



**COLLEGE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING AGENDA
Tuesday, February 3, 2026
7:00 PM
Hybrid Meeting (In-Person or via Zoom)**

General Meeting Information

College Township offers both in-person and virtual meeting attendance for all public meetings. To attend in-person, meetings will be held at 1481 E. College Avenue, State College PA, 16801, 2nd floor meeting room. To attend virtually, please see the information below.

To Attend the LIVE Meeting Via Zoom on Computer or Smart Phone:

- [Click here to REGISTER for the meeting via Zoom](#). Once registered, you will receive a confirmation email containing information about joining the meeting.

To Attend the LIVE Meeting Via Phone:

- **Dial: 1 (646) 558-8656 ● Meeting ID: 837 5504 9921 ● Passcode: 502742**

*[Click Here](#) for detailed instructions on how to participate via zoom.

VIRTUAL PUBLIC COMMENTS: Please use the raised hand feature to participate. The moderator will recognize those with their hands raised (either by name or phone number).

WRITTEN PUBLIC COMMENTS: For specific Planning Commission agenda items and for items not on the agenda, written public comments may be submitted in advance by emailing smeyers@collegetownship.org by noon the day of the meeting.

College Township is committed to making meetings accessible to everyone. If you require accommodations or services to fully participate, please contact College Township at admin@collegetownship.org or 814-231-3021.

CALL TO ORDER:

ZOOM MEETING PROTOCOL:

OPEN DISCUSSION (items NOT on the agenda):

CONSENT AGENDA: CA-1 January 20, 2026 Meeting Minutes
(Approval)

PLANS: None

OLD BUSINESS: OB-1 Dale Summit Area Hybrid/Form-Based Code – Uses in Dale Summit
(Discussion)

NEW BUSINESS: None

REPORTS: R-1 Review of January 28th Joint Meeting

STAFF INFORMATIVES: SI-1 Zoning Bulletin
SI-2 CT Planning Commission Reappointment Letters

OTHER MATTERS:

ANNOUNCEMENTS: Next regular meeting will be **Tuesday, February 17, 2026** at 7:00pm

ADJOURNMENT:



**COLLEGE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
January 20, 2026
1481 E. College Avenue State College PA 16801
Hybrid Meeting (In-Person or via Zoom)**

PRESENT: Suleman Din, Vice Chair
Peggy Ekdahl, Secretary
Matthew Fenton
Ray Forziat
Tad Rimmey

EXCUSED: Ed Darrah

STAFF PRESENT: Don Franson, P.E., P.L.S., Township Engineer
Keri Kenep, Community and Economic Development Director
Lindsay Schoch, AICP, Principal Planner
Mark Gabrovsek, Zoning Officer
Sharon Meyers, Senior Support Specialist – Engineering/Planning

CALL TO ORDER: Mr. Din called the meeting to order at 7:00 p.m.

ZOOM MEETING PROTOCOL: Mr. Din verified there were no members of the public present via Zoom.

OPEN DISCUSSION: None presented.

CONSENT AGENDA:

CA-1 January 6, 2026 PC Meeting Minutes

Mr. Fenton moved to approve the January 6, 2026 meeting minutes as written.

Mr. Rimmey seconded the motion.

Motion carried unanimously.

PLANS: No Plans presented.

OLD BUSINESS:

OB-1 Planning Commission Annual Report – Final Draft

Mr. Din stated that the annual report provides a strong summary of the Planning Commission's challenges and accomplishments over the past year. He suggested that the report could be shared with perspective Planning Commission members to highlight the Commission's work and provide insight into its members, noting the current vacancies on the Commission.

Mr. Fenton thanked staff for their efforts in compiling a thorough and informative report.

Mr. Forziat moved to approve the 2025 College Township Planning Commission Annual Report as written, to be presented to College Township Council at a regular scheduled meeting in February.

Mr. Fenton seconded the motion.

Motion carried unanimously.



NEW BUSINESS:

NB-1 Conditional Use Request – Legacy Boxing & Combat Academy LLC

Mr. Din introduced the conditional use request and provided his perspective as a user of the facility. Staff provided a memo explaining that in early 2025, College Township adopted an ordinance permitting “Indoor Recreation Facilities” within the General Industrial Zoning District by Conditional Use. The Planning Commission was tasked with reviewing the submitted application and materials to determine whether the proposal meets the required criteria.

Mr. Din opined that the facility meets the criteria set forth in the conditional use application and presents minimal traffic impact due to operating hours of the facility.

Mr. Gabrovsek offered a brief overview of the history of requests. Ms. Schoch confirmed that the applicant will be present at the public hearing to respond questions regarding the business, lighting, traffic, and other related matters.

The Planning Commission discussed several topics, including age restrictions, hours of operation, ADA accessibility, and the primary use of the facility. The Commission agreed that if additional sports of uses are proposed in the future, a new permit would be required. Commissioners also discussed the need for a clearly designated main entrance and adequate lighting at all entrances and exits.

The Planning Commission requested that staff contact the owner-operator and ask them to attend a future Planning Commission meeting to address questions and concerns prior to making a recommendation to Council.

By consensus, the Planning Commission agreed to table the conditional use request from Legacy Boxing & Combat Academy LLC until a future meeting.

REPORTS:

R-1 Council Report

Mr. Fenton reported that Ms. Schoch provided Council with an update on the progress of the Planning Commission on the Hybrid/Form-Based Code. He noted that the Township Manager and Assistant Manager expressed their appreciation for the Planning Commission and its efforts.

