

COMMONWEALTH COURT OF PENNSYLVANIA

Lyons Borough v. Township of Maxatawny

123 A.3d 347 (Pa. Commw. Ct. 2015) · Decided July 13, 2015

SUMMARY

The Pennsylvania Commonwealth Court reviewed an appeal concerning the conditional approval of a final land development plan for a proposed 192-unit apartment complex in Maxatawny Township. The court held that the Township could not approve the final plan while conditions involving compliance with its zoning ordinance and subdivision and land development ordinance remained unresolved. The court reversed the Berks County Court of Common Pleas order affirming the approval.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	President Judge Dan Pellegrini; Brobson; McGinley; Pellegrini
JURISDICTION	Pennsylvania
DECIDED	July 13, 2015
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from the Berks County Court of Common Pleas' order affirming the Township of Maxatawny's conditional approval of a final land development plan.
STANDARD OF REVIEW	Where the trial court takes no additional evidence, the Commonwealth Court reviews whether the local governing body committed an error of law or abused its discretion; an abuse of discretion occurs when the governing body's findings are not supported by substantial evidence.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Lyons Borough, Lyons Borough Municipal Authority v. Township of Maxatawny, Apollo Point, L.P., Saucony Creek, L.P.

TOPICS

- zoning
- ordinances
- municipal law
- appellate procedure
- standard of review

PRACTICE AREAS

- municipal land use
- zoning and subdivision
- administrative law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Township could conditionally approve the final land development plan while carrying forward unresolved conditions and review comments from the preliminary-plan approval.
2. Whether a final land development plan must comply with the Township's zoning ordinance and subdivision and land development ordinance before final approval may be granted.

HOLDINGS

1. A municipality may impose conditions on approval of a final land development plan only when the conditions are acceptable to the applicant and fall within the municipality's lawful discretionary authority; it may not treat unresolved preliminary-plan requirements as conditions that postpone or undermine final approval.
2. The Township erred in approving the final plan because the plan admittedly had not complied with the Township's zoning ordinance and subdivision and land development ordinance.

KEY QUOTATIONS

“Accordingly, because Landowners’ Final Plan admittedly had not complied with the Township’s Zoning and/or SALDO, the trial court’s order is reversed.” (354)

“If we said that all the conditions in a preliminary plan could be made conditions for the final plan as Landowners and the Township suggest, there would, be no difference between the preliminary plan, where the developer -obtains certain rights to go ahead with the development if he satisfies certain conditions, and the final plan, where it is ascertained whether those conditions can be met.” (353-54)

FACTUAL BACKGROUND

Apollo Point, L.P. and Saucony Creek, L.P. sought approval to develop a 192-unit apartment complex on approximately 37.7 acres in Maxatawny Township. The Township conditionally approved a preliminary plan and later conditionally approved a final plan while incorporating or relying on review comments concerning zoning, subdivision, sewage, water, stormwater, easements, and outside-agency approvals. Lyons Borough and Lyons Borough Municipal Authority contended that the preliminary-plan conditions had not been satisfied and that the final plan did not comply with the Township's governing ordinances.

PROCEDURAL HISTORY

The Township's Board of Supervisors conditionally approved the landowners' preliminary plan for a 192-unit apartment complex and later conditionally approved their final plan. Lyons Borough and Lyons Borough Municipal Authority appealed the final-plan approval to the Berks County Court of Common Pleas, which denied the appeal and affirmed the Township's order. The Borough and Authority appealed to the Commonwealth Court of Pennsylvania.

DISPOSITION

reversed

CASES CITED

- Lyons Borough Municipal Authority v. Township of Maxatawny, 2014 WL 3396538 (Pa. Commw. Ct. No. 1961 C.D. 2013, filed July 10, 2014)
- Weiser v. Latimore Township, 960 A.2d 924, 929 n. 9, 930 (Pa. Commw. Ct. 2008), appeal denied, 973 A.2d 1008 (Pa. 2009)
- Graham v. Zoning Hearing Board of Upper Allen Township, 555 A.2d 79, 81 (Pa. 1989)
- Bloom v. Lower Paxton Township, 457 A.2d 166, 169 (Pa. Commw. Ct. 1983)
- Morris v. South Coventry Township Board of Supervisors, 898 A.2d 1213 (Pa. Commw. Ct. 2006)

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