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**Upper Gwynedd Township  
Zoning Hearing Board**

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**Zoning Hearing**

**BCHW Holdings, LLC  
1830 West Point Pike and 633 Jones Avenue**

**June 9, 2020**

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Bernadette A. Kearney, Esquire  
375 Morris Road, P.O. Box 1479  
Lansdale, Pennsylvania 19446-0773  
(215) 661-0400  
Attorney for Applicant

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**ZONING HEARING BOARD**  
 UPPER GWYNEDD TOWNSHIP  
 MONTGOMERY COUNTY, PENNSYLVANIA  
 Zoning Ordinance of November 23, 1987 as Amended

APPLICATION FOR VARIANCE(S)  **Check One** Date: 3/23/2020  
 APPLICATION FOR SPECIAL EXCEPTION(S)   
 APPEAL FROM ZONING OFFICER'S   
 DECISION/DETERMINATION(S)

PROPERTY ADDRESS/ LOCATION 1830 West Point Pike & 633 Jones Avenue LOT SIZE 28,799 s.f. (title line area) ZONING DISTRICT LI, Limited Industrial  
17,500 s.f. LI, Limited Industrial

Check One (Applicant)  
 Owner  
 Equitable Owner (under Agreement of Sale)  
 Lessor  
 Lessee

Applicant's Name: BCHW Holdings, LLC Date Ownership Secured 2/1/18 - 1830 West Point Pike &  
 Address: 720 W. Prospect Ave., North Wales, PA 19454 Date of Agreement of Sale 12/22/16 - 633 Jones Ave.  
 Telephone: 215-801-2227 Date of Lease \_\_\_\_\_

Contractor's or Agent's Name \_\_\_\_\_ Public Water Yes  No \_\_\_\_\_  
 Public Sewer Yes  No \_\_\_\_\_  
 Address \_\_\_\_\_

Give full information as to Section of Zoning Ordinance involved and reasons why the Variance(s), Special Exception(s) or Appeal is desired and why it should be granted.

See attached.

*Bernadette A. Kearney*  
*Bernadette A. Kearney*  
*3/23/2020*

Owner's signature, if Applicant is not Owner, agreeing to this Application

Applicant's Signature \_\_\_\_\_  
 Please Print Name: Bernadette A. Kearney, Esq., Attorney for Applicant  
 Attorney's Name: Bernadette A. Kearney, Esq.  
 Address: 375 Morris Road, PO Box 1479, Lansdale, PA 19446  
 Telephone: 215-661-0400

Record of Secretary - Zoning Hearing Board

Application No. \_\_\_\_\_ Hearing Date(s) \_\_\_\_\_ Decision Date \_\_\_\_\_

VARIANCE(S)	Granted _____	Denied _____
SPECIAL EXCEPTION(S)	Granted _____	Denied _____
APPEAL	Granted _____	Denied _____

RESTRICTIONS/CONDITIONS (if any)

- ( ) Zoning Officer
- ( ) Zoning Hearing Board
- ( ) Board of Commissioners
- ( ) Zoning Solicitor

Signature of Secretary \_\_\_\_\_

### Zoning Attachment

The Applicant, BCHW Holdings, LLC, is the owner of Tax Parcel #56-00-09739-00-6 (Block 51, Unit 062; 1830 West Point Pike) ("Cardinal Winery Property") and the owner of Tax Parcel # 56-00-04465-00-6 (Block 51, Unit 5; 633 Jones Avenue). Both properties are zoned LI, Limited Industrial Zoning District.

The Applicant received zoning relief in March 2016 for the Cardinal Wine Property ("2106 ZHB Decision"). A copy of the 2016 ZHB Decision is attached hereto. The properties that were the subject of the 2016 ZHB Decision, 1830 West Point Pike, 1838 West Point Pike and 1840 West Point Pike, were consolidated rather than a condominium being created as set forth in the 2016 ZHB Decision. The consolidation of the properties was permitted by a Memorandum of Understanding dated October 2, 2017 between the Applicant, Township, and Zoning Hearing Board. A copy of the Memorandum of Understanding is attached hereto.

Since the 2016 ZHB Decision, the Applicant has purchased the property located at 633 Jones Avenue ("Jones Avenue Property"). The building on the Jones Avenue Property is used for storage/warehousing for Cardinal Winery. There are an existing 20 parking spaces on the Jones Avenue Property. The Applicant is proposing to use the existing parking spaces on the Jones Avenue Property for the Cardinal Winery Property. The use of the industrial space on the Jones Avenue Property for warehousing/storage related to Cardinal Winery requires only 4 parking spaces pursuant to Section 195-28.A(18). In reality, there is really only a need for 1 parking space for the use of the Jones Avenue Property.

The Applicant is proposing a repurpose of the existing smoker's lounge to be an open air gathering area (ex:Tiki Bar, smokers lounge, small party area, or other similar use) in the area marked as unheated area on Exhibit A-10 from the 2016 zoning hearing. The space is 27' 2" x 32', or approximately 869.33 square feet. The open air area is not heated as it has a roof and walls but not windows so the use will be seasonal.

The Applicant is requesting the following relief:

A variance from Section 195-28.A, to permit the use of the parking lot on the Jones Avenue Property for use by Cardinal Winery, if the parking lot on the Jones Avenue Property is not considered adjacent. An adjacent parking lot is permitted to be used if approved by the Board of Commissioners.

The parking requirement for the Cardinal Winery use is one off-street parking space for every three seats plus one additional space for each employee on the largest shift (See Section 195-28.A(16)). There are 20 parking spaces available on the Cardinal Winery Property for use by customers and as set forth on the 2018 recorded plan, 57 customers and 1 employee can be accommodated. There are 16 parking spaces available for customers on the Jones Avenue Property without reducing the use of the Property for warehousing/storage. Employees can use the Jones Avenue Parking Lot which will allow for 60 customers based upon 20 parking spaces. In addition, if there are more than 60 customers, Applicant will provide shuttle service to the Cardinal Winery Property. If at such time the sidewalk from the Cardinal Winery Property to the

Jones Avenue Property is completed, then customers can walk to the Cardinal Winery Property and shuttle service will not be required.

Although 36 parking spaces allows for 120 customers (36 x 3 = 108) subject to a reduction in the number of employees working. For example if there are 3 employees working at an event, then only 105 customers can be accommodated, the Applicant agrees that it will limit the number of people at the Cardinal Winery Property to 85 at any one time. An additional 25 customers requires only 9 additional parking spaces on the Jones Avenue Property in addition to employee parking on the Jones Avenue Property.

A variance/modifications from the following conditions of the 2016 ZHB Decision:

Condition #15 to the extent that Applicant is requesting relief from the testimony and exhibits presented at the 2016 zoning hearing. The Applicant has highlighted the requested changes in the attached 2016 ZHB Decision.

Condition #5 and #9: To allow hours of operation of Cardinal Winery to be 9 a.m. to 11 p.m. seven days a week and to no longer limit the events set forth in Condition #9 to Saturday and Sunday and to only 1 comedy night a month. The requested hours are in compliance with the state requirements for operation of the winery. The modification will allow for wine manufacturing and wine tasting to occur on the Property in compliance with the hours permitted by the state and will allow events to occur on other than Saturday and Sunday. For example, if someone desired a birthday event on a Thursday night, Cardinal Winery would be able to have the event. The modification of hours is intended to permit the business to be a viable business in the Township and to accommodate the recent addition of more homes within walking distance to the Cardinal Winery Property.

The Applicant agrees that while any event or comedy night is taking place, wine manufacturing or wine tasting separate from the event or comedy night shall not be conducted on the premises.

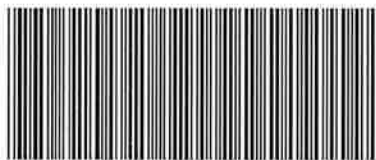
Conditions #3(a) of the special exception & #10: Condition #3(a) permits food preparation and service, including cooking, only inside the wine tasting room. Condition #10 states that the cooking and food preparation shall only be for scheduled events in the wine tasting room. The Applicant desires to use the proposed open air area for wine tasting, events and food service. In the alternative, Applicant is requesting a special exception from Section 195.25.B.(12)(c) which permits any use of the same general character as any permitted use or, in the further alternative, a variance from Section 195.25.B. to allow the use of the proposed open air area for wine tasting and events. Because the proposed open air area is unheated, the use of the area will be seasonal.

The events where food will be served will also serve Cardinal Winery's wine. All events will promote Cardinal Winery's wine. It is not the intent of the Applicant to operate a restaurant.

The requested zoning relief is in keeping with the character of the permitted uses and will not adversely affect the public health, safety and welfare and will permit Cardinal Winery to be a viable business in the Township. The Applicant is addressing a parking shortage in the area by using parking on Property owned by Applicant and located close to the Cardinal Winery Property.



**DEED BK 6082 PG 01929 to 01940.14**  
 INSTRUMENT # : 2018016156  
 RECORDED DATE: 03/14/2018 03:30:35 PM



3751378-0022V

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

**MONTGOMERY COUNTY ROD**

**OFFICIAL RECORDING COVER PAGE**

Page 1 of 26

<b>Document Type:</b> Deed	<b>Transaction #:</b> 3894222 - 1 Doc(s)
<b>Document Date:</b> 02/01/2018	<b>Document Page Count:</b> 11
<b>Reference Info:</b>	<b>Operator Id:</b> dkrasley
<b>RETURN TO: (Email)</b> diane barnes 375 morris road p.o. box 1479 lansdale, PA 19446	<b>PAID BY:</b> DIANE BARNES

**\* PROPERTY DATA:**


Parcel ID #:	56-00-09739-00-6	56-00-09733-00-3	56-00-09736-00-9
Address:	1830 WEST POINT PIKE	1840 WEST POINT PIKE	1838 WEST POINT PIKE
Municipality:	PA Upper Gwynedd Township (100%)	PA Upper Gwynedd Township (0%)	PA Upper Gwynedd Township (0%)
School District:	North Penn	North Penn	North Penn

**\* ASSOCIATED DOCUMENT(S):**

<b>CONSIDERATION/SECURED AMT:</b>	<b>\$1.00</b>
<b>TAXABLE AMOUNT:</b>	<b>\$0.00</b>
<b>FEES / TAXES:</b>	
Recording Fee:Deed	\$86.75
Affidavit Fee	\$1.50
Additional Pages Fee	\$14.00
Additional Parcels Fee	\$30.00
Affordable Housing Pages	\$14.00
Affordable Housing Parcels	\$1.00
eRecording Fee Per Doc	\$3.00
<b>Total:</b>	<b>\$150.25</b>

DEED BK 6082 PG 01929 to 01940.14  
 Recorded Date: 03/14/2018 03:30:35 PM

I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.



**Jeanne Sorg**  
Recorder of Deeds

Rev1 2016-01-29

**PLEASE DO NOT DETACH**

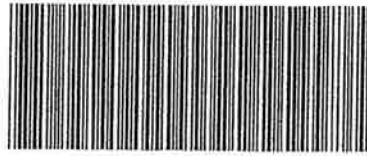
THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

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



**DEED BK 6080 PG 00442 to 00451.2**  
 INSTRUMENT # : 2018010392  
 RECORDED DATE: 02/15/2018 11:24:44 AM



3742958-0008\$

**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

Re-recording to correct course  
 in legal description

*Bernadette A Kearney*

**MONTGOMERY COUNTY ROD**

**OFFICIAL RECORDING COVER PAGE**

Page 1 of 12

**Document Type:** Deed of Consolidation  
**Document Date:** 02/01/2018  
**Reference Info:**

**Transaction #:** 3880619 - 1 Doc  
 (s)  
**Document Page Count:** 9  
**Operator Id:** hlattanz

**RETURN TO: (Mail)**  
 HLADIK, ONORATO & FEDERMAN, LLP  
 298 Wissahickon Ave  
 North Wales, PA 19454

**PAID BY:**  
 HLADIK ONORATO & FEDERMAN LLP

**\* PROPERTY DATA:**

Parcel ID #:	56-00-09739-00-6	56-00-09733-00-3	56-00-09736-00-9
Address:	1830 WEST POINT PIKE	1840 WEST POINT PIKE	1838 WEST POINT PIKE
Municipality:	PA Upper Gwynedd Township (100%)	PA Upper Gwynedd Township (0%)	PA Upper Gwynedd Township (0%)
School District:	North Penn	North Penn	North Penn

**\* ASSOCIATED DOCUMENT(S):**

**CONSIDERATION/SECURED AMT: \$1.00**

**FEES / TAXES:**

Recording Fee: Deed of Consolidation	\$86.75
Affidavit Fee	\$1.50
Additional Pages Fee	\$10.00
Additional Parcels Fee	\$30.00
Affordable Housing Pages	\$10.00
Affordable Housing Parcels	\$1.00
<b>Total:</b>	<b>\$139.25</b>

DEED BK 6080 PG 00442 to 00451.2  
 Recorded Date: 02/15/2018 11:24:44 AM  
 I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.



*Jeanne Sorg*

**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: Bernadette A. Kearney, Esquire  
HAMBURG, RUBIN, MULLIN, MAXWELL & LUPIN

RECORDER OF DEEDS  
MONTGOMERY COUNTY

2018 FEB 15 A 11: 21

**Record and Return to:**  
HAMBURG, RUBIN, MULLIN, MAXWELL & LUPIN  
375 Morris Road, P. O. Box 1479  
Lansdale, PA 19446-0773  
215-661-0400

**TAX PARCEL #s:** 56-00-09739-00-6, 56-00-09733-00-3 & 56-00-09736-00-9

## DEED OF CONSOLIDATION

**THIS INDENTURE**, made this 1<sup>st</sup> day of February, 2018,

**BETWEEN BCHW HOLDINGS, LLC** (hereinafter called the Grantor), and

**BCHW HOLDINGS, LLC**, a Pennsylvania limited liability company (hereinafter called the Grantee).

**THIS DEED OF CONSOLIDATION** has been prepared for the sake of merging adjoining parcels of land held in common ownership.

**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 itself well and truly paid by said Grantee, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, enfeoffed, released and confirmed, and by these presents does grant, bargain, sell, alien, enfeoff, release and confirm unto the said Grantee, its Successors and Assigns, as aforesaid.

**ALL THAT CERTAIN** lot or piece of land, with the buildings and improvements thereon erected, **SITUATE** in the Township of Upper Gwynedd, County of Montgomery and Commonwealth of Pennsylvania, as being more fully described in Exhibit "A" and shown on a plan marked Exhibit "B", entitled "Subdivision & Land Development Plans, Boyd's Cardinal Hollow Winery", prepared for BCHW Holdings, LLC, by Graf Engineering, LLC, last dated October 17, 2017, each attached hereto and made a part hereof.