STAFF INFORMATIVES:

SI-1 Council Approved Minutes

No further discussion.

SI-2 Zoning Bulletins

Mr. Din noted an article regarding ADA compliance and disability discrimination, noting its relevance to the earlier discussion on the conditional use request.

SI-3 January 2026 EZP Update

No further discussion.

OTHER MATTERS: No *Other Matters* presented.

ANNOUNCEMENTS:

Mr. Din announced the next regular PC meeting will be held on Tuesday, February 3, 2026 at 7:00 p.m. Also noted, the joint Council and Planning Commission meeting on Wednesday, January 28, 2026 with a light dinner at 5:30 p.m. and the meeting to follow at 6:30 p.m.



ADJOURNMENT:

Mr. Fenton moved to adjourn January 20, 2026 PC meeting.

Mr. Forziat seconded the motion.

Motion carried unanimously.

Meeting adjourned at 7:38 p.m.

*** Draft ***

Sharon E. Meyers
Senior Support Specialist – Engineering/Planning



COLLEGE TOWNSHIP

MEMORANDUM

To: College Township Planning Commission

From: Lindsay K. Schoch, AICP | Principal Planner

Date: January 30, 2026 (for discussion at the February 3 Planning Commission Meeting)

Re: Uses in Dale Summit

Introduction

The following information is provided for the Planning Commission’s information, review, and ultimate recommendation.

- Table highlighting the differences between Uses in Euclidean Zoning (what we have in place now) and Hybrid Form-Based Zoning (what is proposed)
- Uses Section of the proposed Draft Hybrid Form-Based Code with staff input for PC review which includes: Accessory Dwelling Units, Conditional Uses, and Use Standards Summary Tables.

Uses in Form-Based Zoning vs. Uses in Euclidean Zoning

	Euclidean Zoning	Form-Based Zoning
Primary Focus	Regulates development by use .	Regulates development by form and context .
Use Lists	Long, highly specific use lists.	Shorter, broad use categories.
Mix of Uses	Uses are separated by district .	Mixed use is often encouraged.
Compatibility	Achieved by separating uses .	Achieved through design and scale .
Role of Building Design	Secondary to use.	Primary regulatory tool.
Flexibility Over Time	Use changes often require rezoning .	Use changes allowed if form fits .
Street & Everyday Public Spaces	Limited emphasis on street relationship.	Strong focus on frontage and pedestrian experience.
Predictability	Predictable uses; variable outcomes .	Predictable physical outcomes .
Overall Approach	“Separate uses to avoid conflicts.”	“Shape the place first.”

Staff will be prepared to discuss the materials in detail at the upcoming meeting and will be looking for PC input regarding the elements set forth in the proposed draft code language.

I. Uses

- (1) Uses are limited according to “[Table 11 Use Standards Summary](#)”.
 - (a) Table “[Table 11 Use Standards Summary](#)” lists permitted and conditional uses.
 - (b) A “■” indicates that a use is permitted within that zone.
 - (c) A “□” indicates that a use is a conditional use in that zone and shall meet the requirements of section “(3) [Conditional Uses](#)”.
 - (d) A blank space, or the absence of the use from the table, indicates that use is not allowed within that district.
- (2) Accessory dwelling units.
 - (a) Two accessory dwelling units per principal dwelling unit is permitted.
 - (b) Accessory dwelling units may not exceed 720 square feet per story.
 - (c) Accessory dwelling units may be attached or detached.
 - (d) Accessory dwelling units are limited to one bedroom.
 - (e) **Consider including a clause about ownership of accessory dwelling units on the same lot**
- (3) Conditional Uses
 - (a) Any use that requires additional standards according to the Township Of College Land Development code is held to those same standards, with the exception of the following:
 - (b) **Market buildings** within open spaces shall be limited to the building coverage according to “[Table 1 Open Space Types](#)”. **(A Market Building is a type of building, typically designed to host small-scale commerce and community activity in a centralized location used for farmers markets, community events, or seasonal uses; defined by form and placement, often temporary)**
 - (c) Civic Buildings: (A building intended to serve a public, institutional, or community function. E.g. municipal buildings, museums, places of worship, transit stations, libraries, schools, etc.)
 - [1] A civic building following the regulations of its zoning district shall be permitted by following the same approval process as any building in that zone.
 - [2] Civic buildings may be exempt from the zones standards of this code, and may be reviewed on a case-by-case basis,
 - [3] Civic Buildings shall be permitted by the Process according to [Chapter 87 Conditional Uses](#). They shall conform to the following:
 - [i] The maximum height shall not exceed 5 stories.
 - [ii] The maximum lot coverage shall be that of the highest abutting zoning district, with the exception of Civic Buildings in Open spaces, which shall be according to “[Table 1 Open Space Types](#)”.
 - [iii] Parking shall conform to the requirements of “[Table 12 Bicycle Parking Requirements](#)” and “[Table 13 Automobile Parking Requirements](#)”.
 - [iv] Parking shall not be permitted along primary and secondary frontages, nor within the setback, and shall be screened from all street views.
 - [v] The expansion of any existing civic building by less than 20% shall be permitted by right.
 - [vi] Civic buildings are permitted in open spaces types, according to “[Table 1 Open Space Types](#)”, and shall conform to the least restrictive abutting zoning district, with the exception of Frontage Occupation, Lot Width, and maximum Setback requirements.
- (d) Adult Retail & Service:
 - [1] Shall be held to the same requirements of [Chapter 87 Conditional Uses](#) and is limited in size and location according to the “[Figure 16. Regulating Map](#)”.

