
ZONING & PLANNING - PENNSYLVANIA

East Rockhill Township v. Richard E. Pierson Materials Corp.

United States District Court, E.D. Pennsylvania - March 6, 2019 - F.Supp.3d - 2019 WL 1057421

Township brought action in state court to enjoin owner and lessees of quarry from installing an asphalt plant at the quarry. Owner and lessees removed the action and asserted a counterclaim under the Declaratory Judgment Act seeking a declaration that township's efforts to regulate the quarry were preempted by Pennsylvania's Noncoal Surface Mining Conservation and Reclamation Act, and that an asphalt plant was a permitted accessory use.

The District Court held that:

- District court would accept jurisdiction under Declaratory Judgment Act over claim challenging township's denial of a permit to operate the quarry;
- District court would abstain from exercising jurisdiction over claim seeking permission to operate an asphalt plant at the quarry; and
- Township lacked authority under Pennsylvania law to regulate the operation of quarry or limit the amount of stone extracted from it.

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