**Also known as Parcel Numbers:** 56-00-09739-00-6, 56-00-09733-00-3 & 56-00-09736-00-9.

**BEING** the same premises which WESTDALE CAPITAL INVESTORS I, LTD., a Texas limited partnership, by Deed dated January 9, 2012, and recorded on January 26, 2012, in the Office

for the Recording of Deeds in and for Montgomery County at Norristown, Pennsylvania, in Deed Book 5825 Page 2723 &c., granted and conveyed unto BCHW HOLDINGS, LLC, in fee.

**AND ALSO BEING** the same premises which WENDY MARX JAFFE and KIMBERLY MARX JOHN, Successor Co-Agents of the Carol G. Marx Living Trust by Power of Attorney, by Deed dated December 29, 2014, and recorded on January 6, 2015, in the Office for the Recording of Deeds in and for Montgomery County at Norristown, Pennsylvania, in Deed Book 5940, Page 1448 &c., granted and conveyed unto BCHW HOLDINGS, LLC, in fee.

**AND ALSO BEING** the same premises which ROSETTA M. TROUTMAN, by Deed dated February 26, 2016, and recorded on April 13, 2016, in the Office for the Recording of Deeds in and for Montgomery County at Norristown, Pennsylvania, in Deed Book 5994, Page 2882, granted and conveyed unto BCHW HOLDINGS, LLC, in fee.

**UNDER AND SUBJECT** to all conditions, easements, rights of way, agreements, covenants, liens, reservations, exceptions, restrictions and other encumbrances of record, to the extent still valid, subsisting and enforceable.

**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, or otherwise, of, in, and to the same and every part thereof.


**TO HAVE AND TO HOLD** the said lot or piece of ground, 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 Assigns, to and for the only proper use and behoof of the said Grantee, its Successors and Assigns forever, as aforesaid.

**AND** the said Grantor, for itself, its Successors and Assigns, by these presents does covenant, grant, promise and agree, to and with the said Grantee, its Successors and Assigns, that it, the said Grantor, its Successors, 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 against all and every other Person and Persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it or any of them Shall and Will **WARRANT**, subject as aforesaid, and forever **DEFEND**.

*[the remainder of this page intentionally left blank]*

**IN WITNESS WHEREOF**, the said Grantor has hereunto caused its common or corporate seal to be affixed duly attested. Dated the day and year first above written.

BCHW HOLDINGS, LLC

By:   
Christopher Boyd, Member

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF MONTGOMERY : SS.  
:

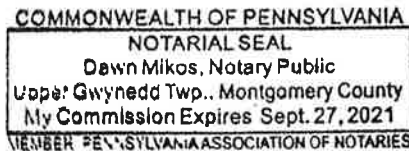
ON THIS, the 1<sup>st</sup> day of FEBRUARY, 2018, before me, the undersigned officer, personally appeared Christopher Boyd, who acknowledged himself to be the Member of BCHW HOLDINGS, LLC, a Pennsylvania limited liability company, and that he as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the company by himself as Member.

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

Dawn Mikos  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

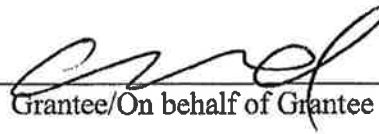
{seal}



**CERTIFICATE OF RESIDENCE**

I HEREBY CERTIFY THAT THE ADDRESS OF THE GRANTEE IS:

720 West Prospect Avenue  
North Wales, Pennsylvania 19454

  
\_\_\_\_\_  
Grantee/On behalf of Grantee

**Exhibit "A"**

Legal Description



**DEED OF CONSOLIDATION  
BOYD'S CARDINAL HOLLOW WINERY  
PARCEL NO.'S 56-00-09739-006, 56-00-09733-00-3 & 56-00-09736-00-9  
UPPER GWYNEDD TOWNSHIP  
MONTGOMERY COUNTY, PA**

Date: October 17, 2017  
Revised: March 2, 2018  
Project: G16.001

**ALL THAT CERTAIN TRACT OR PARCEL(S) OF GROUND** situate in Upper Gwynedd Township, Montgomery County, Pennsylvania, as further described on plans titled Subdivision & Land Development Plans, Boyd's Cardinal Hollow Winery, prepared for BCHW Holdings, LLC., by Graf Engineering, LLC., last dated October 17, 2017.

**BEGINNING** at a point in the bed of West Point Pike, said point being the intersection of said West Point Pike line with the common corner between the northeastern line of lands now or formerly of Carol B. Gourley.

Thence; from said beginning point and continuing along said Gourley lands, North 48°30'00" West, 199.20 feet, to a point within the western sideline of Chestnut Street (30-foot wide legal right-of-way).

Thence; along said southeastern sideline of Chestnut Street the following two (2) courses; (1) North 41°47'00" East, 40.43 feet to a point; (2) North 41°30'00" East, 103.75 feet to a point in the bed of Jones Avenue.

Thence; along said Jones Avenue bed, South 48°30'00" East, 200.00 feet to a point in the bed of West Point Pike.

Thence along said West Point Pike bed, the following three (3) courses: (1) South 41°30'00" West, 103.75 feet to a point; (2) North 48°30'00" West, 1.00 feet to a point; (3) South 41°30'00" West, 40.43 feet to the point of beginning.

*BHK*

**CONTAINING 23,708 square feet of land, more or less**

**Exhibit "B"**

Plan

MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
 56-00-09739-00-6 UPPER GWYNEDD TOWNSHIP  
 1830 WEST POINT PIKE  
 BCHW HOLDINGS LLC \$15.00  
 B 051 L U 062 3320 03/14/2018 MY

~~MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
 56-00-09739-00-6 UPPER GWYNEDD  
 1830 WEST POINT PIKE  
 BCHW HOLDINGS LLC \$15.00  
 B 051 U 062 L 3320 DATE: 02/15/2018 MY~~

MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
 56-00-09733-00-3 UPPER GWYNEDD TOWNSHIP  
 1840 WEST POINT PIKE  
 BCHW HOLDINGS LLC \$15.00  
 B 051 L U 059 1101 03/14/2018 MY

~~MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
 56-00-09733-00-3 UPPER GWYNEDD  
 1840 WEST POINT PIKE  
 BCHW HOLDINGS LLC \$15.00  
 B 051 U 059 L 1101 DATE: 02/15/2018 MY~~

MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
 56-00-09736-00-9 UPPER GWYNEDD TOWNSHIP  
 1838 WEST POINT PIKE  
 BCHW HOLDINGS LLC \$15.00  
 B 051 L U 064 1101 03/14/2018 MY

~~MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
 56-00-09736-00-9 UPPER GWYNEDD  
 1838 WEST POINT PIKE  
 BCHW HOLDINGS LLC \$15.00  
 B 051 U 064 L 1101 DATE: 02/15/2018 MY~~



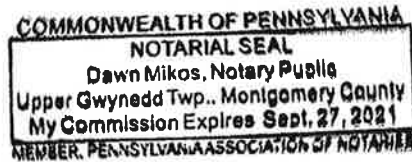


COMMONWEALTH OF PENNSYLVANIA :  
 : ss.  
 COUNTY OF MONTGOMERY :

ON THIS, the 14<sup>th</sup> day of March, 2018, before me, the undersigned officer, personally appeared BERNADETTE A. KEARNEY, known to me to be (or satisfactorily proven to be) the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained.

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

*Dawn Mikos*  
 \_\_\_\_\_  
 NOTARY PUBLIC



REV-183 EX (2-15)



# REALTY TRANSFER TAX STATEMENT OF VALUE

See reverse for instructions.

### RECORDER'S USE ONLY

State Tax Paid	\$0.00
Book Number	6082
Page Number	01929
Date Recorded	03/14/2018 03:30:35 PM

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) the deed is without consideration or by gift, or (3) a tax exemption is claimed. If more space is needed, please attach additional sheets. A Statement of Value (SOV) is not required if the transfer is wholly exempt from tax based on family relationship or public utility easement. However, it is recommended that a SOV accompany all documents filed for recording.

### A. CORRESPONDENT - All inquiries may be directed to the following person:

Name Bernadette A. Kearney, Esquire		HAMBURG, RUBIN etal		Telephone Number: (215) 661-0400	
Mailing Address 375 Morris Road, P.O. Box 1479		City Lansdale		State PA	ZIP Code 19446

### B. TRANSFER DATA

Date of Acceptance of Document 02 / 01 / 2018					
Grantor(s)/Lessor(s) BCHW Holdings, LLC		Telephone Number:		Grantee(s)/Lessee(s) BCHW Holdings, LLC	
Mailing Address 720 West Prospect Avenue		City North Wales		State PA	ZIP Code 19454
City North Wales		State PA	ZIP Code 19454	Telephone Number:	

### C. REAL ESTATE LOCATION

Street Address 1830, 1838 and 1840 West Point Pike			City, Township, Borough Upper Gwynedd Township		
County Montgomery	School District North Penn	Tax Parcel Number see attached			

### D. VALUATION DATA

Was transaction part of an assignment or relocation?  Y  N

1. Actual Cash Consideration 1.00	2. Other Consideration +0.00	3. Total Consideration = 1.00
4. County Assessed Value 384,610.00	5. Common Level Ratio Factor x 1.85	6. Computed Value = 711,528.50

### E. EXEMPTION DATA - Refer to instructions for exemption status.

1a. Amount of Exemption Claimed \$ 711,528.50	1b. Percentage of Grantor's Interest in Real Estate 100.00 %	1c. Percentage of Grantor's Interest Conveyed 100.00 %
--	---	---

### 2. Check Appropriate Box Below for Exemption Claimed.

- Will or intestate succession. \_\_\_\_\_  
(Name of Decedent) (Estate File Number)
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer from a trust. Date of transfer into the trust \_\_\_\_\_  
If trust was amended attach a copy of original and amended trust.
- Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)
- Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)
- Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed.) re-record to correct course in legal description

**Under penalties of law, I declare that I have examined this statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.**

Signature of Correspondent or Responsible Party 	Date 03-14-2018
---	--------------------

**FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.**

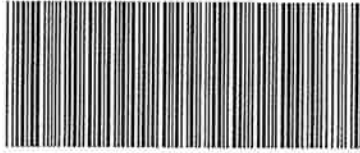
ATTACHMENT TO  
PENNSYLVANIA REALTY TRANSFER TAX STATEMENT OF VALUE  
FOR  
1830, 1838 and 1840 WEST POINT PIKE  
UPPER GWYNEDD TOWNSHIP, MONTGOMERY

**SECTION C – REAL ESTATE LOCATION and SECTION D – VALUATION DATA**

<b>Tax Parcel Number:</b>	<b>County Assessed Value:</b>	<b>Computed Value:</b>
56-00-09739-00-6	187,240	346,394.00
56-00-09733-00-3	102,220	189,107.00
56-00-09736-00-9	<u>95,150</u>	<u>176,027.50</u>
	384,610	711,528.50



DEED BK 6080 PG 00442 to 00451.2  
INSTRUMENT # : 2018010392  
RECORDED DATE: 02/15/2018 11:24:44 AM



3742958-0008\$

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

**MONTGOMERY COUNTY ROD**

**OFFICIAL RECORDING COVER PAGE**

Page 1 of 12

**Document Type:** Deed of Consolidation  
**Document Date:** 02/01/2018  
**Reference Info:**

**Transaction #:** 3880619 - 1 Doc (s)  
**Document Page Count:** 9  
**Operator Id:** hlattanz

**RETURN TO:** (Mail)  
HLADIK, ONORATO & FEDERMAN, LLP  
298 Wissahickon Ave  
North Wales, PA 19454

**PAID BY:**  
HLADIK ONORATO & FEDERMAN LLP

**\* PROPERTY DATA:**

Parcel ID #:	56-00-09739-00-6	56-00-09733-00-3	56-00-09736-00-9
Address:	1830 WEST POINT PIKE	1840 WEST POINT PIKE	1838 WEST POINT PIKE
Municipality:	PA Upper Gwynedd Township (100%)	PA Upper Gwynedd Township (0%)	PA Upper Gwynedd Township (0%)
School District:	North Penn	North Penn	North Penn

**\* ASSOCIATED DOCUMENT(S):**

**CONSIDERATION/SECURED AMT: \$1.00**

**FEES / TAXES:**

Recording Fee:Deed of Consolidation	\$86.75
Affidavit Fee	\$1.50
Additional Pages Fee	\$10.00
Additional Parcels Fee	\$30.00
Affordable Housing Pages	\$10.00
Affordable Housing Parcels	\$1.00
<b>Total:</b>	<b>\$139.25</b>

DEED BK 6080 PG 00442 to 00451.2

Recorded Date: 02/15/2018 11:24:44 AM

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: Bernadette A. Kearney, Esquire  
HAMBURG, RUBIN, MULLIN, MAXWELL & LUPIN

RECORDER OF DEEDS  
MONTGOMERY COUNTY

2018 FEB 15 A 11: 21

Record and Return to:  
HAMBURG, RUBIN, MULLIN, MAXWELL & LUPIN  
375 Morris Road, P. O. Box 1479  
Lansdale, PA 19446-0773  
215-661-0400

TAX PARCEL #s: 56-00-09739-00-6, 56-00-09733-00-3 & 56-00-09736-00-9

## DEED OF CONSOLIDATION

THIS INDENTURE, made this 1<sup>st</sup> day of February, 2018,

**BETWEEN BCHW HOLDINGS, LLC** (hereinafter called the Grantor), and

**BCHW HOLDINGS, LLC**, a Pennsylvania limited liability company (hereinafter called the Grantee).

**THIS DEED OF CONSOLIDATION** has been prepared for the sake of merging adjoining parcels of land held in common ownership.

**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 itself well and truly paid by said Grantee, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, enfeoffed, released and confirmed, and by these presents does grant, bargain, sell, alien, enfeoff, release and confirm unto the said Grantee, its Successors and Assigns, as aforesaid.

**ALL THAT CERTAIN** lot or piece of land, with the buildings and improvements thereon erected, **SITUATE** in the Township of Upper Gwynedd, County of Montgomery and Commonwealth of Pennsylvania, as being more fully described in Exhibit "A" and shown on a plan marked Exhibit "B", entitled "Subdivision & Land Development Plans, Boyd's Cardinal Hollow Winery", prepared for BCHW Holdings, LLC, by Graf Engineering, LLC, last dated October 17, 2017, each attached hereto and made a part hereof.