TABLE 11 USE STANDARDS SUMMARY

Use	Zone		
	Mixed Neighbourhood	Mixed Core	SD (YTBD)
Residential			
Home Occupation	■	■	
1 Dwelling Unit per Lot	■	■	
1 Dwelling Unit per Lot (zero lot line)	■	■	
2-3 Dwelling Units per Lot	■	■	
4-7 Dwelling Units per Lot	■	■	
8 Dwelling Units per Lot	■	■	■
More than 8 Dwelling Units per Lot		■	■
Mobile Home			
Live/Work	■	■	■
Lodging			
6 Rooms or Less	■	■	
12 Rooms or Less	■	■	
More than 12 Rooms		■	

TABLE 11 USE STANDARDS SUMMARY

Use	Zone		
	Mixed Neighbourhood	Mixed Core	SD (YTBD)
Commercial			
Adult Retail & Service		□	□
Automobile Sales			
Automobile Service			
Commercial Laundry			
Crematorium			
Day Care	■	■	■
Dry Cleaners	■	■	■
Food & Beverage	■	■	■
Funeral Home			
Gas Station			
Market, Permanent	■	■	■
Market, Temporary	■	■	■
Office	■	■	■
Package Liquor Store			■
Self-Storage			■
Service, Personal	■	■	■
Service, Professional	■	■	■
Theatre		■	■
Civic			
Convention or Exhibition Facility	□		□
Cultural (Library, Museum, Gallery)	□	□	
Performing Arts	□	□	□
Meeting Hall	□	□	
Religious Assembly	■	■	■
School, Elementary or Middle	□		□
School, High	□		□
School, College or University	□		□

■ permitted / □ conditional

TABLE 11 USE STANDARDS SUMMARY

Use	Zone		
	NMU	MUC	SD
Civil Support			
Ambulatory		■	■
Correctional Institutions			■
Fire / Police	■	■	■
Hospital			■
Open Space / Recreation			
Community Garden	■	■	■
Green	■	■	■
Multi-purpose Field	■	■	■
Park	■	■	■
Playground	■	■	■
Plaza	■	■	■
Square	■	■	■
Agriculture			
Processing/Packaging			■
Warehousing			■
Forestry			■
Grazing of cattle and horses			■
Farming & Ranching			■
Stables			■
Stockyards			■
Wine Tasting	■		■
Green House	■		■
Grain Storage	■		■
Industrial (Light)			
Ground Transportation			■
Industrial (light)	■	■	■
Manufacturing (light)			■
Storage & Distribution			■

■ permitted / □ conditional

DRAFT

Zoning Bulletin

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Due Process

Resident claims town officials conspired to deprive him of right to use his property the way he saw fit

Citation: *Anderson v. Stringham*, 2025 WL 2793802 (D. Mass. 2025)

Matthew Anderson filed suit against the Town of Millbury, Massachusetts and several town officials alleging violations of his constitutional rights to equal protection and substantive due process, and violations of the Massachusetts Civil Rights Act, due to intentional infliction of emotional distress and negligent infliction of emotional distress.

Specifically, Anderson claimed that one of the town officials used his position as a final policy maker to work collectively with the other officials to wrongfully use their official positions to prevent and/or obstruct him from accessing his property, to prevent him from constructing on his property, and to otherwise interfere with his use and enjoyment of his property.

The defendants requested dismissal for failure to state a claim.

DECISION: Request for dismissal on the federal claims granted with prejudice.

The court declined to exercise supplemental jurisdiction over Anderson's remaining state law claims, so those were dismissed without prejudice.

A CLOSER LOOK

Anderson owned 10.7 acres of land on South Oxford Road and Wedgewood Lane in Millbury. The property had historically been used for agricultural purposes, and the prior owners of the land accessed it through a lane that abutted properties located at 59 and 61 South Oxford Road.

Anderson began leasing the property from the prior owners, the Sharron family, in or about October 2020, and purchased the land from them on December 21, 2021. During the Sharron family's ownership, the back land was classified as a 61A property used for agricultural purposes, and at the time of the sale to Anderson, the property remained under this classification.

Anderson claimed that when he started applying for necessary permits to build a single-story home on the property (zoned as agricultural land) and use the lane to access it, he was confronted with delays, pretextual issues, false statements, and false guidance by town employees. He claimed that the town officials engaged in a plan to interfere and deprive him of permits and approvals to which he was entitled, with respect to the property.

Wedgewood Lane in Millbury. The property had historically been used for agricultural purposes, and the prior owners of the land accessed it through a lane that abutted properties located at 59 and 61 South Oxford Road.

Then, in October 2020, the Sharrons agreed to sell the property, and Anderson began leasing it. On December 20, 2020, the parties entered into a Purchase and Sale Agreement, and his previous lease payments were applied against the purchase price. The parties closed a year later, and Anderson acquired full ownership on December 21, 2021.

December 28, 2020 marked the date on which the defendants started engaging in more wrongful conduct. For instance, he claimed one of them lodged a formal complaint, using her town email, stating that Anderson had been operating his business out of, and storing heavy machinery at, the property. That individual lived on land that abutted the lane.

As a result, town officials began investigating and gave Anderson a “verbal stop work order” concerning his right to use the land to access the property.

In March 2021, Anderson presented the town with a plot plan that included a proposed home site and a garage for the equipment needed to maintain the land, asking for a town

official’s thoughts and guidance on the proposal. This plan included a discussion about rezoning certain land on the property to build a home.

