
ZONING & PLANNING - PENNSYLVANIA

PSIP JVI Krumsville Road, LLC v. Board of Supervisors of Greenwich Township

Commonwealth Court of Pennsylvania - October 26, 2022 - A.3d - 2022 WL 14659062

Developer appealed decision of township board of supervisors, which rejected developer's preliminary land development plan for reason that developer had conveyed land to Pennsylvania Department of Transportation (PennDOT) for a highway right-of-way without first obtaining township's subdivision approval.

The Court of Common Pleas reversed supervisors' decision and granted developer's land use appeal. Supervisors appealed.

The Commonwealth Court held that:

- Developer was not required to obtain subdivision approval from township before, or after, conveyance of land to PennDOT for public purpose, and
- Township acted in bad faith with respect to its disapproval of the plan.

Developer was not required to obtain subdivision approval from township before, or after, conveyance of land to Pennsylvania Department of Transportation (PennDOT) for required right-o--way, as this public purpose rendered township's subdivision and land development ordinance (SALVO) inapplicable; deed from developer to PennDOT recited that real estate transfer was for required highway right-of-way and limited use of the real estate to that single public purpose.

Township acted in bad faith with respect to its disapproval of developer's land development plan, and this bad faith constituted, in itself, a basis for trial court to reverse township supervisors' disapproval of the plan; faced with a final plan that fully complied with every substantive requirement in township subdivision and land development ordinance (SALDO), township devised self-serving technical violations as means to reject the plan.

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