**Also known as Parcel Numbers:** 56-00-09739-00-6, 56-00-09733-00-3 & 56-00-09736-00-9.

**BEING** the same premises which WESTDALE CAPITAL INVESTORS I, LTD., a Texas limited partnership, by Deed dated January 9, 2012, and recorded on January 26, 2012, in the Office

for the Recording of Deeds in and for Montgomery County at Norristown, Pennsylvania, in Deed Book 5825 Page 2723 &c., granted and conveyed unto BCHW HOLDINGS, LLC, in fee.

**AND ALSO BEING** the same premises which WENDY MARX JAFFE and KIMBERLY MARX JOHN, Successor Co-Agents of the Carol G. Marx Living Trust by Power of Attorney, by Deed dated December 29, 2014, and recorded on January 6, 2015, in the Office for the Recording of Deeds in and for Montgomery County at Norristown, Pennsylvania, in Deed Book 5940, Page 1448 &c., granted and conveyed unto BCHW HOLDINGS, LLC, in fee.

**AND ALSO BEING** the same premises which ROSETTA M. TROUTMAN, by Deed dated February 26, 2016, and recorded on April 13, 2016, in the Office for the Recording of Deeds in and for Montgomery County at Norristown, Pennsylvania, in Deed Book 5994, Page 2882, granted and conveyed unto BCHW HOLDINGS, LLC, in fee.

**UNDER AND SUBJECT** to all conditions, easements, rights of way, agreements, covenants, liens, reservations, exceptions, restrictions and other encumbrances of record, to the extent still valid, subsisting and enforceable.

**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, or otherwise, of, in, and to the same and every part thereof.


**TO HAVE AND TO HOLD** the said lot or piece of ground, 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 Assigns, to and for the only proper use and behoof of the said Grantee, its Successors and Assigns forever, as aforesaid.

**AND** the said Grantor, for itself, its Successors and Assigns, by these presents does covenant, grant, promise and agree, to and with the said Grantee, its Successors and Assigns, that it, the said Grantor, its Successors, 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 against all and every other Person and Persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it or any of them Shall and Will **WARRANT**, subject as aforesaid, and forever **DEFEND**.

*[the remainder of this page intentionally left blank]*

**IN WITNESS WHEREOF**, the said Grantor has hereunto caused its common or corporate seal to be affixed duly attested. Dated the day and year first above written.

BCHW HOLDINGS, LLC

By:   
Christopher Boyd, Member



COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF MONTGOMERY :

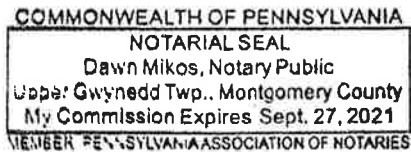
ON THIS, the 1<sup>st</sup> day of FEBRUARY, 2018, before me, the undersigned officer, personally appeared Christopher Boyd, who acknowledged himself to be the Member of BCHW HOLDINGS, LLC, a Pennsylvania limited liability company, and that he as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the company by himself as Member.

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

Dawn Mikos  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

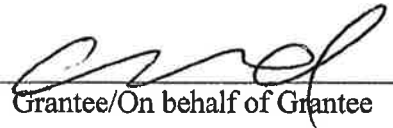
{seal}



CERTIFICATE OF RESIDENCE

I HEREBY CERTIFY THAT THE ADDRESS OF THE GRANTEE IS:

720 West Prospect Avenue  
North Wales, Pennsylvania 19454

  
\_\_\_\_\_  
Grantee/On behalf of Grantee

**Exhibit "A"**

Legal Description



**DEED OF CONSOLIDATION  
BOYD'S CARDINAL HOLLOW WINERY  
PARCEL NO.'S 56-00-09739-006, 56-00-09733-00-3 & 56-00-09736-00-9  
UPPER GWYNEDD TOWNSHIP  
MONTGOMERY COUNTY, PA**

Date: October 17, 2017

Project: G16.001

**ALL THAT CERTAIN TRACT OR PARCEL(S) OF GROUND** situate in Upper Gwynedd Township, Montgomery County, Pennsylvania, as further described on plans titled Subdivision & Land Development Plans, Boyd's Cardinal Hollow Winery, prepared for BCHW Holdings, LLC., by Graf Engineering, LLC., last dated October 17, 2017.

**BEGINNING** at a point in the bed of West Point Pike, said point being the intersection of said West Point Pike line with the common corner between the northeastern line of lands now or formerly of Carol B. Gourley.

Thence; from said beginning point and continuing along said Gourley lands, North 48°30'00" West, 199.20 feet, to a point within the western sideline of Chestnut Street (30-foot wide legal right-of-way).

Thence; along said southeastern sideline of Chestnut Street the following two (2) courses; (1) North 41°47'00" East, 40.43 feet to a point; (2) North 41°30'00" East, 103.75 feet to a point in the bed of Jones Avenue.

Thence; along said Jones Avenue bed, South 48°30'00" East, 200.00 feet to a point in the bed of West Point Pike.

Thence along said West Point Pike bed, the following three (3) courses: (1) South 41°30'00" West, 103.75 feet to a point; (2) North 48°30'00" West, 1.00 feet to a point; (3) South 41°30'00" West, 20.61 feet to the point of beginning.

**CONTAINING** 23,708 square feet of land, more or less

**Exhibit "B"**

Plan

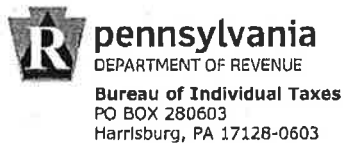
MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
56-00-09739-00-6 UPPER GWYNEDD  
1830 WEST POINT PIKE  
BCHW HOLDINGS LLC \$15.00  
B 051 U 062 L 3320 DATE: 02/15/2018 MY

MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
56-00-09733-00-3 UPPER GWYNEDD  
1840 WEST POINT PIKE  
BCHW HOLDINGS LLC \$15.00  
B 051 U 059 L 1101 DATE: 02/15/2018 MY

MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
56-00-09736-00-9 UPPER GWYNEDD  
1838 WEST POINT PIKE  
BCHW HOLDINGS LLC \$15.00  
B 051 U 064 L 1101 DATE: 02/15/2018 MY



REV-183 EX (2-15)



# REALTY TRANSFER TAX STATEMENT OF VALUE

See reverse for instructions.

**RECORDER'S USE ONLY**

State Tax Paid	0
Book Number	6080
Page Number	442
Date Recorded	2/15/18

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) the deed is without consideration or by gift, or (3) a tax exemption is claimed. If more space is needed, please attach additional sheets. A Statement of Value (SOV) is not required if the transfer is wholly exempt from tax based on family relationship or public utility easement. However, it is recommended that a SOV accompany all documents filed for recording.

**A. CORRESPONDENT - All inquiries may be directed to the following person:**

Name Bernadette A. Kearney, Esquire		HAMBURG, RUBIN etal		Telephone Number: (215) 661-0400	
Mailing Address 375 Morris Road, P.O. Box 1479			City Lansdale		State PA
					ZIP Code 19446

**B. TRANSFER DATA**

Date of Acceptance of Document 2/1/2018					
Grantor(s)/Lessor(s) BCHW Holdings, LLC		Telephone Number:		Grantee(s)/Lessee(s) BCHW Holdings, LLC	
Mailing Address 720 West Prospect Avenue			Mailing Address 720 West Prospect Avenue		
City North Wales		State PA	ZIP Code 19454	City North Wales	
		State PA	ZIP Code 19454		

**C. REAL ESTATE LOCATION**

Street Address 1830, 1838 and 1840 West Point Pike		City, Township, Borough Upper Gwynedd Township			
County Montgomery		School District North Penn		Tax Parcel Number see attached	

**D. VALUATION DATA**

Was transaction part of an assignment or relocation?  Y  N

1. Actual Cash Consideration 1.00	2. Other Consideration + 0.00	3. Total Consideration = 1.00
4. County Assessed Value 384,610.00	5. Common Level Ratio Factor x 1.85	6. Computed Value = 711,528.50

**E. EXEMPTION DATA - Refer to Instructions for exemption status.**

1a. Amount of Exemption Claimed \$ 711,528.50	1b. Percentage of Grantor's Interest in Real Estate 100.00 %	1c. Percentage of Grantor's Interest Conveyed 100.00 %
--	---	---

**2. Check Appropriate Box Below for Exemption Claimed.**

- Will or intestate succession. \_\_\_\_\_ (Name of Decedent) \_\_\_\_\_ (Estate File Number)
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer from a trust. Date of transfer into the trust \_\_\_\_\_  
If trust was amended attach a copy of original and amended trust.
- Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)
- Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)
- Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed.) Deed from Grantor unto itself for the purpose of merging adjoining parcels held in common ownership is fully exempt (complete copy of respective deeds attached)

**Under penalties of law, I declare that I have examined this statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.**

Signature of Correspondent or Responsible Party <i>Bernadette A. Kearney</i>	Date 2/8/18
---	----------------

**FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.**

ATTACHMENT TO  
PENNSYLVANIA REALTY TRANSFER TAX STATEMENT OF VALUE  
FOR  
1830, 1838 and 1840 WEST POINT PIKE  
UPPER GWYNEDD TOWNSHIP, MONTGOMERY

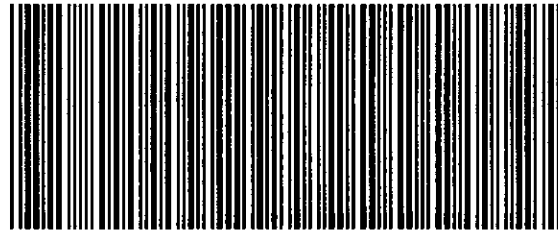
**SECTION C – REAL ESTATE LOCATION and SECTION D – VALUATION DATA**

<b>Tax Parcel Number:</b>	<b>County Assessed Value:</b>	<b>Computed Value:</b>
56-00-09739-00-6	187,240	346,394.00
56-00-09733-00-3	102,220	189,107.00
56-00-09736-00-9	<u>95,150</u>	<u>176,027.50</u>
	384,610	711,528.50





**DEED BK 6028 PG 02391 to 02395**  
**INSTRUMENT # : 2016101159**  
**RECORDED DATE: 12/28/2016 11:29:30 AM**



3422788-0009-

**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

**MONTGOMERY COUNTY ROD**

**OFFICIAL RECORDING COVER PAGE**

Page 1 of 5

<b>Document Type:</b> Deed	<b>Transaction #:</b> 3495855 - 6 Doc
<b>Document Date:</b> 12/22/2016	(s)
<b>Reference Info:</b>	<b>Document Page Count:</b> 4
	<b>Operator Id:</b> msanabia

<b>RETURN TO: (Mail)</b> PRINCIPLE ABSTRACT 315 LAWN AVE SELLERSVILLE, PA 18960	<b>PAID BY:</b> PRINCIPLE ABSTRACT AND SETTLEMENT SERVICES LLC
--	--

**\* PROPERTY DATA:**  
 Parcel ID #: 56-00-04465-00-6  
 Address: 633 JONES AVE  
 PA  
 Municipality: Upper Gwynedd Township  
 (100%)  
 School District: North Penn

**\* ASSOCIATED DOCUMENT(S):**

**CONSIDERATION/SECURED AMT:**  
**\$390,000.00**

**FEES / TAXES:**

Recording Fee:Deed	\$95.00
State RTT	\$3,900.00
Upper Gwynedd Township RTT	\$1,950.00
North Penn School District RTT	\$1,950.00
Misc Fee	\$2.00
<b>Total:</b>	<b>\$7,897.00</b>

DEED BK 6028 PG 02391 to 02395  
 Recorded Date: 12/28/2016 11:29:30 AM  
 I hereby CERTIFY that this document is  
 recorded in the Recorder of Deeds Office in  
 Montgomery County, Pennsylvania.



*Jeanne Sorg*

**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:

Principle Abstract and Settlement Services, LLC  
1000 East Walnut Street, Suite 622  
Perkasie, PA 18944

Return To:

Principle Abstract and Settlement Services, LLC  
1000 East Walnut Street, Suite 622  
Perkasie, PA 18944  
(267)354-8733  
PA-579

RECORDER OF DEEDS  
MONTGOMERY COUNTY

2016 DEC 28 A 9 21

TMP#: 56-00-04465-00-6

**ESTATE DEED**

*This Indenture Made the 22<sup>nd</sup> day of December  
in the year of our Lord two thousand sixteen (2016)*

*Between*

*Allen C. Panfil, Executor of the Estate of Thomas R. Smith, deceased,  
(hereinafter called the Grantor), of the one part,*

**AND**

*BCHW Holdings, LLC,  
(hereinafter called the Grantee), of the other part,*

*Witnesseth That the said Grantor for and in consideration of the sum of **Three Hundred Ninety Thousand (\$390,000.00) DOLLARS** lawful money of the United States of America, unto Grantor well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, Grantor has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee, its successors and assigns.*

***WHEREAS**, Thomas R. Smith departed this life on October 14, 2014, leaving Will No. 46-2014-X3850, Registered in Montgomery County, Pennsylvania with Letters Testamentary being granted on May 19, 2015 unto Allen C. Panfil, Executor of the Estate of Thomas R. Smith, deceased.*

MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
56-00-04465-00-6 UPPER GWYNEDD  
633 JONES AVE

SMITH THOMAS R  
B 051 U 005 L 4249 DATE: 12/28/2016

\$15.00  
TG

4/3

Exhibit A

*PREMISES "A"*

*ALL THAT CERTAIN lot or piece of ground, SITUATE in the Township of Upper Gwynedd, County of Montgomery and Commonwealth of Pennsylvania, being Lot No. 155 in a Plan of Lots laid out upon the Jones Farm, in said Township, and bounded and described as follows:*

*BEGINNING at a point on the Northeasterly side of a forty foot wide street, laid out for public use forever and called Jones Avenue or Street at a distance of seventy-eight feet Southeasterly from the Easterly corner of this and other street laid out for public use forever, thirty-three feet wide, and called Second Street, thence by Lot No. 156 Northeasterly one hundred and fifty feet to a corner on the Southwesterly side of a twenty foot wide street or alley laid out for public use called Cherry Street; thence along the same, Southeasterly thirty-nine feet to a corner, thence by Lot No. 154 Southwesterly one hundred and fifty feet to a corner on said side of said Jones Avenue or Street; thence along said side of said street Northwesterly thirty-nine feet to the place of beginning.*

*PREMISES "B"*

*ALL THAT CERTAIN lot of land, SITUATE in the Township of Upper Gwynedd, County of Montgomery and Commonwealth of Pennsylvania, being Lot No. 156 in the Plan of Lots laid out upon the Jones Farm, in said Township, bounded and described as follows:*