The next day, the official responded to Anderson, alerting him that he was very busy, and it would take time to get back to him.

Other issues ensued, and by 2022—after the town denied a construction request of Anderson, who had acquired title to the property in late 2021, for construction—he was being served with a cease and desist letter for his use of the lane. He was accused of committing trespass on a neighbor’s property through building and frequent use. This letter demanded the restoration of the lane to its previous condition.

Millbury’s zoning board of appeals granted Anderson’s request for an alternate access point on Wedgewood Lane, but the neighbor’s attorney filed an appeal in county court. At that point, Anderson filed suit in land court against the neighbor to establish his right to access the property via the lane.

In 2023, the neighbor sought an injunction in land court to prevent Anderson from using the lane. The town officials all submitted signed and notarized affidavits attesting to the Sharron family lineage as sole owners of the lane. The neighbor acknowledged Sharron’s control of the lane and requested Sharron’s permission to access it.

Following depositions of individuals who had observed the Sharrons using the lane to access what was then their parcel of land, a settlement was reached under which granted Anderson was granted access and ownership to the lane and the neighbor dropped their appeal. In return, Anderson had to give the neighbor a portion of land to develop an easement on.

BACK TO THE COURT’S RULING

Anderson failed to allege that the defendants’ conduct amounted to constitutional violations. He failed to sufficiently plead substantive due process violations. In alleging his substantive due process rights because he didn’t allege facts showing that a person acting under color of state law deprived him of a right secured under federal law. The court concluded Anderson’s allegations did not meet this threshold.

Further, since Anderson failed to meet that threshold, as a matter of law he couldn’t proceed with a conspiracy claim.

Signs

Media group challenges denial of request to erect signs on private property and finding that they were “billboards”

Citation: *New South Media Group, LLC v. City of Rainbow City, Alabama*, 2025 WL 3187031 (11th Cir. 2025)

The Eleventh U.S. Circuit has jurisdiction over Alabama, Florida, and Georgia.

New South Media Group LLC (NSMG) wanted to build

Contributors

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four different types of signs on private property. Rainbow City, Alabama denied its applications after determining the signs were billboards, which were barred by a local ordinance preventing the construction of new billboards.

NSMG challenged the city's findings. A lower court dismissed the lawsuit for lack of standing. NSMG appealed.

DECISION: Affirmed.

NSMG lacked standing to bring a federal lawsuit against the city.

"So, is this appeal about the billboard ordinance that caused [NSMG's] injury—the denial of its applications? No. And therein lies the problem," the Eleventh U.S. Circuit Court of Appeals wrote.

MORE ON THE FACTS

Two private landowners contracted with NSMG to allow it to post signs on their property that would be visible from the nearby highway. These were meant to be expressive signs that would include artwork, event notices, flags, and political messaging.

The city denied the requests, concluding that they were "billboards" and that Section 214 of its sign ordinance expressly barred them.

THE COURT'S ANALYSIS

This case concerned "traceability" and "redressability." The key question was whether NSMG could trace the permit denial to the provisions of the ordinance it had challenged. Here, the city had denied the permits based on Section 214—which outright blocked billboard applications—which hadn't been challenged.

Two private landowners contracted with NSMG to allow it to post signs on their property that would be visible from the nearby highway. These were meant to be expressive signs that would include artwork, event notices, flags, and political messaging.

The court also found that even if it had stricken each of the provisions NSMG challenged in this case, Section 214 would stand as it had independently prohibited the erection of signs. Thus, granting of the permits still wouldn't be likely.

THE BOTTOM LINE

The city denied NSMG's permit and variance applications because it determined that Section 214 prohibited the signs. "The district court merely drew the same conclusion—that the [c]ity denied the permits and variances because it determined that the signs were billboards. The court explicitly refrained from ruling on the accuracy of this determination, suggesting that [NSMG] should challenge the [c]ity's reading of Section 214 in state court if it desired to do so."

The appeals court stated that it wouldn't disturb that ruling. "Not only did the district court refrain from ruling on the issue, but also [NSMG's] one-count complaint challenges only the constitutionality of the other regulations. This lawsuit simply does not reach the [c]ity's underlying billboard determination."

Stop-work Orders

Inspector, township slapped with lawsuit alleging constitutional violations after entering property

Citation: *KEVIN R. LAMB Plaintiff-Appellant, v. SCOTT CROFOOT and TOWNSHIP OF JONESFIELD, Defendants-Appellees.*, 2025 WL 3232790 (6th Cir. 2025)

The Sixth U.S. Circuit has jurisdiction over Kentucky, Michigan, Ohio, and Tennessee.

Kevin Lamb wanted to build a greenhouse in his front yard, but the Township of Jonesfield, Michigan determined this would violate its local zoning ordinance. As a result, a township inspector entered Lamb's property to place a stop-work order.

According to Lamb, the inspector's actions violated the U.S. Constitution and Michigan law. He filed suit alleging claims against the inspector and the township. Specifically, he contended this rights under the Fourteenth and Fourth Amendment rights had been violated because the inspector had unlawfully entered his land and posted the stop work order and that the township's policies and practices were unlawful.

The lower court granted the inspector and township (collectively, the defendants) dismissal for failure to state a claim. It found that Lamb hadn't alleged a protected property interest in building a greenhouse in violation of municipal zoning requirements, so his Fourteenth Amendment claim failed.

