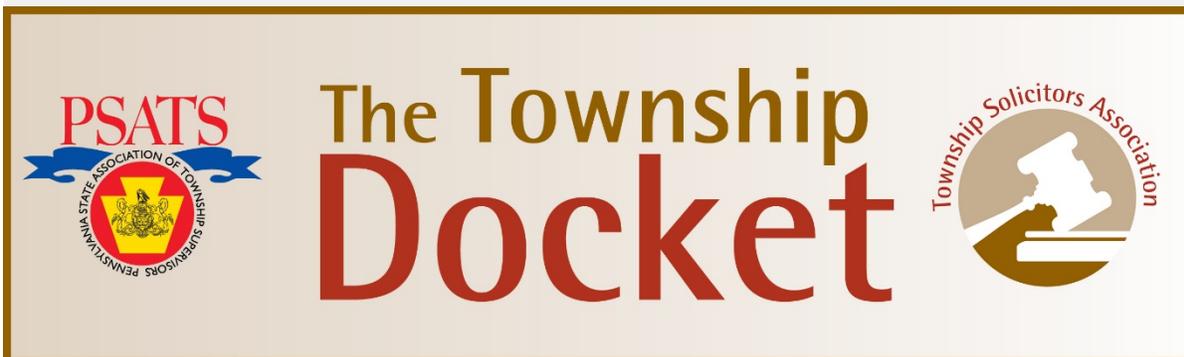


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Newsletter of the Pennsylvania State Association of Township Solicitors

March 15, 2021

Headlines

Registration Open for PSATS Virtual Spring Solicitors Seminar on April 19

The PSATS Virtual Spring Solicitors Seminar will take place on Monday, April 19, from 9:30 a.m. to 3:30 p.m. and will be eligible for five CLE credits. For more information about the seminar agenda or to register, click [here](#).

PSATS Offers Approximately 60 Virtual Conference Workshops for Just \$99

Now that the PSATS Annual Conference has been canceled, PSATS has converted nearly all the workshops that would have been held in Hershey into virtual workshops. For one payment of \$99, you can access all the workshops live or on-demand; nearly 20 workshops will be eligible for CLE credits (additional cost of \$15 per credit hour). For more information or to purchase the PSATS Virtual Conference Workshop Pass, click [here](#)

You Can't Do that in Pennsylvania! Or Can You? Using Planning Commissions to Approve Subdivision & Land Development Plans

Christopher Knarr of McNees Wallace & Nurick, LLC, the PSATS Solicitors Association sponsor, recently wrote a blog reviewing ways in which Pennsylvania municipalities are using planning commissions to approve subdivision and land development plans as a means of saving resources. To read the article, click [here](#)

Recent Decisions

“Quest for Profitability” Not Enough for Dimensional Variances

In *Lawrenceville Stakeholders v. City of Pittsburgh Zoning Bd. of Adjustment*, ___ A.3d ___, 2021 WL 836777 (Pa.Cmwlth. March 5, 2021), the court upheld the reversal of four dimensional variances initially granted to eliminate side setbacks on an irregularly shaped property zoned for

single attached dwellings. The variances would have permitted the developer to build five four-story townhouses. (The developer testified that building fewer than five townhouses would have resulted in a significant net loss on the project.) In holding that the evidence presented in support of the variances was insufficient, the court found that to allow the developer's "quest for profitability to fulfill the hardship requirement would mean that any variance applicant could agree to purchase a property at a higher cost than the actual zoning would warrant and then receive a variance for its proposal that is only necessary to overcome the self-created economic hardship."

Township's Opposition to Effort to Have Road Vacated Is Not an Assertion of Private Property Rights

In *In re Vacating of Old Route 322, Paint Twp.*, No. 384 C.D. 2020, 2021 WL 799728 (Pa.Cmwlth. March 3, 2021), the court affirmed the recommendation of a board of viewers that a township road should not be vacated because it was not "useless, inconvenient or burdensome" and rejected an argument that the township was improperly defending private property rights.