*BEGINNING at a point on the Northeast side of a forty foot wide street called Jones Avenue, seventy-eight feet Southeast from the East corner of a street called Second Street; thence by Lot 155 Northeasterly one hundred and fifty feet to Southwest side of a twenty foot wide street or alley called Cherry Street; thence along same Northwesterly thirty-nine feet to a corner; thence by Lot No. 157 Southwesterly one hundred and fifty feet to a corner on Jones Avenue and along the same Southeasterly thirty-nine feet to the place of beginning.*

*PREMISES "C"*

*ALL THAT CERTAIN lot or piece of ground, SITUATE in the Township of Gwynedd, now Upper Gwynedd, County of Montgomery and Commonwealth of Pennsylvania, being Lot No. 157 in a Plan of Lots laid out upon the Jones Farm in said Township and bounded and described, as follows:*

*BEGINNING at a point on the Northeasterly side of a forty foot wide street laid out for public use and called Jones Avenue or Street, being the East corner of this and another street laid out for public use, thirty-three feet wide, and called Second Street; thence by the Southeast side of said Second Street, one hundred and fifty feet Northeasterly to a corner on the Southwest side of a twenty foot wide street or alley, laid out for public use called Cherry Street, thence along the same Southeasterly thirty-nine feet to a corner; thence by Lot No. 156 Southwesterly one hundred and fifty feet to a corner on the said side of Jones Avenue or Street; thence along said side of said Street, Northwesterly thirty-nine feet to the place of beginning.*

*BEING TAX PARCEL #: 56-00-04465-00-6*

*BEING THE SAME PREMISES which West Point Machine Products Corporation, a Pennsylvania Corporation by Deed dated 07/31/01 and recorded 08/22/01 in the Montgomery County Recorder of Deeds Office in Deed Book 5372 Page 1834 granted and conveyed unto Thomas R. Smith, in fee.*

*AND THE SAID Thomas R. Smith has departed this life on October 14, 2014 leaving a will registered at Norristown in Montgomery County under RW# 46-2014-X3850 for whose Estate Letters Testamentary were granted on May 19, 2015 unto Allen C. Panfil, Executor.*

*UNDER AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.*

*Together with all and singular the vacant lands and if any 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 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 above-described, and its 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 the estate does covenant, promise and agree, to and with the said Grantee, that the said Grantor, its heirs and assigns, has not done, committed, or knowingly or willingly suffered to be done or committed, any act, matter or thing whatsoever, whereby the premises hereby granted, or any part thereof, is, are, shall, or may be impeached, charged or incumbered, in title, charge, estate, or otherwise howsoever.*

*In Witness Whereof, the party of the First Part, has hereunto set his signature dated the day and year first above written.*

**SEALED AND DELIVERED:  
IN THE PRESENCE OF US:**

\_\_\_\_\_:

*Estate of Thomas R. Smith*

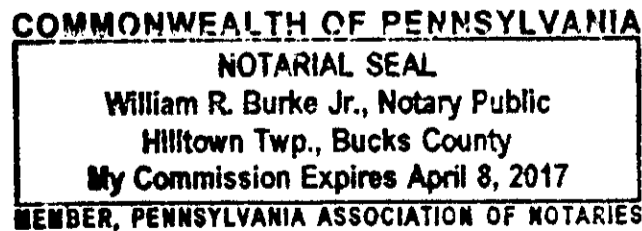
*Allen C. Panfil, Executor*  
**Allen C. Panfil, Executor**

**COMMONWEALTH OF PENNSYLVANIA:**

**COUNTY OF** Montgomery **:SS**

*ON this, the 22<sup>nd</sup> day of December, 2016, before me, a Notary Public, the undersigned Officer, personally appeared Allen C. Panfil, Executor of the Estate of Thomas R. Smith, deceased known to me (satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.*

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



*WRB*  
**Notary Public**



**DEED**

*Allen C. Panfil, Executor of the Estate of Thomas R. Smith, deceased*

**TO**

*BCHW Holdings, LLC*



**PREMISES:**

*633 Jones Avenue  
West Point, PA 19486*

*The address of the above-named Grantee*

is 720 W. Prospect Ave.  
North Wales, PA 19454

*WRS*  
*On behalf of the Grantee*

**UPPER GWYNEDD TOWNSHIP, MONTGOMERY COUNTY,  
PENNSYLVANIA  
ZONING HEARING BOARD**

March 22, 2016

BCHW Holdings, LLC  
720 West Prospect Ave.  
North Wales, PA. 19454

ATTENTION: Christopher Boyd, Member

RE: *BCHW HOLDINGS, LLC Appeal  
Hearing No. 15-17*

**DECISION**

Dear Mr. Boyd:

This is to advise you that the Upper Gwynedd Township Zoning Hearing Board at its public hearing held on March 22, 2016 GRANTED this application as amended requesting certain zoning relief to permit an awning covered outdoor area with a stonewall along the building front, to also allow certain food preparation and service inside Applicant's wine tasting room and finally to allow certain new parking all on its legally or equitably owned abutting properties located at 1830, 1838 and 1840 West Point Pike, West Point, PA, (Subject Property) which are all in an LI-Limited Industrial Zoning District.

The following zoning relief is granted upon the specific conditions set for hereafter:

1. A variance from Article V, section 195-25B to permit a proposed covered awning on the front of the building at 1830 West Point Pike as shown on Exhibit A-7, pages 1 and 2.
2. Front and side yard variances from Article V, sections 195-25K(3)(a) and (b) of the Code for the proposed awning as follows:
  - a. Front yard variance – 71.5 feet.
  - b. Side yard variance on the south side abutting 1838 West Point Pike – 20 feet.

3. A special exception pursuant to Article V, section 195-25B(12)(c) of the Code to permit a use of the same general character as any permitted use in an LI-Limited Industrial Zoning District for:
  - a. The proposed full food preparation and service, including cooking, only inside the wine tasting room on the 1830 West Point Pike as shown on Exhibit A-7, page 2 and Exhibit A-9; and
  - b. The food preparation only in the area shown on Exhibit A-10 (the 17' 9" x 13' area noted thereon in the bottom right hand corner).
4. A 7 feet variance from Article V, section 195-25K(3)(g)(4) of the Code to permit parking within 3 feet of a lot boundary line and a 2 feet variance from Article VI, section 195-30A of the Code to permit parking within 3 feet of a lot boundary line both for the proposed additional parking space marked as #1 in the top left hand corner of Exhibit A-6.
5. Applicant withdrew any request to permit outside food and beverage service.

The above zoning relief is granted based upon the following specific conditions to be fully complied with by Applicant at its cost:

1. Applicant shall first consummate settlement on the purchase of 1838 West Point Pike, West Point, PA 19486 in accordance with the Agreement of Sale, Exhibit A-3.
2. Applicant shall first file with and obtain approval from the Township Commissioners of a final plan pursuant to the Township's Subdivision and Land Development Ordinance (SALDO). In the event any of the proposed 25 parking spaces on Exhibit A-6 should be lost as a result of the SALDO process, because of landscaping/buffering requirements or otherwise, then the Applicant shall reduce its seating capacity in the wine tasting room accordingly based on the Code's parking/seating formula under Article VI, section 195-28A(16).
3. Applicant shall obtain any and all required permits and/or licenses from any and all applicable governmental authorities for the awning, all parking, equipment and uses.
4. Applicant shall first file with all required governmental authorities or offices all required condominium documents under Pennsylvania law for the purpose of establishing a condominium development of Applicants Subject Property.
5. Hours of operation shall only be as follows:



- a. Wine manufacturing and wine tasting - Monday through Friday, 12 pm to 6 pm.
  - b. Events (defined below) or wine tasting – Saturday and Sunday, 11 am to 6 pm.
6. Of the 25 parking spaces provided, there shall be two designated for each residence (total 4) and the balance designated for the wine manufacturing/retail/commercial use.
  7. All parking shall be paved in accordance with Code requirements.
  8. Only Applicant's wine and food shall be served or sold on the Subject Property for consumption on the property or as to the wine only takeout is permitted. No BYOB (bring your own bottle), or food take out or outside catering business of any kind are permitted.
  9. Applicant is permitted to conduct certain events inside the wine tasting room only such as bridal showers, baby showers, birthday parties and the like, but only on the weekends, and a comedy night one night per month. While any event or comedy night are taking place, wine manufacturing or wine tasting separate from any such event or comedy night of any kind shall not be conducted nor permitted.
  10. All cooking and food preparation shall only be for scheduled events in the wine tasting room and only conducted in the area denoted for such on Exhibit A-10 (17' 9" x 13' area in the bottom right hand corner). It shall only be trays of food and no individual preparation, or individually prepared to order, or table side wait service, or menu dining is permitted, and the cooking facilities shall only be an oven, stove and microwave oven.
  11. The awning shall be one color only and shall not have any signs, logos, ornamentation, lights, drawings, pictures or anything else on it at any time. It is decorative only, according to the Applicant, and it shall not be used as a sign at any time under any circumstances.
  12. No outdoor activities are permitted at any time, including without limitation, eating, seating, drinking, congregating, smoking, except for parking, ingress and egress to the buildings and loading and unloading materials and inventory in the rear of the Subject Property. This applies to the wine manufacturing/tasting buildings and commercial/retail uses and not to the residences used as residences.



13. Parking directional and restriction signs shall be posted for Applicant's parking purposes as approved by the Zoning Officer to ensure that parking of Applicant's customer's is only on Applicant's Subject Property.
14. Occupancy of the wine tasting room shall not exceed the parking spaces provided as required in accordance with the Code's formula in Article VI, section 195-28A(16).
15. Based upon the testimony and Exhibits presented at the time of the hearing.

This is not to be considered the grant of a Building Permit or a Use and Occupancy Permit.

Reference is made to §195-60 of the Zoning Code regarding expiration of special exceptions and variances that have been granted.

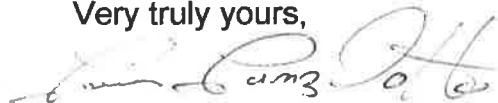
If you, or anyone else present at the hearing(s) and entering their appearance, disagree with this Decision in any way then there is a strict time limit of THIRTY (30) days from the date of the MAILING of this Decision within which to take an appeal of this Decision to the Court of Common Pleas of Montgomery County, PA

Thank you for your attendance at the hearing.

THE DATE OF MAILING OF THIS DECISION IS

March 24, 2016

Very truly yours,



LOUIS LANZILOTTA  
Secretary

RJE/mcd  
Enclosure

cc: Bernadette A. Kearney, Esquire

375 Morris Road  
PO Box 1479  
Lansdale, PA 19446

David C. Onorato, Esquire  
298 Wissahickon Avenue  
North Wales, PA 19454

**MEMORANDUM AS TO THE UPPER GWYNEDD TOWNSHIP  
ZONING HEARING BOARD APPLICATION AND  
DECISION OF BCHW HOLDINGS, LLC  
Hearing No. 15-17**

This memorandum of understanding (“Memorandum”) is made as of the 2<sup>nd</sup> day of October, 2017 by and between BCHW Holdings, LLC (“Applicant”), Upper Gwynedd Township (“Township”) and the Upper Gwynedd Township Zoning Hearing Board (“Zoning Hearing Board”).

WHEREAS, Applicant applied for zoning relief from the Zoning Hearing Board for certain properties located at 1830 West Point Pike (Tax Parcel #56-00-09739-00-6), 1838 West Point Pike (Tax Parcel #56-00-09736-00-9) and 1840 West Point Pike (Tax Parcel #56-00-09733-00-3) (“Zoning Application”); and

WHEREAS, the Applicant proposed to create a condominium comprised of the three properties with the parking on the three properties being a common element; and

WHEREAS, the Zoning Hearing Board granted relief as set forth in the Decision dated March 22, 2016 (“2016 Zoning Hearing Board Decision”). A copy of the 2016 Zoning Hearing Board Decision is attached hereto and made a part hereof as Exhibit “A”; and

WHEREAS, condition #4 of the 2016 Zoning Hearing Board Decision states as follows:

Applicant shall first file with all required governmental authorities or offices all required condominium documents under Pennsylvania law for the purpose of establishing a condominium development of Applicants Subject Property.

WHEREAS, Applicant has decided to consolidate the three properties, thereby creating one tax parcel and obviating the need for a condominium; and

WHEREAS, the consolidation of the three properties achieves the same goal as the proposed condominium; and

WHEREAS, to memorialize their intentions, the parties are making this memorandum of understanding.

IN RECOGNITION OF THE ABOVE, the parties hereby agree as follows:

1. The background paragraphs are incorporated herein by reference.


2. The Applicant shall be permitted to consolidate the three properties rather than creating a condominium as originally proposed as part of the Zoning Application and as set forth in condition #4 of the 2016 Zoning Hearing Board Decision.

3. All other terms and conditions of the 2016 Zoning Hearing Board Decision shall remain in full force and effect.

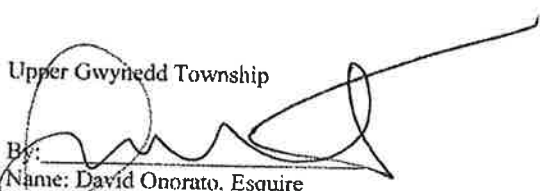
4. A fully executed original of this Memorandum shall be placed in the Township property file.

THE ABOVE expresses the parties understanding as of the date set forth in the opening paragraph hereof.