The court also rejected Lamb's Fourth Amendment claim because the inspector's entry onto his land to post a stop work order wasn't a search or a seizure. And since there wasn't any constitutional violation, the court rejected his claim against the township. Additionally, it rejected an "as-applied" challenge to the zoning ordinance because the inspector's past actions were constitutional and Lamb lacked standing to bring a facial challenge.

Lamb appealed to the Sixth U.S. Circuit Court of Appeals.

DECISION: Affirmed.

The defendants didn't act unlawfully; Lamb could still legally use his front yard for many things—for instance, he could landscape, have a barbecue, play frisbee, for instance—but the ordinance expressly barred the "use . . . for greenhouse-building" and he didn't have any constitutional right to build one.

Procedural due process claim—The court dismissed Lamb's claim for a Fourteenth Amendment violation. He claimed he had been deprived of a property interest by not being allowed to build the greenhouse when the inspector tacked on the stop-work order.

Lamb didn't have a protected property interest in this respect, though. While Lamb believed he had the right to do as he wished with his property, the township was operating within the bounds of the law when restricting the usage per its ordinance, which barred the construction of an accessory structure in the front yard. Since Lamb didn't have a protected property interest, this claim failed.

Unreasonable search of his property—Lamb claimed that by entering his property without a warrant, the inspector had conducted an unreasonable search of his property, in violation of the Fourth Amendment. Yes, an inspection was a Fourth Amendment search, but even if the inspector's entry had been unlawful, he was protected by "qualified immunity," as the constitutional right Lamb claimed had been violated—i.e., warrantless zoning inspection—wasn't clearly established at the time of the alleged offense.

While Lamb believed he had the right to do as he wished with his property, the township was operating within the bounds of the law when restricting the usage per its ordinance, which barred the construction of an accessory structure in the front yard. Since Lamb didn't have a protected property interest, this claim failed.

Lamb tried to attach liability to the township, too, arguing that it was culpable given the inspector's unlawful actions. But where the other claims couldn't stand, neither could this one. The procedural due process and Fourth amendment search claims brought against the inspector lacked substance, and this ancillary claim against the city for municipal liability likewise failed.

Case Note:

Lamb also filed a state-trespass claim against the inspector and the township. The federal court declined to exercise supplemental jurisdiction over that claim.

RUILPA

Lengthy legal battle's most recent court ruling discusses constitutionality of village's "Places of Worship Law"

Citation: *Lubavitch of Old Westbury Inc. v. Konikov, U.S. District Court for the Eastern District of New York 2025 WL 3033744 (2025)*

Lubavitch of Old Westbury Inc. (Lubavitch), a religious organization, and its rabbi, sought to build a Chabad on land located in the Village of Old Westbury, New York. They alleged that the village thwarted that effort by adopting a

Places of Worship (POW) law, a land-use statute aimed at places of worship.

The litigation in this case had been ongoing for many years, and most recently, the village sought judgment without a trial.

The litigation in this case had been ongoing for many years, and most recently, the village sought judgment without a trial.

At issue was whether the village had continually blocked Lubavitch's efforts by the adoption and application of the POW land-use ordinance (Code 216-111.2), as well as the constitutionality of that provision.

DECISION: Request for judgment denied.

Lubavitch set forth sufficient material facts to overcome the village's request; the POW was facially invalid.

A CLOSER LOOK

The key issue for the court to address were whether the POW ordinance was constitutional on its face under the First and Fourteenth Amendments. This required an analysis of whether the POW violated the Free Exercise Clause and the Religious Land Use and Institutionalized Persons Act (RUILPA)—specifically by:

- imposing burdens on religious land use that weren't placed on comparable secular activities; and
- imposing a substantial burden on Lubavitch as a religious organization without a compelling governmental interest and without applying the restrictive means.

THE BOTTOM LINE

The court reasoned that the village's POW restriction on Lubavitch's ability to exercise its religious rights weren't imposed on comparable secular activities. In short, the village treated other non-residential, commercial development projects more favorably, which meant the POW wasn't "facially neutral" under the Free Exercise Clause.

Case Note:

Lubavitch also requested partial judgment in this case. The court granted its request since it ruled the POW was unconstitutional and facially invalid by depriving the organization of its right to freely exercise religion under the First Amendment.

Height Restrictions

Lawsuit challenges variance approval allowing beachfront home construction exceeding height variance by around one foot

Citation: *Sargent v. Zoning Board of Appeals of Town of Fairfield*, 236 Conn. App. 269, 2025 WL 3134219 (2025)

In May, 2011, trustees of the BBC Revocable Trust (collectively, BBC), applied for a variance from the 30-foot building height restriction set forth in the Fairfield, Connecticut zoning regulations to construct a single-family residence with a height of 31.33 feet on beachfront property located at 1623 Fairfield Beach Road in Fairfield, Connecticut. The proposed residence had a contemporary design including a flat roof, with a limited 128 square foot area that would exceed the maximum building height by 1.33 feet.

Gregory Sargent, an abutter, received notice of the BBC's application and didn't object to the variance.

After a hearing, the board unanimously voted to grant the requested variance, which was recorded on the land records on July 19, 2011.

But the BBC didn't begin construction of the proposed residence due to Hurricane Irene in August, 2011, Hurricane Sandy in October, 2012, and subsequent changes to the zoning regulations.

In 2013, the applicable regulations were amended to require that dwellings be built from a certain minimum height, or base flood elevation (BFE), in the beach district and the coastal high hazard zones, where the proposed residence was located.

