relief is required and an explanation provided:

See Attached

8. Has any previous appeal been filed concerning the subject matter of this appeal?

Yes No

If yes: specify: _____

See Attached.

9. Challenges (only if 2(d) is checked above). List requested issues of fact or interpretation:

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)**

CERTIFICATION

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

Bernadette A. Kearney, Attorney
Signature *for Applicant*

Bernadette A. Kearney, Esq., Attorney on behalf of Applicant
Printed Name

Signature

Printed Name

Requirements:

(1) For 2a, 2b or 2c above, ten (10) copies of the plan and an electronic "pdf" version must be attached to the appeal. The plan should be prepared by a professional engineer or surveyor, however the Board will accept any plan which are complete and accurate, provided that if not prepared by a professional engineer or surveyor, the person who prepared the plan must be prepared to state under oath at the formal hearing that the plan is complete and accurate. The plan must contain all information relevant to the appeal, including but not limited to the following: The property related to a street, the parcel number, the dimensions and area of the lot, the dimensions and location of existing buildings or improvements, the dimensions and locations of proposed uses, buildings or improvements.

(2) For 2d or 2f above, ten (10) copies of the challenged Ordinance or Map must be attached to the Appeal.

(3) Filing fees, which must accompany this Appeal, and which are not returnable once the Appeal is accepted, are according to the following fee schedule:

(a)	Residential (each lot)	\$600.00
	Postponement/ Continuance	\$250.00
(b)	Commercial	\$1,400.00
	Shopping Center	
	Limited Industrial	
	Postponement/ Continuance	\$600.00
(c)	Challenges to the Validity of the Zoning Ordinance	\$2,500.00

- (4) Subpoenas/Subpoenas Duces Tecum may be obtained at a cost of \$3.00 each.
- (5) Deed to prove ownership; Agreement of Sale to prove equitable ownership.
- (6) Completed and executed application.

- (7) All checks shall be payable to the order of Worcester Township.

Disclaimer:

Applicants are encouraged to seek the advice of an attorney prior to submitting an Application to the Zoning Hearing Board. Zoning Hearings are proceedings to determine certain of your rights with respect to the subject property. You may not be represented by a non-lawyer in proceedings before the Worcester Township Zoning Hearing Board.

Due to certain circumstances, a particular application may be either withdrawn or continued at the request of applicant or a party, pursuant to the discretion of the Worcester Township Zoning Hearing Board.

Zoning Application Attachment

Paragraph 5.f: The existing improvements consist of a 7,500 square foot building and associated parking of approximately 40 spaces.

Paragraph 6.

- a. The applicant is proposing an expansion of the existing use on the Property. The Applicant is proposing a two (2) story building for vocational/technical classrooms and offices with a 9,340 square foot footprint for a total of 18,680 square feet; a proposed 8,000 square foot 30' high training area; and an 825 square foot entry foyer. (The total of the proposed expansion is $18,680 + 8,000 + 825 = 27,505$ square feet. The proposed expansion of $27,505 +$ existing $7,500 = 35,005$ square feet). The Applicant is also proposing additional parking for a total of 71 parking spaces on the Property.

Paragraph 7:

The Applicant filed a zoning application on June 25, 2013, a public hearing was held July 23, 2013, and the Zoning Hearing Board granted conditional zoning relief by order entered July 23, 2013. A copy of the Zoning Hearing Board decision is attached hereto.

In December of 2013, the Applicant requested a variance from Section 150-225 of the Zoning Ordinance which states that a special exception or variance shall expire if the applicant fails to make a diligent effort to obtain land development approval within six months following the date of approval, and upon receipt of land development approval, the special exception of variance shall expire if a building permit is not obtained within 6 months of the date of the land development approval. The requested variance was granted and an extension of time was granted to January 28, 2016. A copy of the Zoning Hearing Board decision is attached hereto.

Applicant has been working with the Township and Lower Providence Township as to the proposed public sewer connection for the Property. Once the Township and Lower Providence Township finalize an agreement between the two (2) municipalities, the Township and Applicant will enter into an agreement related to the sewer connection. The Applicant has recently filed land development plans indicating that there is public sewer for the Property but is still waiting on the agreements. The delay in proceeding with land development has not been caused by the Applicant.