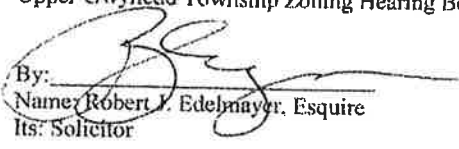
BCHW Holdings, LLC

By:   
Name: Bernadette A. Kearney  
Its: Attorney

Upper Gwynedd Township

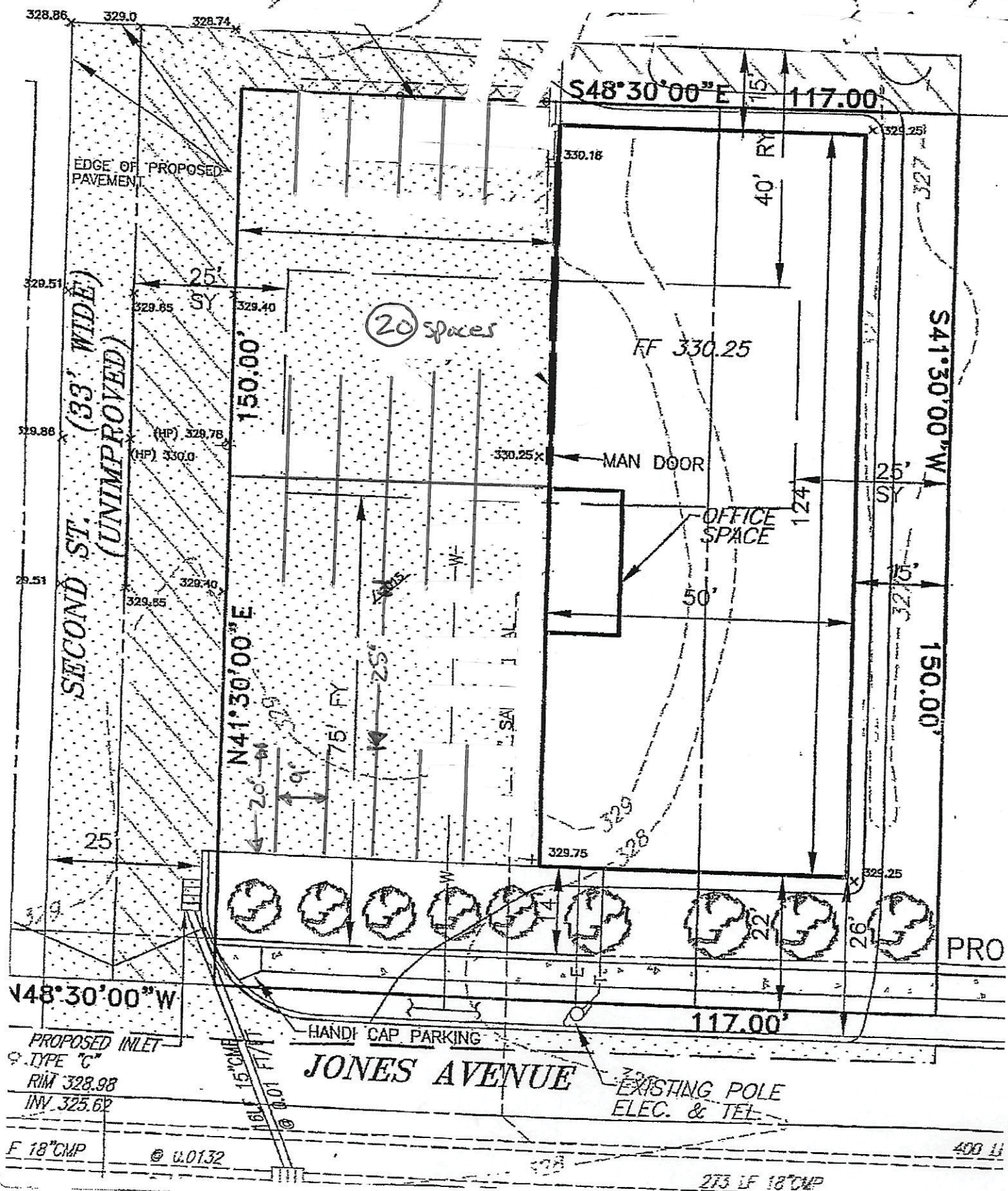
By:   
Name: David Onorato, Esquire  
Its: Solicitor

Upper Gwynedd Township Zoning Hearing Board

By:   
Name: Robert J. Edelmayr, Esquire  
Its: Solicitor







328.86 329.0 328.74

EDGE OF PROPOSED PAVEMENT

S48°30'00"E 117.00'

20 spaces

FF 330.25

MAN DOOR

OFFICE SPACE

S41°30'00"W

150.00'

PRO

SECOND ST. (33' WIDE) (UNIMPROVED)

N41°30'00"E

117.00'

V48°30'00"W

HANDI CAP PARKING

JONES AVENUE

EXISTING POLE ELEC. & TEL.

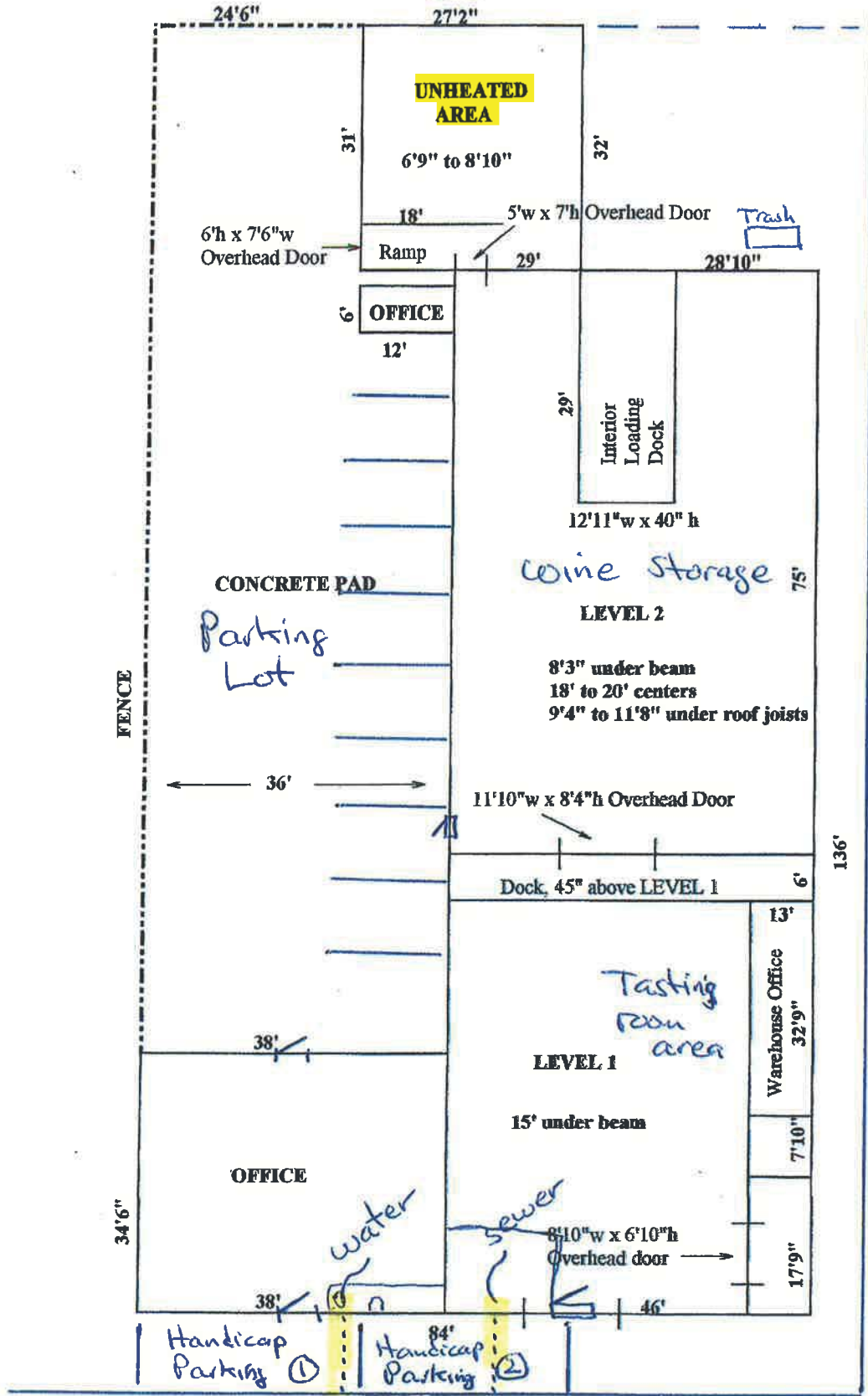
PROPOSED INLET  
 9" TYPE "C"  
 RIM 328.98  
 INV 325.62

F 18" CMP @ 0.0132

273 LF 18" CMP

400 LI

Second St.



Jones Ave.

NOT TO SCALE

West. Point Pike

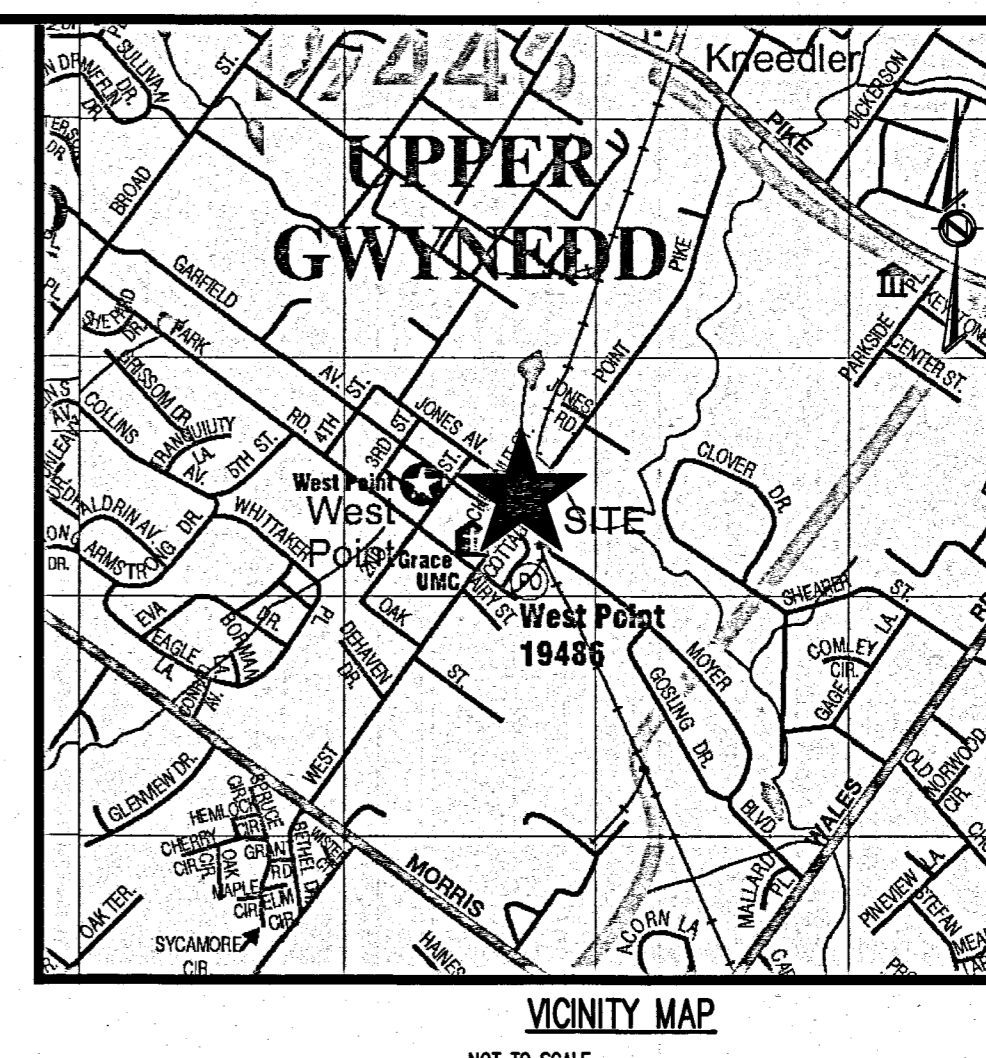
A-10



MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
56-00-09739-00-6 UPPER GWYNEDD  
1830 WEST POINT PIKE  
BCHW HOLDINGS LLC  
B051 U062 L 3320 DATE: 12/10/2018 \$15.00 JW