Further, another code provision was amended to permit an increased maximum building height; specifically, in addition to the 30 feet already permitted, "one foot of additional height shall be permitted for every two (2) feet of vertical distance between existing average grade and the [BFE]."

In 2019, the BBC modified the design for the proposed residence. A new survey demonstrated that 2,000 square feet of the property had been lost and, therefore, the residence had to be made smaller. The modified plans included a pitched roof design rather than a flat roof design, and the size of the area that exceeded the height restriction increased from 128 square feet to 456 square feet.

In January 2020, the BBC submitted their materials to the town for approval. The town's zoning enforcement officer (ZEO) endorsed the modified plan and the new survey, in effect issuing a certificate of zoning compliance.

The zoning enforcement officer noted that he approved the proposed residence with a height of 34 feet, 1.625 inches, which had taken account the 1.33 feet from the 2011 variance.

Sargent first became learned of the certificate of zoning compliance in February 2020, and a month later, he appealed to the board from the decision of the ZEO.

On May 21, 2020, the board held a public hearing on

Sargent's appeal from the issuance of the certificate of zoning compliance.

At the hearing, Sargent argued that the BBC should have been required to obtain a new variance due to the changes set forth in the modified design. Specifically, he argued that the BBC's residence and the "very limited" size of the area would exceed the maximum building height set forth in the regulations and reflected in the application for the 2011 variance and the plans the trust submitted in support of the request.

Sargent contended that a flat-roof design was "part of" his "hardship" because the modified plan called for a pitched roof design, and the area that "was a small room utilized to access the rooftop deck has turned into an almost [24] foot by [19] foot floor, approximately 450 square feet."

The board ultimately voted to deny Sargent's appeal. It didn't provide a formal statement as to its reasons, and Sargent appealed to the lower court.

Before the lower court Sargent claimed that the board's decision upholding the issuance of the certificate of zoning compliance was illegal, arbitrary and an abuse of its discretion, and it was not supported by substantial evidence in the record.

The BBC intervened in the matter before the court found that the board had properly upheld the issuance of the certificate of zoning compliance. The court determined that the maximum building height of the residence was 34.48 feet—which included 33.15 feet pursuant to the local regulations (section 11.7) and 1.33 feet from the 2011 variance—and, therefore, the height of the proposed residence conformed to the regulations.

The court explained that the board had properly taken into account the 1.33 feet from the 2011 variance, rejecting Sargent's argument that the variance was conditioned on the original flat roof design and the limited area that would exceed the maximum building height set forth in section 11.7 of the regulations. Also, it rejected his argument that the variance was rendered moot by the amendment to section 11.7 providing for an increased maximum building height. Additionally, it found there was substantial evidence in the record to support the board's findings—specifically, testimony from the town planner explaining that the "magnitude" of the height variance hadn't changed.

That's when Sargent appealed once more.

DECISION: Affirmed.

The variance wasn't improperly granted.

The appeals division rejected Sargent's claim that the court had incorrectly concluded that the variance granted to the BBC in 2011 properly hadn't been properly considered in calculating the maximum building height of the proposed residence.

A CLOSER LOOK

The court rejected several of Sargent's arguments.

Sargent argued that certain conditions attached to the 2011 variance hadn't been met. The appeals court agreed with the lower court that no enforcement conditions had been attached to the variance because on the certificate of

variance—which had been filed with land records—the line where conditions could be designated had been left blank, and there weren’t ambiguities in the certificate itself;

He also contended that the modification from a flat- to a pitched-roof design rendered the original variance invalid or inapplicable as to the new design. But the variance had been properly considered concerning the maximum height calculation for the proposed residence as modified by the new roof design. The court added that the variance allowed for a deviation from the height limit that was not tied to a flat-roof design exclusively.

Finally, Sargent asserted that the court shouldn’t have relied on the town planner’s testimony because he had reached improper legal conclusions. However, the court found there was substantial evidence to support the court’s findings. While Sargent disagreed with the weight the court placed on that official’s testimony, that didn’t mean there wasn’t substantial evidence to back it up.

Permissible Uses

Question arises as to whether developer should be allowed to construct sidewalk to connect apartment complex to public road

Citation: *Bluffs at Gull Lake LLC v. Township of Ross*, 2025 WL 2693107 (Mich. Ct. App. 2025)

Ross Township determined that Bluffs at Gull Lake LLC (Bluffs) couldn’t construct a pedestrian pathway on a portion of its property.

The Ross Township Zoning Board of Appeals (ZBA) affirmed the township’s position, but the lower court reversed the ZBA’s decision and ordered that Bluffs be permitted to construct the pedestrian pathway. The township appealed.

DECISION: Affirmed.

The lower court didn’t err by reversing the ZBA’s decision.

Here, the township argued that the lower court erred by finding that Bluffs was permitted to construct the pedestrian pathway on the R-1 zoned portion of the property and that it should have deferred to its decision-making authority as it related to local land use given the plain wording of a Michigan law that acknowledged a governmental interest in limiting overcrowding and congestion (M.C.L. 125.3201(1)).

“In this case, however, the primary issue involves the application of uncontested facts to the Ordinance, a question of law” to be reviewed by the appeals court “de novo.”

“The Legislature ha[d] granted municipalities the authority to regulate land use through zoning,” and an argument could be made that if a statute defined a given term, then that definition controlled.

According to the township, since the pedestrian trail wasn’t identified as a permissible use under R-1 zoning, it had to be deemed an excluded use.