The Applicant is requesting the following relief:

The Applicant is requesting a variance from Section 150-225, of the Zoning Ordinance, which states that a special exception or variance shall expire if the applicant fails to make a diligent effort to obtain land development approval within six months following the date of approval, and upon receipt of land development approval, the special exception of variance shall expire if a building permit is not obtained within 6 months of the date of the land development approval. The Applicant is requesting an extension of time in order to obtain land development

approval. The Applicant is requesting an extension for an additional two years from January 28, 2016 within which to obtain land development approval. The Applicant believes that it will obtain land development approval prior to the end of the requested extension but, in an abundance of caution, is requesting a two year extension due to the delay as to the sewer agreements and the unknown time it will take for the Township and Lower Providence Township to enter into an agreement, the nature and size of the project and the need to obtain funding for the project.

The requested relief will not adversely affect the public health, safety or welfare as it is a request for an extension of time for a previously approved zoning decision. The Applicant continues to operate at the Property and intends to proceed with land development for the expansion.

BEFORE THE ZONING HEARING BOARD OF THE TOWNSHIP
OF WORCESTER, MONTGOMERY COUNTY, PENNSYLVANIA

IN RE: APPLICATION 13-06 OF : REQUEST FOR A
TRUSTEES OF THE LOCAL UNION : SPECIAL EXCEPTION
NO. 126 OCCUPATIONAL SAFETY, : AND VARIANCES
HEALTH & EDUCATION TRUST FUND :

DECISION

A Public Hearing on the above Application having been held on July 23, 2013, at 6:30 P.M. at the Worcester Township Fire Hall, 1725 Valley Forge Road, Worcester, Pennsylvania, pursuant to Notice as required by the Worcester Township Zoning Ordinance of 1973, as amended, (hereinafter "Ordinance") and the Pennsylvania Municipalities Planning Code, and having considered the evidence and testimony presented, the Zoning Hearing Board of Worcester Township enters the following Decision:

ORDER

Upon consideration of the evidence and testimony presented, Applicant's request for relief from the Ordinance in order to permit the expansion of the existing use on the property with the construction of a 2 story building for vocational/technical classrooms and offices on the property located at **3455 Germantown Pike, Collegeville, Worcester Township, Pennsylvania**, in the AGR District, for a Special Exception and Variance pursuant to §150-166.B. to permit the expansion of a nonconforming use for a total of 27,505 square feet for the addition; a Variance from §150-

13.B.(2) to permit a front yard setback of 180 feet; a Variance from §150-13.B.(2) to permit side yard setbacks of 47 feet and 106 feet respectively; a Variance from §150-14.A & B. to permit a maximum building coverage of 12.22% and a maximum impervious coverage of 34%; and a Variance from §150-16.B.(1) & (2) to permit parking within the front and side yard setbacks within 100 feet of the property line, are **GRANTED** subject to the following conditions:

1. Applicant shall obtain Land Development Plan Approval; and
2. The use shall be office, classroom, training, and auditorium, consistent with the testimony.

The Board reserves the right to prepare full Findings of Fact and Conclusions of Law to support this Decision if an Appeal is filed.

Worcester Township
Zoning Hearing Board



John D'Lauro



Bradford Smith

Order Entered: July 23, 2013

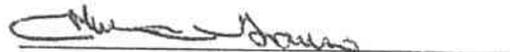
Circulation Date:

granted on July 23, 2013 pursuant to Application No. 13-06 shall be reinstated and the Applicant's extension of time shall expire on January 28, 2016.

The Board reserves the right to prepare full Findings of Fact and Conclusions of Law to support this Decision if an Appeal is filed.

Worcester Township
Zoning Hearing Board


Caesar Gambone


John D'Lauro


Bradford Smith

Order Entered: January 28, 2014

Circulation Date: *March 4, 2014*

STATE OF PENNSYLVANIA
AFFIDAVIT
FILED

Printed in and Sold by John C. Clark Co., 1250 Walnut St., Phila.

DEED OF CONFIRMATION

9/20/1988

1158

10.50

This Indenture Made the tenth (10th)

day of July In the year of our Lord one thousand nine hundred and seventy-nine (1979)

Between The Joint Apprenticeship Training Committee for the Outside Electrical Industry, Corporation of the Commonwealth of Pennsylvania

(hereinafter called the Grantor), of the one part, and Trustees of the Local Union No. 126 Occupational Safety, Health and Educational Trust Fund established pursuant to a Trust Fund Agreement dated January 15, 1973, by and between the Penn-Del-Jersey Chapter of the National Educational Contractors Association and Local Union No. 126, International Brotherhood of Electrical Workers, AFL-CIO (hereinafter called the Grantee), of the other part,

Witnesseth, That the said Grantor

for and in consideration of the sum of

One Dollar (\$1.00) 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, aliened, enfeoffed, released and confirmed, and by these presents does grant, bargain and sell, alien, enfeoff, release and confirm unto the said Grantee, its successors and assigns,

ALL THAT CERTAIN tract of land situated in the Township of Worcester, County of Montgomery, State of Pennsylvania bounded and described in accordance with a survey and plan dated June 8, 1968 as prepared by George C. Heilman Registered Surveyor Norristown, Pennsylvania as amended June , 1968.