GENERAL NOTES

- 1. PROPERTY KNOWN AS BLOCK 51, UNIT 59 (PARCEL 56-00-09739-00-3) BLOCK 51, UNIT 62 (PARCEL 56-00-09739-00-4) & BLOCK 51, UNIT 64 (PARCEL 56-00-09739-00-5) AS IDENTIFIED ON THE OFFICIAL TAX MAPS OF MONTGOMERY COUNTY, UPPER GWYNEDD TOWNSHIP, COMMONWEALTH OF PENNSYLVANIA.
2. OWNER / APPLICANT - BCHW HOLDINGS, LLC 1830 WEST POINT PIKE WEST POINT, PA 19466
3. AREA TO TITLE LINE = 28,799 SF, OR 0.661 AC. AREA TO LEGAL R.O.W. LINE = 23,708 SF, OR 0.544 AC.
4. ZONING DATA: DATA TAKEN FROM UPPER GWYNEDD TOWNSHIP ZONING ORDINANCE. DISTRICT CLASSIFICATION - LI - LIGHT INDUSTRIAL DISTRICT
5. PARKING REQUIREMENTS: RESTAURANT 1 SPACE/2 SEATS + 1 PER EMPLOYEE ON THE LARGEST SHIFT. RESIDENTIAL: 2 SPACES PER DWELLING UNIT. PROPOSED = 24 SPACES. RESIDENTIAL = 4 SPACES. 20 TOTAL SPACES FOR RESTAURANT/MINERY (57 SEATS + 1 EMPLOYEE)
6. THIS PLAN REPRESENTS AN ACTUAL FIELD SURVEY PERFORMED BY BLUE MARSH ASSOCIATES, INC. PROJECT NO.: 16-0403-12R. DATED: 6/24/2018. AND OTHER REFERENCE MATERIAL AS LISTED HEREON. THE SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT REPORT. THE PROPERTY OWNERS BUILD THE ADDITION AT HIS/HER OWN RISK IN REGARDS TO EXISTING EASEMENTS, COVENANTS OR DEED RESTRICTIONS. IF IT IS DETERMINED AT ANY TIME IN THE FUTURE, THAT THERE ARE EXISTING EASEMENTS, COVENANTS OR DEED RESTRICTIONS WHICH AFFECT THE PROPOSED ADDITION IMPROVEMENTS, IT WILL BE THE PROPERTY OWNER'S RESPONSIBILITY TO ADDRESS/RESOLVE ANY ISSUES CREATED BY SUCH EASEMENTS, COVENANTS OR DEED RESTRICTIONS.
7. LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE. ALL LOCATIONS AND SIZES ARE BASED ON UTILITY MARK OUTS, ABOVE GROUND STRUCTURES THAT WERE VISIBLE & ACCESSIBLE IN THE FIELD, AND THE MAPS AS LISTED IN THE REFERENCES AVAILABLE AT THE TIME OF THE SURVEY. AVAILABLE ASBESTUS PLANS AND UTILITY MARKOUT DOES NOT ENSURE MAPPING OF ALL UNDERGROUND UTILITIES AND STRUCTURES. BEFORE THE PREPARATION OF DESIGN PLANS AND/OR EXCAVATION IS TO BEGIN, ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED AS TO THEIR LOCATION, SIZE AND TYPE BY THE PROPER UTILITY COMPANY.
8. ELEVATIONS ARE BASED UPON (NAVD 88) DATUM ESTABLISHED ON SITE UTILIZING GLOBAL POSITIONING SYSTEM DATA COLLECTION.
9. THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD SURVEY.
10. THIS PROPERTY SUBJECT TO RESTRICTIONS, COVENANTS AND/OR EASEMENTS, AS SHOWN.
11. ENCROACHMENTS AND VAULTS, IF ANY, BELOW SURFACE NOT SHOWN HEREON.
12. ALL FEATURES ARE EXISTING TO REMAIN UNLESS OTHERWISE NOTED.
13. (TBR) INDICATES EXISTING SITE FEATURES TO BE REMOVED.
14. ALL CONSTRUCTION METHODS AND MATERIALS SHALL BE IN CONFORMANCE WITH PENNDOT PUBLICATION 408.
15. NO SANITARY SEWER EXPANSION IS PROPOSED.
16. ALL ELECTRIC, TELEPHONE AND COMMUNICATIONS SERVICES SHALL BE PROVIDED BY UNDERGROUND CABLE.
17. THE PROPOSED PAVING MODIFICATIONS SHOULD BE SCHEDULED DURING TIMES OF ANTICIPATED DRY CONDITIONS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAKE SURE SEDIMENT DOES NOT LEAVE THE SITE. IF DURING CONSTRUCTION THE TOWNSHIP DETERMINES EROSION CONTROLS ARE NEEDED, THEY SHALL BE INSTALLED IMMEDIATELY BY THE OWNER, AS DIRECTED BY THE TOWNSHIP.
18. PERMITS WILL NOTIFY BOTH THE GOVERNING MUNICIPALITY AND THE MONTGOMERY COUNTY ROADS AND BRIDGES DEPARTMENT AT LEAST 72 HOURS PRIOR TO THE START OF THE WORK.
19. PERMITS WILL FOLLOW ALL MUNICIPAL ORDINANCES, REGULATIONS AND POLICES REGARDING HOURS OF WORK.
20. APPLICANT WILL PERFORM ALL WORK ACCORDING TO THE MOST RECENT EDITION OF PENNDOT PUBLICATION 408, AND IN COMPLIANCE WITH LOCAL MUNICIPAL ORDINANCES, POLICES, AND REGULATIONS.
21. APPLICANT WILL SAWCUT, OR CUT WITH PNEUMATIC TOOLS, ALL ROADWAYS BEFORE EXCAVATION.
22. ALL EXISTING PAVEMENT MARKINGS, RUMBLE STRIPS, DELINEATORS, ETC. AFFECTED BY THE PROPOSED IMPROVEMENTS MUST BE REPLACED IN KIND.
23. ALL PAVEMENT MARKINGS OTHER THAN LONGITUDINAL LINE ARE TO BE THERMOPLASTIC.
24. THE ULTIMATE R.O.W. LINE IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND IS NOT OFFERED FOR DEDICATION.
25. NO FENCES, NO HEDGES, TREES, SHRUBBERY, WALLS, PLANTINGS, OR OTHER OBSTRUCTIONS SHALL BE LOCATED OR PERMITTED WITHIN THE R.O.W.
26. THE EXISTING FENCE COMING WITH BLOCK 51, UNIT 23 SERVICES AS BUFFER. AT SUCH TIME THE EXISTING FENCE IS REMOVED, A NEW FENCE MUST BE INSTALLED BY THE APPLICANT.
27. THE EXISTING FENCE COMING WITH BLOCK 51, UNIT 23 SERVICES AS BUFFER. AT SUCH TIME THE EXISTING FENCE IS REMOVED, A NEW FENCE MUST BE INSTALLED BY THE APPLICANT.
28. THE EXISTING FENCE COMING WITH BLOCK 51, UNIT 23 SERVICES AS BUFFER. AT SUCH TIME THE EXISTING FENCE IS REMOVED, A NEW FENCE MUST BE INSTALLED BY THE APPLICANT.



CALL BEFORE YOU DIG! PENNSYLVANIA LAW REQUIRES 3 WORKING DAYS NOTICE FOR CONSTRUCTION PHASE AND 10 WORKING DAYS IN DESIGN STAGE - STOP CALL DATE IN DESIGN STAGE - STOP CALL PA1 1-800-242-1778

MONTGO COUNTY SERIAL NO. PROFESSIONAL ENGINEER R. A. GRAF PENNSYLVANIA LICENSE NO. 041814E

DRAWING LEGEND

- PROPERTY LINE
LEGAL RIGHT-OF-WAY
EXISTING CENTERLINE
ZONING DISTRICT BOUNDARY
EXISTING CONTOUR/ELEVATION
EXISTING SANITARY SEWER
EXISTING STORM SEWER
EXISTING ELECTRIC
EXISTING TELEPHONE
EXISTING WATER
EXISTING GAS
SOIL BOUNDARY
EXISTING INLET
EXISTING MANHOLE
EXISTING DOWNSPOUT
EXISTING UTILITY POLE
EXISTING TREES
PROPOSED IRON PIN
PROPOSED CONCRETE MONUMENT

IMPERVIOUS COVER CALCULATIONS

PROPOSED IMPERVIOUS COVER: 2,692 SF.
EXISTING IMPERVIOUS TO BE REMOVED: 1,770 SF.
TOTAL NET IMPERVIOUS: 922 SF.

NOTARY CERTIFICATION

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONTGOMERY
ON THE 7 DAY OF December, 2018, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED CHRISTOPHER T. BOYD, who acknowledged himself to be the VICE PRESIDENT OF BCHW HOLDINGS, LLC, a PENNSYLVANIA CORPORATION, AND THAT HE AS SUCH OFFICER, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.
IN WITNESS WHEREOF, I HAVE HEREIN SET MY HAND AND OFFICIAL SEAL.
Deanna J. Logan, Notary Public
My Commission Expires Feb. 2, 2021

OWNER ACKNOWLEDGEMENT

CHRISTOPHER T. BOYD, V.P., UNDERSIGNED, FULLY AUTHORIZED BY OWNER, BCHW HOLDINGS, LLC HAS LAD OUT UPON OWNER'S LAND SITUATE IN UPPER GWYNEDD TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, CERTAIN LOTS AND STREETS ACCORDING TO THE ACCOMPANYING PLANS WHICH ARE INTENDED TO BE RECORDED.
OWNER: BCHW HOLDINGS, LLC
NAME: Christopher T. Boyd, V.P.
DATE: 12/7/18

UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS APPROVAL

APPROVED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF UPPER GWYNEDD, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA, ON THE 21 DAY OF December, 2018.
H. E. K... PRESIDENT
SECRETARY

RECORDER OF DEEDS

RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, MONTGOMERY COUNTY, PENNSYLVANIA IN THE PLAN BOOK... PAGE... ON THE... DAY OF... 20...

ENGINEER'S CERTIFICATION

TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF, THE PROPOSED GRADING ACTIVITIES SHALL NOT SIGNIFICANTLY INCREASE STORMWATER RUNOFF TO AND/OR OBTAIN ADVERSE IMPACT DOWNSTREAM PROPERTIES EXCEPT AS MAY BE PART OF AN APPROVED STORMWATER MANAGEMENT PLAN AND MANAGEMENT PLAN.

ROPH A. GRAF
PROFESSIONAL ENGINEER
No. 41814E

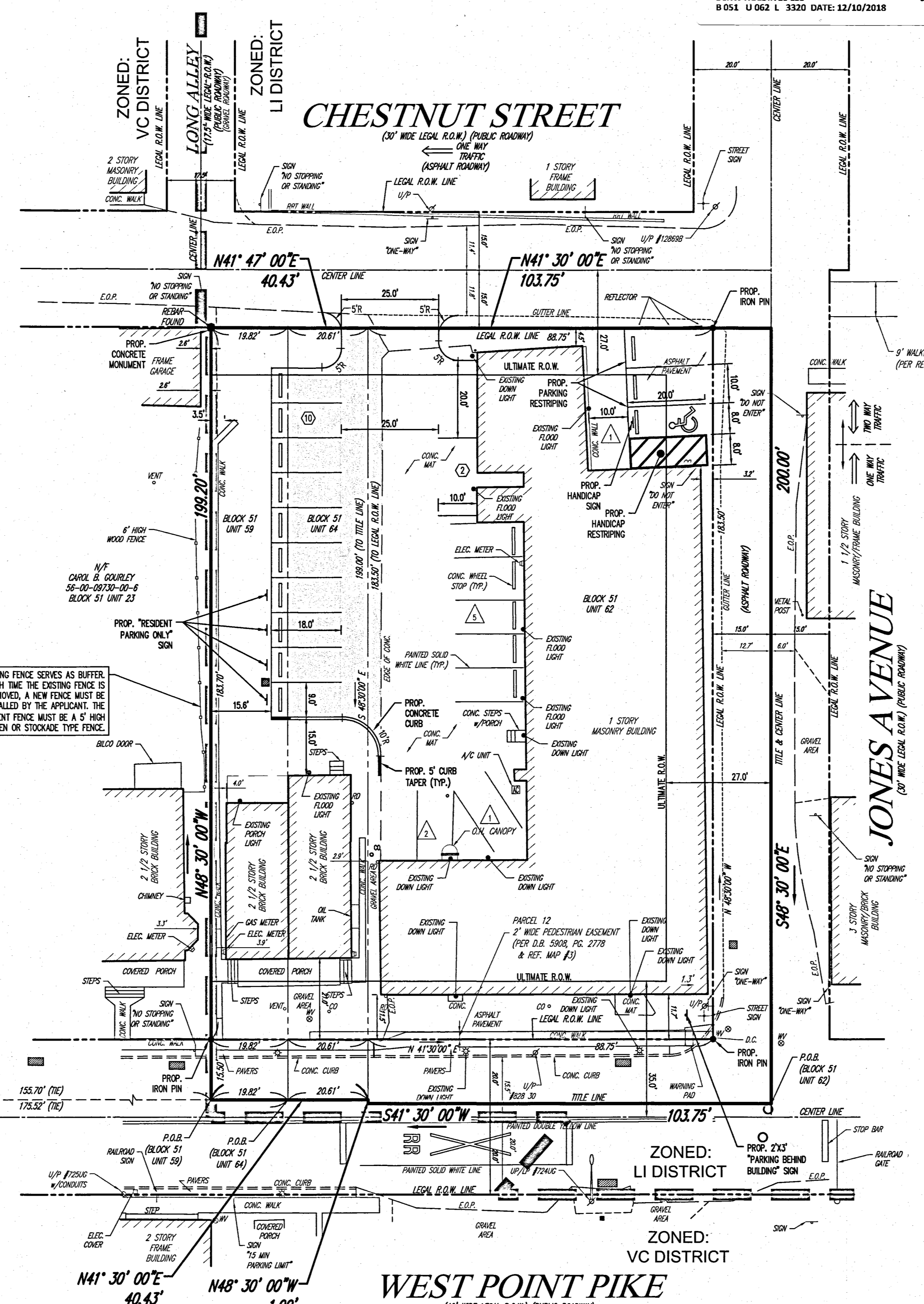
SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THE PLANS WERE PREPARED BY ME OR UNDER MY SUPERVISION AND THAT THE MONUMENTS SHOWN THEREON EXIST AS LOCATED AND THAT THE DIMENSIONS AND BEARINGS ARE CORRECT.
JOSEPH JAMES WRIGHT
PROFESSIONAL LAND SURVEYOR

UTILITY NOTES

- 1. THE FOLLOWING COMPANIES WERE NOTIFIED BY THE PENNSYLVANIA ONE CALL SYSTEM (1-800-242-1778) AND REQUESTED TO MARK OUT UNDERGROUND FACILITIES AFFECTING AND SERVING THIS SITE. THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS BASED UPON THE COMPANIES RESPONSE TO THIS REQUEST.
UTILITY COMPANY: CONCAST CABLE, NORTH WALES WATER AUTHORITY, PECO ENERGY, UPPER GWYNEDD TOWNSHIP, VERIZON PENNSYLVANIA
PHONE NUMBER: 800-334-6669, 215-665-1700, 800-841-4411, 215-699-4436, 800-841-4411, 215-699-7777, 215-666-9900

Table with 4 columns: BLOCK/UNIT, PARCEL#, OWNER (D.B./P.G.), LAND USE. Includes parcels 51/59, 51/62, 51/64, 51/23.



WAIVERS REQUESTED

- 1. SECTION 169-18.02(C): ACCESS ROADS FOR ALL NONRESIDENTIAL SUBDIVISIONS SHALL BE NO LESS THAN 30 FEET IN WIDTH AT THE STREET LINE AND SHALL BE CLEARLY DEFINED BY USE OF CURBING, THE WIDTH OF THE PROPOSED PARKING LOT ENTRANCE IS 25 FEET AND IS NOT DEFINED BY CURB. THE APPLICANT IS REQUESTING A WAIVER SINCE THE PARKING LOT ENTRANCE WIDTH IS AN EXISTING CONDITION AND THERE IS LIMITED SPACE ALONG THE EXISTING BUILDING TO WIDEN THE ENTRANCE.
2. SECTION 169-18.04(C): TO PROVIDE SAFE AND CONVENIENT WALK AND EGRESS ACCESS ROAD ENTRANCES FOR ALL NONRESIDENTIAL SUBDIVISIONS SHALL BE PROVIDED AT A MINIMUM OF 25 FEET. THE PAIR AT THE PROPOSED PARKING LOT ENTRANCE ALONG CHESTNUT STREET IS 46 FEET. THE APPLICANT IS REQUESTING A WAIVER SINCE THE PARKING LOT ENTRANCE IS RESTRICTED BY EXISTING CONDITIONS. PARKING IS ONLY TO FEET FROM THE ADJACENT ALLEY, AND THEREFORE LIMITS THE ENTRANCE ROAD.
3. SECTION 169-18.07(C): THE CENTERLINE OF AN ACCESS ROAD OR DRIVEWAY AT THE POINT OF ACCESS TO A STREET SHALL NOT BE LOCATED CLOSER TO THE CENTERLINE OF A STREET INTERSECTION THAN 75 FEET. THE APPLICANT IS REQUESTING A WAIVER SINCE THIS IS AN EXISTING CONDITION AND THE CENTERLINE OF THE PARKING LOT ENTRANCE IS 50 FEET FROM THE CENTERLINE OF LONG ALLEY.
4. SECTION 169-20.02(C): THE MINIMUM STREET REQUIREMENTS FOR A COLLECTOR STREET ARE A 70-FOOT RIGHT-OF-WAY, A 46-FOOT PAVEMENT WIDTH, 4-FOOT WIDE SIDEWALK AND CURB. THE REQUIRED CARRYWAY WIDTH FOR WEST POINT PIKE ALONG THE PROPERTY IS 46 FEET (23-FOOT HALF WIDTH). THE EXISTING CARRYWAY HALF WIDTH IS 15.5 FEET. THE APPLICANT IS REQUESTING A WAIVER SINCE WEST POINT PIKE WAS RECENTLY IMPROVED AS PART OF THE WEST POINT STREETScape PROJECT.
5. SECTION 169-20.02(C): THE MINIMUM STREET REQUIREMENTS FOR A RESIDENTIAL STREET ARE A 54-FOOT RIGHT-OF-WAY, A 30-FOOT PAVEMENT WIDTH, 4-FOOT WIDE SIDEWALK AND CURB. THE REQUIRED CARRYWAY WIDTH FOR JONES AVENUE AND CHESTNUT STREET ALONG THE PROPERTY IS 30 FEET (15-FOOT HALF WIDTH). THE EXISTING CARRYWAY WIDTHS ARE 12.7 FEET FOR JONES AVENUE AND 11.8 FEET FOR CHESTNUT STREET. THE APPLICANT IS REQUESTING A WAIVER SINCE THE EXISTING BUILDING LOCATION DOES NOT ALLOW FOR CARRYWAY WIDENING.
6. SECTION 169-21.0: NO LESS THAN 10 FEET OF OPEN SPACE SHALL BE PROVIDED BETWEEN THE CURBLINE OF ANY PARKING AREA AND THE OUTSIDE WALL OF A BUILDING. THE REQUIRED 10-FOOT SETBACK IS NOT PROVIDED AT THE 2 PROPOSED PARALLEL SPACES ALONG THE BUILDING. THE APPLICANT IS REQUESTING A WAIVER SINCE THE PAVING AGAINST THE BUILDING IS AN EXISTING CONDITION. THE PROPOSED PARKING SPACES ARE BEING CREATED WITH STRIPING ONLY.
7. SECTION 169-21.0(C): PAVED IN PLACE CONCRETE CURB SHALL BE PROVIDED TO DEFINE STREET ENTRANCES AND AROUND THE PERIMETER OF PARKING LOTS. THE APPLICANT IS REQUESTING A WAIVER SINCE THE CURBING ALONG THE EXISTING BUILDING AND PARKING. THE APPLICANT IS PROVIDING A SECTION OF CONCRETE CURB BETWEEN THE EXISTING RESIDENTIAL BUILDINGS AND THE PROPOSED PARKING LOT AS DIRECTED DURING THE STAFF MEETING.