Bluffs countered that the trail wasn’t a “use.” It was “an accessory use to an otherwise proper R-3 use, i.e., the apartment complex.” It relied on case law where a city had

rezoned an industrial property. And when the plaintiff in that case applied for building permits to construct a new storage facility and a second story on an existing building to serve as a drafting office, the city denied the request, and the zoning board of appeals denied the appeal.

In that case, the Supreme Court of Michigan found that the plaintiff had engaged in different operations in the differently zoned portions of its property, and the individual operations were “substantially conforming” with the requirements of each zone. In reaching its conclusion, the court relied on testimony demonstrating that the drafting room and storage facility “[i]n and of themselves” were permissible in the zones in which the plaintiff sought to build them. The city, however, opposed the construction because steel fabrication was not a permitted use in the district.

PRACTICALLY SPEAKING

The court found that the proposed pathway wasn’t a “principal use” of Bluffs’ property; it was an incidental feature connected to its main apartment complex.

THE BOTTOM LINE

The township’s argued “when a sidewalk [wa]s connected to an R-3 zoned property ‘for the purpose of allowing that high-density residential traffic to move across it,’ then the sidewalk ‘bec[ame] part of the high-density use.’ ” “The Township d[id] not argue, however, that all sidewalks constitute[d] high-density residential use,” the court wrote.

Bluffs argued that the applicable ordinance didn’t “explicitly acknowledge the use of any pedestrian walkways in residential districts. In fact, section 8 of the [o]rdinance does not list sidewalks under the ‘Permitted Uses’ of R-3 zoned property; but it does require, under ‘Conditions and Limitations,’ that multiple-family dwellings include sidewalks ‘between all off-street parking areas and the multiple family dwellings they serve.’ ”

“Section 6 [of the ordinance] does not contain the same requirement for R-1 zoned properties, but the inclusion of sidewalks in section 8 as a condition and requirement in some circumstances, rather than a *use*, demonstrates that the proposed pathway is not a ‘use’ as contemplated by the permissive zoning concept,” the court wrote.

While the ordinance “follow[d] permissive zoning, only permitting uses that [we]re explicitly identified, the pathway d[id] not constitute a ‘use’ for purposes of permissive zoning” and was “incidental and subordinate to the principal use of the main building or lot.”

CASE NOTE

The township argued a presumption existed that the ordinance was constitutional and that it was Bluffs’ burden to show that the regulations didn’t have a “real substantial relation to a proper purpose.” But Bluffs didn’t need to show that the ordinance was unconstitutional to be permitted to build the pathway. “Instead, [Bluffs] correctly point[ed] out that, under the [o]rdinance as written, it ha[d] the right to build a pedestrian pathway across the R-1 zoned portion of its property.”

Case Snapshot:

This case concerned the township's zoning ordinance covering "permissible uses." Bluffs' property was zoned low-density residential (R-1). It wanted to build a sidewalk for pedestrians on the R-1 segment, which connected its mail apartment complex to a public road. The complex was zoned high-density residential (R-3).

The case cited is *Anchor Steel & Conveyor Co. v. City of Dearborn*, 342 Mich. 361, 70 N.W.2d 753 (1955).

Around The Nation

Alabama

Mobile examines proposal to update Downtown Development District ordinance

The City of Mobile, Alabama is considering a proposal to amend its Downtown Development District zoning ordinance, which focuses on redevelopment and growth in its city hub. The goal of the proposed updates is to make the DDD ordinance easier to comprehend. This is not a proposal to change the district's intent, the city explained.

Proposed changes would break text out into grouped sections, along with table and graphics, to help users navigate issues, including frontage design, development, landscaping, parking, signage, and sub-districts.

Additional information can be found at mapformobile.org/udc/ and at mapformobile.org/wp/wp-content/uploads/2025/09/2025-09-18-BH_DDD-update.pdf.

In other news out of Mobile, the city has adopted new requirements for vacant properties downtown. The move signifies its push to "revitalize[e] . . . the city's urban center and improve public safety."

By a 5-1 vote, the Mobile City Council approved this ordinance, which requires owners of vacant downtown properties to:

- register those buildings with the city;
- pay an annual registration fee; and
- meet stricter security and maintenance standards.

"Revenue generated from these registrations will support blight remediation and redevelopment efforts downtown," the city said. "Under the adopted ordinance, vacant property owners must secure all doors and windows, maintain a monitored fire alarm system, ensure safe access for first responders, and carry adequate liability insurance. They must also maintain exterior lighting, ensure their building's plumbing is functional, and take steps to prevent pest infestations and other hazards," it added.

The goal, the city said, is to use the ordinance "to improve safety for residents and first responders, support downtown redevelopment, and encourage owners to better maintain their properties and return them to productive use. Similar ordinances are used in cities around the country, and the City of Mobile's was developed based on best practices in other communities and in collaboration with local first responders."

The requirements, which will apply to vacant structures

inside the Henry Aaron Loop that have been unused or unoccupied for more than six months, takes effect in May 2026.

Source: cityofmobile.org

Arizona

Kingman announces planning and zoning commission vacancy

The City of Kingman, Arizona is seeking to fill a vacancy on its planning and zoning commission, which provides recommendations to the City Council on matters related to land use, zoning, and community development and meets the second Tuesday of each month at 5:00 p.m.

Applications may be submitted at serve.cityofkingman.gov or by contacting the city clerk's office at (928) 753-8102.