BEGINNING at a point a corner in the center line of Germantown Pike said point being at the distance of one thousand twenty-three and eighty-seven one hundredths feet measured Southeasterly from a point of intersection on the center line's of Germantown Pike and the center line of Grange Avenue; thence from said beginning point North forty-seven degrees twenty-three minutes twenty seconds east along the South-easterly side of a sixty foot wide easement for Future Road six hundred forty-two and sixteen one hundredths feet to a point a corner; thence South forty-nine degrees three minutes forty seconds east four hundred sixty-six and fifty-eight one hundredths feet to a point a corner in line of lands now or late of Thomas Lord; thence along the same South forty-nine degrees forty-one minutes forty-five seconds West two hundred forty-two and eighty six one hundredths feet to a point a corner; thence still along the same North fifty two degrees thirty minutes fifteen seconds West one hundred eighty-nine and twenty-seven one-hundredths feet to a point a corner; thence still along the same South forty-two degrees thirty-two minutes forty-five seconds West

three hundred eighty-six and seventy-eight one hundredths feet to a point a corner the center line of Germantown Pike (fifty feet wide); thence along the center line of Germantown Pike North forty-nine degrees two minutes fifteen seconds West three hundred two and thirteen one hundredths feet to the place of beginning.

CONTAINING 5.176 Acres of land.

BEING the same premises which Norristown Excavating Contractors, Inc., by Deed dated June 20, 1968, and recorded in Montgomery County, Pennsylvania, in Deed Book 3516, Page 1049, et seq., granted and conveyed unto Joint Apprenticeship Training Committee for the Outside Electrical Industry, its successors and assigns, in fee.

Parcel # 67-00-01366-00-7 *see 4/19/69*
REGISTERED

REALTY TRANSFER TAX PAID	
STATE	1,899.00
LOCAL	11,999.00
TAX	<i>[Signature]</i>

PROPERTY TAX	099.00
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PROPERTY TAX	200.00
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BOOK 4455 PG 33

Together with all and singular the _____
Improvements, Ways, Streets, Alleys, Passages, Waters, Water-courses, Rights, Liberties, Privileges,
Hereditaments and Appurtenances, whatsoever thereunto belonging, 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 the said Grantor
in law as in 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,
Hereditaments and Premises hereby granted, or mentioned and intended so to be, with the Appurte-
nances, _____ 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 and 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, its successors and assigns, _____

_____ 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, its successors and assigns and against all and every
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 _____ WARRANT and forever DEFEND.

In Witness Whereof the part said Grantor has caused these presents
to be duly executed under seal the day and year first above written.

Sealed and Believed
IN THE PRESENCE OF US:

JOINT APPRENTICESHIP TRAINING
COMMITTEE FOR THE OUTSIDE
ELECTRICAL INDUSTRY

Attest:

Thomas A. Leach

[Signature]

Commonwealth of Pennsylvania

County of MONTGOMERY

On this, the 10th day of JULY, 1979, before me, JAMES E. O'NEILL

the undersigned officer,

personally appeared BERNARD F. HAGAN who acknowledged himself (herself) to be the TRUSTEE of JOINT APPRENTICESHIP COMMITTEE a corporation, and that he as such TRUSTEE being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself (herself) as TRUSTEE

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

James E. O'Neill

JAMES E. O'NEILL
Notary Public, Philadelphia, Mont. Co., Pa.
My Comm. Expires April 22, 1980

DEED

JOINT APPRENTICESHIP TRAINING
COMMITTEE FOR THE OUTSIDE
ELECTRICAL INDUSTRY

TO

TRUSTEES OF THE LOCAL UNION
NO. 126 OCCUPATIONAL SAFETY,
HEALTH AND EDUCATION TRUST
FUND

11-22

John C. Clark Co., Phila

79-5

Montgomery County S. S.

Recorded in the Office for Recording of Deeds & c.

In and for said county in *Book* book

No. *4455* Page *32* & c.

Witness my hand and seal of office this *20th*

day of *August* 19 *79*

William J. Reddy

Recorder

This address of the above-named Grantee

is *3455 Germantown Pike*

Collegeville Pa.

On behalf of the Grantee

BOOK **4455** PG **35**