MPCC No. 12-0049002

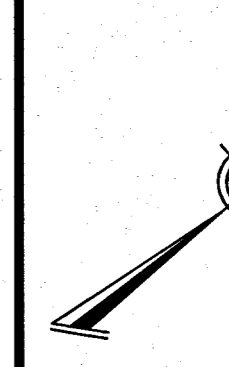
PROCESSED AND REVIEWED, REPORT PREPARED BY MONTGOMERY COUNTY PLANNING COMMISSION IN ACCORDANCE WITH THE MUNICIPALITIES PLANNING CODE. CERTIFIED ON THIS DATE 12/10/18

PLN BK 0049 - 00357 Land Site/Subdivision Plans
2018084413 12/10/2018 03:24:35 PM
RCD Fees: \$90.00 Taxes: \$0.00
MONTGOMERY COUNTY ROAD JEANNE SORG ROD

49-357

R. A. GRAF

Table with columns: REV., DATE, COMMENT, BY, FOR. Shows revision history for the drawing.



BCHW HOLDINGS, LLC

GRAF ENGINEERING, LLC
LAND DEVELOPMENT CONSULTING
410 WEST MAIN STREET, SUITE 202
P.O. BOX 110
LANSDALE, PA 19446
TEL: (267) 263-2054 FAX: (215) 997-5825

RECORD PLAN

PARKING EXPANSION

SCALE: 1" = 20'
DRAWN BY: LEM
CHECKED BY: RAG
DATE: 08/31/2016
PROJECT No.: 0016.001 OF 4



**HRMM&L**  
**HAMBURG, RUBIN, MULLIN,**  
**MAXWELL & LUPIN, PC**  
ATTORNEYS AT LAW

www.HRMML.com

March 30, 2020

21326-002

J. Edmund Mullin  
Steven H. Lupin  
Douglas I Zeiders  
Carl N. Weiner  
Jonathan Samel, LL.M.  
Merle R. Ochrach  
Mark F. Himsworth  
Steven A. Hann  
Steven B. Barrett  
Christen G. Pionzio  
Joseph J. McGrory, Jr.  
Ethan R. O'Shea  
Bernadette A. Kearney  
Paul G. Mullin  
John J. Iannozzi  
William G. Roark  
Andrew P. Grau, LL.M.  
Susan E. Piette  
Nathan M. Murawsky  
Timothy P. Briggs  
Kathleen A. Maloles  
John F. Walko  
Steven J. English  
Michael A. Luongo  
Noah Marlier  
Kevin M. McGrath  
Graham R. Bickel  
Daniel L. Maschi

**OF COUNSEL:**  
John C. Rafferty, Jr.

**LANSDALE**  
ACTS Center – Blue Bell  
375 Morris Road  
Post Office Box 1479  
Lansdale, PA 19446-0773  
Phone 215-661-0400  
Fax 215-661-0315

**LIMERICK**  
**HARRISBURG**

Via Email

E. Van Rieker, Zoning Officer  
Upper Gwynedd Township  
Code Enforcement and Building & Zoning Department  
1 Parkside Place  
North Wales, PA 19454

Re: Zoning Hearing Board Application  
Applicant: BCHW Holdings, LLC  
Property: 1830 West Point Pike and 633 Jones Avenue

Dear Mr. Rieker:

In connection with the Application to Zoning Hearing Board for the above referenced property, attached please find a drawing of the layout for the open air gathering area showing the fixed tables and seating.

Please let me know if you need any further information. Thank you for your assistance with this matter. I can be reached at (215) 661-0400.

Very truly yours,

HAMBURG, RUBIN, MULLIN,  
MAXWELL & LUPIN

By:

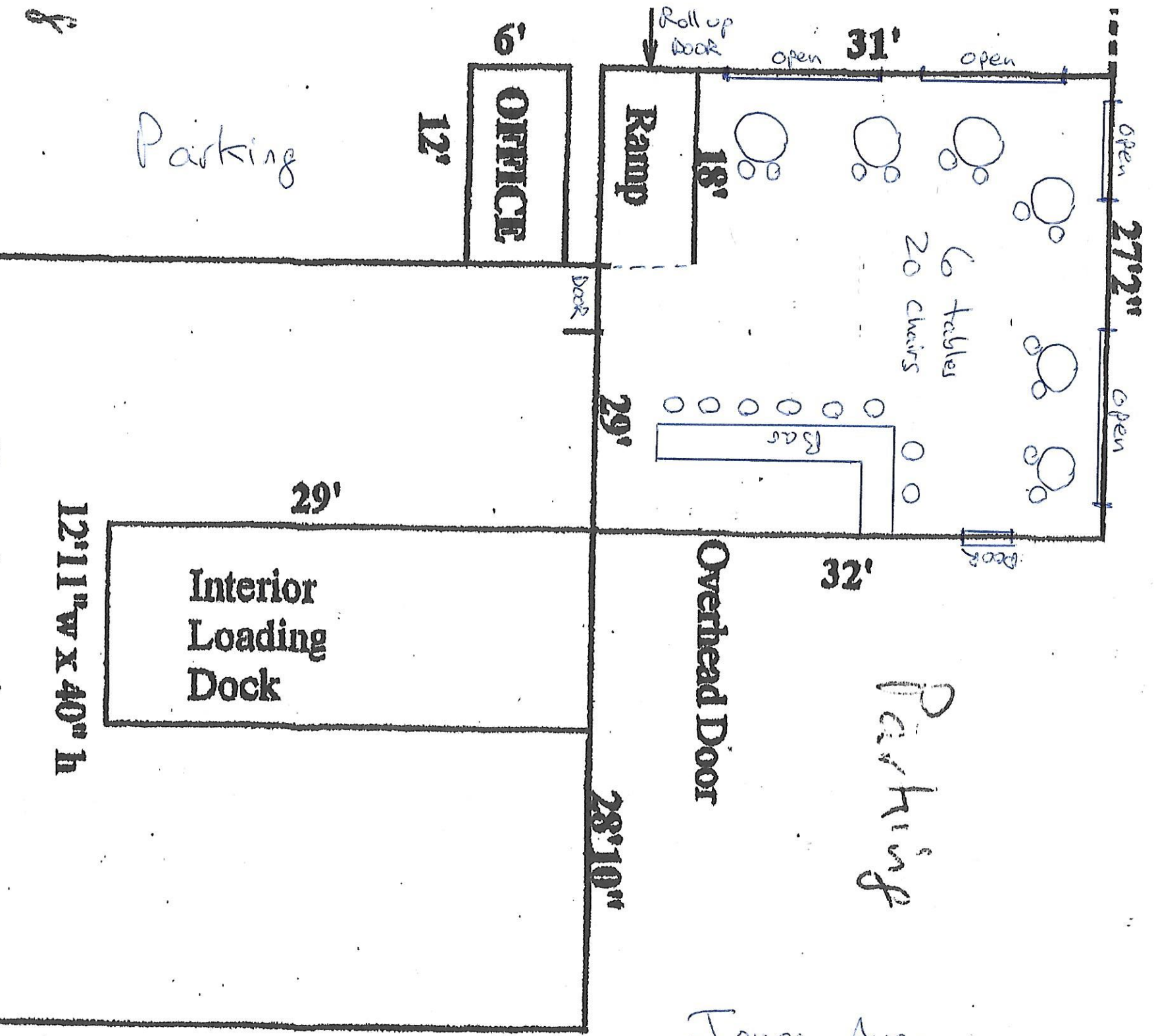
  
BERNADETTE A. KEARNEY

BAK:ch  
Enclosures

cc: Christopher Boyd, via email

Chestnut St.

Jones Ave.



Parking

6'  
OFFICE

12'

Ramp

18'

31'

open

open

open

27'2"

open

6 tables  
20 chairs

Bar

29'

32'

Overhead Door

Interior  
Loading  
Dock

29'

12'11" w x 40" h

28'10"

Parking

8

**HRMM&L**  
**HAMBURG, RUBIN, MULLIN,**  
**MAXWELL & LUPIN, PC**  
ATTORNEYS AT LAW

www.HRMML.com

21326-002

April 2, 2020

J. Edmund Mullin  
Steven H. Lupin  
Douglas I Zeiders  
Carl N. Weiner  
Jonathan Samel, LL.M.  
Merle R. Ochrach  
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**OF COUNSEL:**  
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**LANSDALE**  
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**LIMERICK**  
**HARRISBURG**

*Via Email*

Patrick M. Hitchens, Esq.  
KILKENNY LAW, LLC  
519 Swede St.  
Norristown, PA 19401

*Via Email*

E. Van Rieker, Zoning Officer  
Upper Gwynedd Township  
Code Enforcement and Building & Zoning Department  
1 Parkside Place  
North Wales, PA 19454

**Re:** Zoning Hearing Board Application  
Applicant: BCHW Holdings, LLC  
Property: 1830 West Point Pike and 633 Jones Avenue

Dear Mr. Hitchens and Mr. Rieker:

Please accept this letter as a waiver of the applicable time requirements set forth in the Pennsylvania Municipalities Planning Code for the Zoning Hearing Board to hold a hearing and render a decision on the above-referenced Zoning Hearing Board application.

Please note that the Applicant reserves the right to revoke this waiver by providing written notice of such revocation.

Should you need any additional information, please feel free to contact me at (215) 661-0400. Thank you for your assistance with this matter.

Very truly yours,

HAMBURG, RUBIN, MULLIN,  
MAXWELL & LUPIN

By:   
BERNADETTE A. KEARNEY

BAK:ch

cc: Christopher Boyd, via email

## Courtney Hughes

---

**From:** Bernadette Kearney  
**Sent:** Thursday, May 21, 2020 11:39 AM  
**To:** E Van Rieker (evrieker@uppergwynedd.org); 'Patrick Hitchens'  
**Cc:** 'cardinalwinery@aol.com'  
**Subject:** FW: Cardinal Winery ZHB Appeal  
**Attachments:** Comparison to ZHB Application attachment and revised 5-18-2020 (02842138x9DAE0).docx; Revised Attachment (02811189-3x9DAE0).docx

Patrick: I had sent Van a revised zoning attachment and a comparison to the original zoning attachment earlier in the week which is attached. I wanted to wait until after the PRC meeting this morning to send to you. Please see the attached.

Thanks  
Bernadette



Bernadette A. Kearney, Esquire  
Hamburg, Rubin, Mullin, Maxwell & Lupin, PC  
375 Morris Road, PO Box 1479  
Lansdale, PA 19446-0773  
215.661.0400; Fax 215.661.0315  
[BKearney@HRMML.com](mailto:BKearney@HRMML.com); HRMML.com

**Our offices are currently physically closed due to COVID-19 restrictions. Our entire firm is working remotely and is able to continue all regular business functions on behalf of the Firm. Note that all documents will be served via e-mail and we request anything that you send by regular mail to us during this time period you also email to the attorney working with you on your matter. Be safe, and stay well.**

**♻️ Please consider the environment before printing this e-mail**

*The information contained in this e-mail message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. Please call us immediately at 215-661-0400 if this is received in error.*

## Zoning Attachment

The Applicant, BCHW Holdings, LLC, is the owner of **Tax Parcel #56-00-09739-00-6** (Block 51, Unit 062; 1830 West Point Pike) (“Cardinal Winery Property”) and the owner of **Tax Parcel # 56-00-04465-00-6** (Block 51, Unit 5; 633 Jones Avenue). Both properties are zoned LI, Limited Industrial Zoning District.

The Applicant received zoning relief in March 2016 for the Cardinal Wine Property (“2106 ZHB Decision”). A copy of the 2016 ZHB Decision is attached hereto. The properties that were the subject of the 2016 ZHB Decision, 1830 West Point Pike, 1838 West Point Pike and 1840 West Point Pike, were consolidated rather than a condominium being created as set forth in the 2016 ZHB Decision. The consolidation of the properties was permitted by a Memorandum of Understanding dated October 2, 2017 between the Applicant, Township, and Zoning Hearing Board. A copy of the Memorandum of Understanding is attached hereto.

Since the 2016 ZHB Decision, the Applicant has purchased the property located at 633 Jones Avenue (“Jones Avenue Property”). The building on the Jones Avenue Property is used for storage/warehousing for Cardinal Winery. There are an existing 20 parking spaces on the Jones Avenue Property. The Applicant is proposing to use the existing parking spaces on the Jones Avenue Property for the Cardinal Winery Property. The use of the industrial space on the Jones Avenue Property for warehousing/storage related to Cardinal Winery requires only 4 parking spaces pursuant to Section 195-28.A(18). In reality, there is really only a need for 1 parking space for the use of the Jones Avenue Property.

