

ANDREW SCHNEIDER and  
SHIVAKUMAR KAPSI,  
Plaintiffs

v.

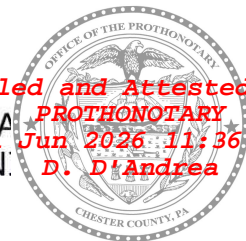
EAST WHITELAND TOWNSHIP  
BOARD OF SUPERVISORS, EAST  
WHITELAND TOWNSHIP,  
SENTINEL GREEN FIG, LLC and  
SENTINEL GREEN FIG II, LLC,  
Defendants

IN THE COURT OF COMMON PLEAS  
CHESTER COUNTY, PENNSYLVANIA

NO. 2026-03896-CS

CIVIL ACTION

Filed and Attested by  
PROTHONOTARY  
11 Jun 2026 11:36 AM  
D. D'Andrea



**ORDER**

AND NOW, this 11<sup>th</sup> day of June, 2026, upon consideration of the Green Fig Entities' Motion to Quash Appeal and the answer thereto, it is hereby ORDERED and DECREED that the Motion is GRANTED.<sup>1</sup>

BY THE COURT:

  
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Anthony T. Verwey, J.

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<sup>1</sup> Appellants have filed what they purport to be a land use appeal as permitted by Pennsylvania's Municipalities Planning Code (MPC). They claim four errors as follows:

- a. The purported continued effectiveness/validity of a Resolution for Conditional Approval granted August 14, 2024;
- b. The approval and recording of a Final Land Development Plan for the Data Centers (Book 21572 Page 2);

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- c. 90-day waiver letter signed by Zach Barner dated March 11, 2026. Book 21572 Page 1); and
  - d. Ratification of Final Plan that failed to meet the Conditions of Approval.

Notice of Appeal ¶ 9. The MPC makes clear that “[t]he procedures set forth in this article shall constitute the exclusive mode for securing review of any decision rendered pursuant to Article IX or deemed to have been made under this act.” 53 P.S. § 11001-A.

The MPC defines the term “decision” as a “final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.” The term “adjudication” is not defined in the MPC. Therefore, the Court may use a dictionary definition to aid in construing this term. *Cf., Adams Outdoor Advertising, L.P. v. Zoning Hearing Bd. of Smithfield Twp.*, 909 A.2d 469, 483 (Pa.Cmwlth. 2006) (finding that it was appropriate for zoning hearing board to use of dictionary to define undefined term in ordinance). “Adjudication” is defined as “the formal giving or pronouncing a judgment or decree in a cause.” Black’s Law Dictionary 39 (5<sup>th</sup> ed. 1979). Appellants cite not a single case to support the proposition that any of the four “errors” are appealable. This is likely because no such citations exist.

None of the four “errors” complained of by Appellants constitutes a decision subject to review by this Court. Appellant Schneider stated, on the record, that “[t]here can be a preliminary approval and then there's the resolution approval and everything in that resolution, you know, if we knew about it. **We couldn't have appealed because there were no deficiencies.**” N.T. 6/4/26 at 36 ln. 8-12 (emphasis added). Despite this acknowledgment, Appellants are attempting to collaterally attack an approval, that had “no deficiencies.” The appeal, filed well out of time, is frivolous. As our Commonwealth Court so eloquently stated, “[w]e must agree with the trial court that to allow an appellant to proceed with an appeal filed a full year after a deemed approval is **unreasonable in practice and unjustified in principle and would result in an unworkable planning process.**” *Hallett's Wood Homeowners' Ass'n v. Upper Mt. Bethel Twp. Plan. Comm'n*, 688 A.2d 748, 751 (Pa.Cmwlth. 1997) (emphasis added) (affirming denial of intervention and appeal filed more than 30 days after development plan was deemed accepted). Accordingly, the appeal will be quashed.