The appellants argued that the township could not assert the private property rights of those owning land along the road in question. The court held that the township was plainly authorized to oppose vacating the township road and that the township was not asserting the "private property rights" of a property owner who did not participate in the hearing. Instead, the township's evidence was that there had been no showing that the road was useless to that property owner. The court also found that the property owner's "only meaningful access" to the property was by using the road, thus rejecting an argument that the property owner could still access its property by boat if the road was vacated.

Upcoming Educational Offerings

[High Cube and Automated Warehouses: Are You Prepared? – 3/17/21 Webinar \(1 CLE\)](#)

A new land use, the high cube or automated warehouse, is starting to pop up around Pennsylvania. These warehouses have a variety of forms, from "a warehouse on top of a warehouse" to largely robotic retrofits in an existing building, but in essence, they will have significant transportation, emergency management services, workforce, tax, and environmental implications, among other things. Because they come in a variety of forms — including new developments, site redevelopments and existing building additions, and retrofits — high cube and automated warehousing affect subdivision and land development, zoning, and/or building codes needs. The Lehigh Valley Planning Commission has drafted a series of municipal considerations that its representatives will review with webinar attendees. This is a first-of-its-kind community guide in the nation to address this emerging form of development and its associated technology.

[The Criminal and Civil Consequences of Municipal Firearm Regulation – 3/17/21 \(1 CLE\)](#)

While many municipal officials and employees are not aware of the restrictions that exist when it comes to local governments enacting and enforcing firearm and ammunition-related regulations, the consequences for municipalities and their elected officials can be extreme, and they do not end merely with taxpayer disgruntlement over the wasted expenditure of taxpayer funds spent to enact, enforce, and defend such regulations. Join us for a one-hour discussion on Pennsylvania's firearm, ammunition, and range preemption statutes so that you can protect your municipalities from more than just taxpayer disgruntlement.

[Zoning Implications for Agritourism in Pennsylvania – 3/18/21 Webinar \(1](#)

CLE)

The intersection of farming and entertainment is a popular business in Pennsylvania. Many farmers across Pennsylvania have diversified their farms by inviting the public onto their property for everything from hayrides and corn mazes to barn weddings and events. While this past year has placed barriers on many of these activities, they will return. There are several important legal considerations for agritourism operations in Pennsylvania, such as zoning, regulations, insurance, and other matters. Zoning laws regulate land uses, including agritourism, and may affect how property owners use their land because of related parking, hours of operation, traffic, noise, and lighting issues. Gretchen Moore and Alexis Wheeler from Strassburger McKenna Gutnick & Gefsky will present and explore case law and analysis of this burgeoning farm use.

Understanding Sick Leave During a Global Pandemic – 3/23/21 Webinar (1 CLE)

This webinar, presented by Neil Morris and Gabriel Celii of Offit Kurman, will provide a comprehensive overview of the key changes to leave requirements, best practices, how to avoid common misconceptions and pitfalls, and the interplay between these changes and the Family and Medical Leave Act, Americans with Disabilities Act, state and local laws, and current leave policies that are already in existence.

New Developments in Police Liability – Guidance to Evaluate Your Police Department – 4/9/21 Virtual Class (2 CLE)

Chris Gerber of Siana Law and Capt. Ashley Heiberger (Ret.) will address new developments in police liability with a practical approach that allows for an immediate assessment of your police department's compliance with federal and state law. They will cover administrative and operational aspects of policing with a focus on how to reduce liability exposure and improve the delivery of police services to your community. Among the topics to be covered include 1) Who's Really in Charge of Your Police Department; 2) When Officers Engage in Deceitful Behavior; 3) Police and Social Media; 4) Police Department Assessment Checklists; 5) High-Risk Critical Tasks (the 12 basic police functions that generate the most litigation issues); and 6) Police Policy, Training, Supervision, and Use of Force.

Spring Solicitors Seminar – 4/19/21 (5 CLE) *NOW VIRTUAL*****

This seminar will cover a wide variety of emerging and important trends and issues vital to the practice of every municipal solicitor. Don't miss this opportunity to hear from experts and network with your peers from around the state.

Comments and suggestions about this biweekly newsletter for members of the Pennsylvania State Association of Township Solicitors can be emailed to Scott Coburn at scoburn@psats.org.





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