

Bond Case Briefs

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ZONING & PLANNING - PENNSYLVANIA

EDF Renewable Energy v. Foster Township Zoning Hearing Board

Commonwealth Court of Pennsylvania - November 22, 2016 - A.3d - 2016 WL 6873015

Renewable energy company sought review of decision by township zoning hearing board to deny company's application for special exception to construct three wind farms in three different zoning districts in township.

The Court of Common Pleas affirmed. Company appealed and board cross-appealed.

The Commonwealth Court held that company failed to satisfy objective requirements of special exception in ordinance.

Renewable energy company, which applied for special exception to construct three wind farms in three different zoning districts in township, failed to satisfy objective requirements of special exception in ordinance. Company failed to submit site plan as required by ordinance, and evidence offered at zoning board hearing did not provide all of information required by ordinance, as company's regional development manager testified that number of wind turbines and precise location of turbines and other details could not be determined until soil was tested.