The Applicant is proposing a repurpose of the existing smoker’s lounge to be an open air gathering area (ex:Tiki Bar, smokers lounge, small party area, or other similar use) in the area marked as unheated area on Exhibit A-10 from the 2016 zoning hearing. The space is 27’ 2” x 32’, or approximately 869.33 square feet. The open air area is not heated as it has a roof and walls but not windows so the use will be seasonal.

The Applicant is requesting the following relief:

A variance from Section 195-28.A. and modification of Condition #14 to permit the use of the parking lot on the Jones Avenue Property for use by the Cardinal Winery ~~Property~~ if the parking lot on the Jones Avenue Property is not considered adjacent to the Cardinal Winery Property. ~~An If considered adjacent-~~ the parking lot is permitted ~~to be used~~ if approved by the Board of Commissioners.

The parking requirement for the Cardinal Winery use is one off-street parking space for every three seats plus one additional space for each employee on the largest shift (See Section 195-28.A(16)). There are 20 parking spaces available on the Cardinal Winery Property for use by customers and as set forth on the 2018 recorded plan, 57 customers and 1 employee can be accommodated. There are 16 parking spaces available for customers on the Jones Avenue Property without reducing the use of the Property for warehousing/storage. Employees can use the Jones Avenue Parking Lot which will allow for 60 customers based upon 20 parking spaces. In addition, if there are more than 60 customers, Applicant will provide shuttle service to the

Cardinal Winery Property. If at such time the sidewalk from the Cardinal Winery Property to the Jones Avenue Property is completed, then customers can walk to the Cardinal Winery Property and shuttle service will not be required.

Although 36 parking spaces allows for 120 customers (36 x 3 = 108) subject to a reduction in the number of employees working. For example if there are 3 employees working at an event, then only 105 customers can be accommodated, the Applicant agrees that it will limit the number of people at the Cardinal Winery Property to 85 at any one time. An additional 25 customers requires only 9 additional parking spaces on the Jones Avenue Property in addition to employee parking on the Jones Avenue Property.

A variance/modifications from the following conditions of the 2016 ZHB Decision:

Condition #15 to the extent that Applicant is requesting relief from the testimony and exhibits presented at the 2016 zoning hearing. The Applicant has highlighted the requested changes in the attached 2016 ZHB Decision.

Condition #5 and #9: To allow hours of operation of Cardinal Winery to be 9 a.m. to 11 p.m. seven days a week and to no longer limit the events set forth in Condition #9 to Saturday and Sunday and to only 1 comedy night a month. The requested hours are in compliance with the state requirements for operation of the winery. The modification will allow for wine manufacturing and wine tasting to occur on the Property in compliance with the hours permitted by the state and will allow events to occur on other than Saturday and Sunday. For example, if someone desired a birthday event on a Thursday night, Cardinal Winery would be able to have the event. The modification of hours is intended to permit the business to be a viable business in the Township and to accommodate the recent addition of more homes within walking distance to the Cardinal Winery Property.

The Applicant desires to use the proposed open air area for wine tasting, events and food service. There may be 2 events at the property, one event in the Wine Tasting Room and one in event in the open air area but the Applicant agrees that it will limit the number of people at the Cardinal Winery Property to 85 at any one time. Any event in the open air area would be limited due to the weather and size of the space.

The Applicant agrees that while any event or comedy night is taking place, wine manufacturing or wine tasting separate from the event or comedy night shall not be conducted on the premises.

Conditions #3(a) of the special exception & #10: Condition #3(a) permits food preparation and service, including cooking, only inside the wine tasting room. Condition #10 states that the cooking and food preparation shall only be for scheduled events in the wine tasting room. The Applicant desires to use the proposed open air area for wine tasting, events and food service. In the alternative, Applicant is requesting a special exception from Section 195.25.B.(12)(c) which permits any use of the same general character as any permitted use or, in the further alternative, a variance from Section 195.25.B. to allow the use of the proposed open

air area for wine tasting and events. Because the proposed open air area is unheated, the use of the area will be seasonal.

The events where food will be served will also serve Cardinal Winery's wine. All events will promote Cardinal Winery's wine. It is not the intent of the Applicant to operate a restaurant.

Condition # 8: The Applicant is requesting relief to allow the sale of Pennsylvania-made beer and liquor by the glass. Per the PLCB, Pennsylvania wineries are allowed to sell the wine they make and if they want to, they are allowed to sell Pennsylvania- made beer and liquor but by the glass only. No take-home bottles are permitted. Allowing the sale of other Pennsylvania-made beer and liquor by the glass will help other Pennsylvania businesses affected by Covid-19.

Condition #12: The Applicant is requesting limited relief from Condition #12 to allow the outside activities listed in Condition #12 during the COVID-19 pandemic to comply with the federal government's recommendations and Governor's Wolf's recommendations for social distancing and not gathering inside. The newly finished parking along with the warehouse overflow parking lot can now accommodate sectioning off an area at the Cardinal Hollow Winery property to allow for customers to sit outside upon Township approval to further allow for township residents to remain safe and social distance to the fullest extent. Any parking spaces used for social distancing would reduce the number of permitted customers at the property.

The requested zoning relief is in keeping with the character of the permitted uses and will not adversely affect the public health, safety and welfare and will permit Cardinal Winery to be a viable business in the Township. The Applicant is addressing a parking shortage in the area by using parking on Property owned by Applicant and located close to the Cardinal Winery Property.



## **Zoning Attachment**

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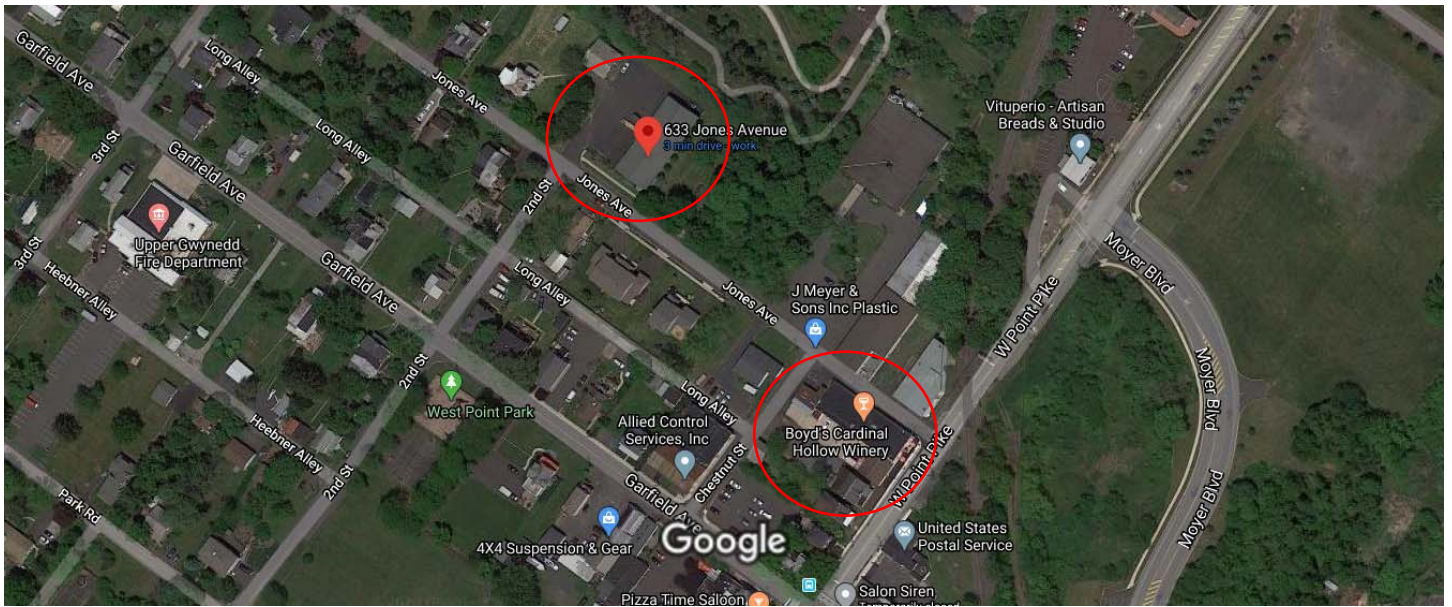
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633 Jones Ave.



Google

40°12'29"N 75°17'58"W 930 ft







Tasting Room  
Entrance











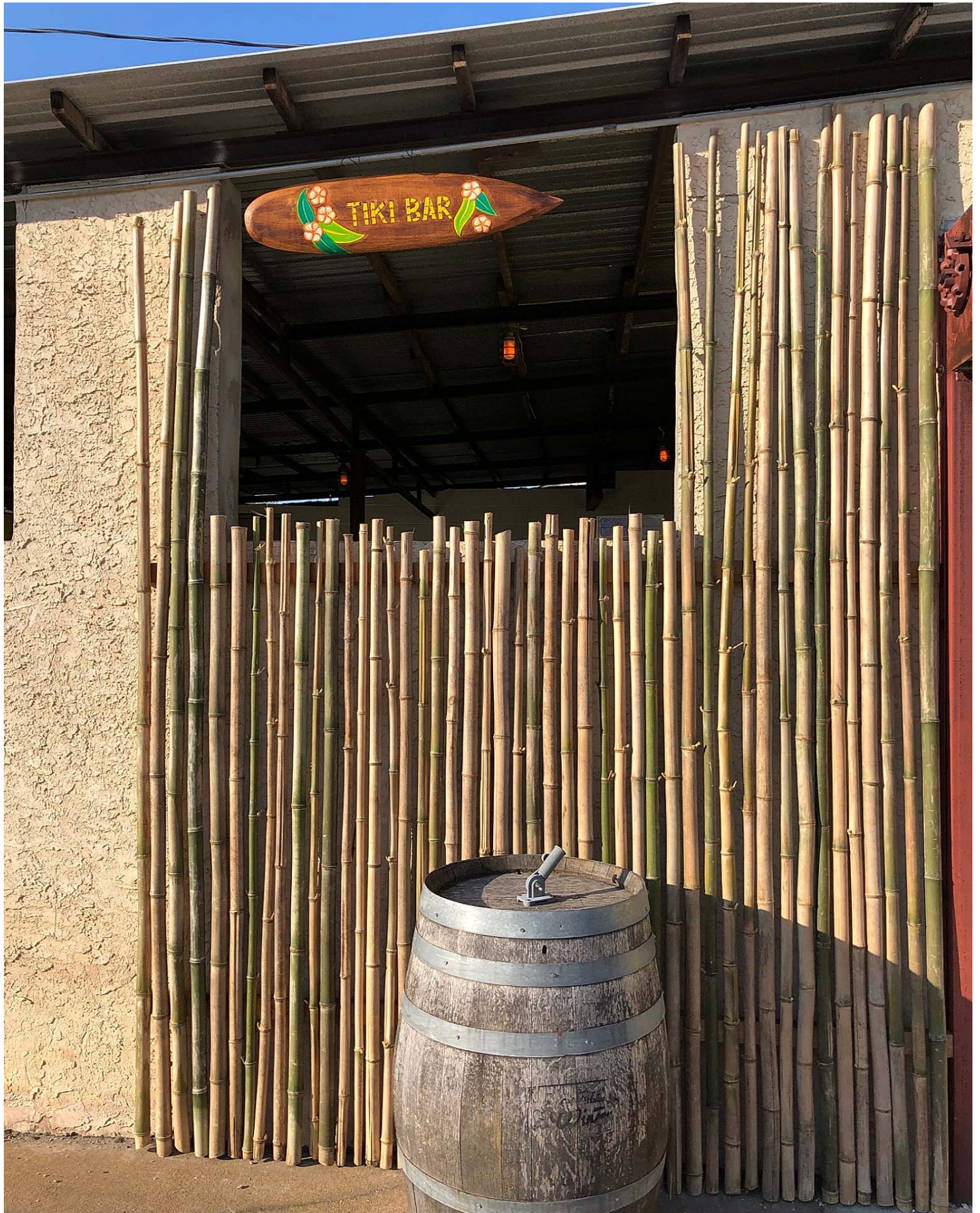














May 30, 2020

Re: Zoning Hearing Board Application of BCHW Holdings, LLC  
Upper Gwynedd Township  
1830 West Point Pike and 633 Jones Avenue  
Hearing No. 20-03  
Hearing Scheduled: November 26, 2019

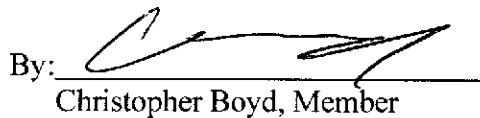
To Whom It May Concern:

We, Carolyn Boyd and Christopher Boyd, the sole Members of BCHW Holdings, LLC, the Applicant and Owner of the Properties referenced above, request that this letter act as authorization to allow Christopher Boyd, Member of BCHW Holdings, LLC, to present at any meeting, to testify at any hearing, and to accept conditions requested by the Upper Gwynedd Township Zoning Hearing Board relating to the zoning hearing board application for 1830 West Point Pike and 633 Jones Avenue.

BCHW Holdings, LLC, a Pennsylvania  
limited liability company

By:   
Carolyn Boyd, Member

BCHW Holdings, LLC, a Pennsylvania  
limited liability company

By:   
Christopher Boyd, Member

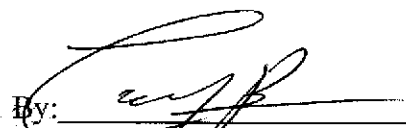
May ~~30~~, 2020

Re: Zoning Hearing Board Application of BCHW Holdings, LLC  
Upper Gwynedd Township  
1830 West Point Pike and 633 Jones Avenue  
Hearing No. 20-03  
Hearing Scheduled: November 26, 2019

To Whom It May Concern:

We, Carolyn Boyd, President, and Christopher Boyd, Vice-President of Boyd's Cardinal Hollow Winery Corp., the entity which operates from the Properties referenced above, request that this letter act as authorization to allow Christopher Boyd, Vice-President of Boyd's Cardinal Hollow Winery Corp., to present at any meeting, to testify at any hearing, and to accept conditions requested by the Upper Gwynedd Township Zoning Hearing Board relating to the zoning hearing board application for 1830 West Point Pike and 633 Jones Avenue.

Boyd's Cardinal Hollow Winery Corp, a  
Pennsylvania corporation

By:   
\_\_\_\_\_  
Carolyn Boyd, President

Boyd's Cardinal Hollow Winery Corp, a  
Pennsylvania corporation

By:   
\_\_\_\_\_  
Christopher Boyd, Vice-President