Source: thebee.news

Nebraska

Company files suit against Cherry County Board of Adjustment over conditional use permit

The Cherry County, Nebraska Board of Adjustment (BoA) recently upheld a zoning administrator's (ZA) finding that BSH Gilmore (BSH) wasn't in compliance with a conditional use permit concerning its Kilgore wind-energy project. Now BSH has filed suit against the county.

Michael Knapp, BSH's senior vice president of operations, said in a press release published on the *North Platte Post* that the company had no choice but to file suit. "Exercise of our conditional use permit is a fundamental property right, and the Board of Adjustment has acted to revoke this right without basis in law. The fact that the council members did not take the time to state reasons for their votes, until after they voted, further underscores the procedural deficiencies," Knapp stated.

BSH said it had "consistently maintained its compliance with all permit conditions. In October 2024, [it] presented documentation to the Cherry County Board of Commissioners demonstrating its compliance with all 12 conditions of approval, which the County Board did not dispute at the time. Construction of the wind farm has been delayed by ongoing litigation, and the 44 months of prior litigation likewise 'equitably tolled' all development deadlines—a fact expressly acknowledged on the record by the County's own counsel."

Source: northplattepost.com

New Hampshire

North Hampton reviews zoning code amendments for inclusion in 2026 Town Warrant

The Northampton, New Hampshire Planning Board recently held a public hearing to review amendments to the local zoning ordinance for inclusion on the 2026 Town Warrant.

Proposed amendments address inclusionary housing. "The intent of the proposed revision is to encourage and provide realistic and reasonable opportunities for the development of Workforce Housing in the Town of North Hampton," the town stated.

Specifically, current zoning ordinance language would be revised to reflect "Workforce Housing Ordinance." It would

also define “Workforce Housing alternatives” and permitted methods of Workforce Housing development. And it would address yard and lot requirements and allowed density within a Workforce Housing development. Further, it would establish procedures to certify purchaser/renter income levels and assure continued affordability of Workforce Housing units.

In other news, Bedford, New Hampshire recently announced a period for “citizen petition zoning amendments,” which ran from November 10 to December 10, 2025. “Anyone interested submitting a petition is encouraged to contact the Planning Department for assistance,” the town explained.

Sources: bedfordnh.org; northhampton-nh.gov

North Carolina

Richmond invites public to review zoning ordinance “refresh”

The City of Richmond, North Carolina has released a second draft of its zoning ordinance, it says are designed to improve transportation in the area. It also held a hearing on its “Shockoe Valley Streets Improvement Project” and scheduled open houses/feedback sessions so people could meet with city planners.

The city’s “Code Refresh” is the result of “Richmond 300,” a master plan (which can be found at rva.gov) it adopted in 2020 that addresses future land use through 2037. The proposed zoning code updates would rewrite land uses, representing the first major update since the 1970s.

More specifically, the revamp would permit a larger range of housing types and dwellings, expand the range of mixed-use compatibility in those areas, and better align land use with highway and transportation plans by focusing on building placement in a way that makes pedestrian safety a priority—all while keeping the historical character and architecture of the area.

Additionally, the rewrite would combine various zoning

districts, streamlining a total of 30 zoning districts currently in effect.

As of print time, the Code Refresh advisory council was set to meet in mid-December.

For more on Code Refresh, visit rva.gov/coderefresh. To view a draft of the interactive zoning map, visit app.atlas.co/shared/I8Qyj4dPdVO11HYQAGTm. As of print time, feedback on the proposed design was being accepted through December 5, 2025 with comments being submitted on Shockoe Valley Streets project website (shockoevalleystreet.com) or emailed to project manager Adel Edward at Adel.Edward@rva.gov.

Source: shockoevalleystreets.com; rva.gov

Virginia

Leesburg release second draft of zoning ordinance

The City of Leesburg, Virginia recently released its second draft of a zoning ordinance that addresses the city’s “Crescent District,” tree canopy preservation, signs, and attainable housing.

“Rewriting the Zoning Ordinance is a large task and we are excited to reach this latest milestone of releasing a complete draft that reflects public and planning commission input,” Leesburg Director of Community Development James David stated. “There is still work to be done and more review and feedback from members of the community will make the next draft of the ordinance even stronger,” David added.

For general information about this zoning ordinance rewrite proposal, visit leesburgva.gov/zoningordinancerewrite. To view the draft, visit online.encodeplus.com/regs/leesburg-va. And to access the planning commission’s work session schedules and meeting packages, visit leesburgva.gov/pc.

Source: leesburgva.gov



COLLEGE TOWNSHIP
MUNICIPAL OFFICES

1481 E COLLEGE AVE, STATE COLLEGE, PA 16801 ■ TELEPHONE: (814) 231-3021 ■ WWW.COLLEGETOWNSHIP.ORG

January 27, 2026

Ms. Peggy Ekdahl
1300 Oak Ridge Ave.
State College, PA 16801

Dear Peggy,

We are pleased that you are continuing your service as a member of an Authority, Board, and Commission in College Township. At their January 5, 2026, Reorganization Meeting, College Township Council authorized your reappointment to a four-year term on the Township's Planning Commission with a term expiration date of December 31, 2029.

On behalf of College Township Council, please accept our sincere appreciation for the significant time you donate as a valued member of the College Township Planning Commission.

Sincerely,

Katy J. VanAmburg
Assistant Township Secretary

cc: PC



COLLEGE TOWNSHIP

MUNICIPAL OFFICES

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January 27, 2026

Mr. Suleman Din
276 Whitehill St.
PO Box 463
Lemont, PA 16851

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Sincerely,

Katy J. VanAmburg
Assistant Township Secretary

cc: PC