



IN THE ZONE

WITH ROB GUNDLACH

Winter 2023

Chairman's Message

What an exciting time to be a Philly sports fan!

Those are the very same words I used to introduce the last issue of this newsletter as all of us were cheering on the Phillies in the World Series and the Eagles were already enjoying their most winning season in history. And now we're planning our menus for this Sunday's Super Bowl parties.

As you can see below, the Zoning & Land Use group at Fox and some of our clients are also riding the crest of a winning season. Despite the headwinds of an unpredictable economy, the real estate and development markets remain resilient and we are poised and ready to assist clients in taking advantage of any number of exciting opportunities.

I always like to hear what folks think of the newsletter. Send me a note about your favorite item or something you would like to see included in the future.

Go Eagles!

Stay well,



Rob Gundlach

 **Client Spotlight**

Keystone's 'Sora West' Project Brings Hotel, Corporate Headquarters to Conshohocken

Fox client Keystone Development and its president, Bill Glazer, made headlines recently

for a new project in Conshohocken Borough named “Sora West” that features an 11-story office building for the headquarters of Amerisource Bergen Corp., a 127-bed Hilton hotel and a new restaurant in a historic firehouse. The Zoning & Land Use group of Fox Rothschild was pleased to represent Keystone in obtaining the required permits and approvals for this project, including amendments to the borough’s zoning ordinance.

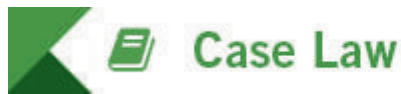
Read more at these links:

- Philadelphia Inquirer
[New \\$400 million plaza turns Conshohocken into a headquarters town](#)
- Philadelphia Magazine
[A Look Around Conshohocken’s First Upscale Hotel](#)
- Philadelphia Business Journal
[Inside West & Main, Conshohocken's First New Hotel In 20 Years](#)

Zoning Board Approves Doylestown Craft Winery and Bistro

Fox client Worth & Worth also celebrated a win this fall when Doylestown Borough’s Zoning Hearing Board granted a use variance that will allow Waters Edge Wineries of California to open a craft winery and bistro on North Main Street. The applicant advised the ZHB that the building is an ideal location because it is adjacent to similar uses across the street in the Borough’s central commercial zoning district. Rob Gundlach and Daniel Lyons represented Worth & Worth on this project.

Read news coverage of the project [here](#).



Case Law

Commonwealth Court Finally Resolves the Pending Ordinance Doctrine

Applicants can still file subdivision and land development applications prior to the effective date of an ordinance amendment that either rezones their property or proposes text amendments that would adversely impact their proposed use and development, the Pennsylvania Commonwealth Court has ruled.

[Read More](#)

Variances Upheld by Appellate Court Due to Evolving Hardships

A church in Wayne County won the right to expand its parking lot when the Pennsylvania Commonwealth Court agreed that conditions had changed over time and created hardships that justified its requests for dimensional variances.

[Read More](#)



News

Land Development Approvals Granted for Projects in Warwick and Doylestown Townships

Attorneys in the Zoning & Land Use group of Fox Rothschild secured approval for Doylestown Country Club in Doylestown Township to develop a 5,000-square-foot clubhouse addition and expansion and reconfiguration of the existing parking lot. In association with the project, we also previously applied for and were granted a series of zoning variances to permit the expansion of the parking lot. Preliminary and final approval

was granted in a single application.

Similarly, we secured preliminary and final land development approval for a 10,000-square-foot warehouse facility in Warwick Township. The project includes a parking lot and associated improvements for a light manufacturing, warehousing and office use.

Pro Bono Work for Habitat for Humanity's Newest Homeowners



Robert Kravets, a member of the Fox Zoning & Land Use group in Warrington, represented Jenny Koszarek in her purchase of a home from Habitat for Humanity of Bucks County. The home was the 125th built by HHBC, and the first in a new model called a “land trust” in which the homebuyer ground leases the land from HHBC and buys only the house.

This model allows the homebuyer to purchase the house for significantly less than the cost of a typical single-family home. The financial structure also allows HHBC to retain ultimate ownership of the land, and look for an “income-qualified person” to buy for the maximum “affordable resale price.” Due to the unique nature of the land trust model, HHBC required Jenny to be represented by counsel in her review of the ground lease. Robert happily volunteered and intends to continue to offer pro bono assistance to future homebuyers entering the land trust model. The dedication of the new home to Jenny occurred in November 2022 and was a joyous and well-attended event. Robert is pictured above with Jenny and her two sons.

Read more at these links:

- Lower Bucks Times
[**Habitat for Humanity 125th Home Dedication in Bristol**](#)
- BucksCo.Today
[**Warminster Organization Celebrates Dedication of 125th Affordable Home**](#)

Gov. Wolf Commends Fox's Joel Bolstein



PA Gov. Tom Wolf (center) commended Fox Rothschild Partner Joel Bolstein (left), who serves as Chair of the Pennsylvania Human Relations Commission, for securing approval from the PA Independent Regulatory Review Commission of a regulatory package that protects LGBTQ individuals from discrimination in employment, housing, education and public

accommodations. Joel also joined PHRC Executive Director Chad Dion Lassiter (right) to present an award to Gov. Wolf on behalf of PHRC for his courage in fighting for equality for all.

PA Expands Discrimination Protections: What You Need to Know

Landlords, realtors and property management companies are among those affected in Pennsylvania's recent expansion of state law protections against discrimination in housing, employment, education and public accommodations.

[Read More](#)

Navigating Prevailing Wage Laws and the Davis-Bacon Act

WEBINAR - February 15, 2023 at 12 pm EST

On public works projects, the Davis-Bacon Act of 1931 is a federal law that establishes the requirement for paying the local prevailing wages for laborers and mechanics. Join Fox Rothschild attorney Mark Tabakman to learn the ins and outs of navigating the nuances of prevailing wage laws, the Davis-Bacon Act and parallel state laws.

Register [here](#) for this complimentary one-hour webinar.

Resource Center

Deferring Capital Gains Through a Section 1031 Exchange

Using a properly structured 1031 exchange, an investor may sell a property, reinvest the proceeds in a new property and defer all capital gains taxes. Pamela A. Michaels is an attorney and Senior Vice President of Asset Preservation, Inc. since 2004. She specializes in guiding attorneys, CPAs, investors, financial advisors and other real estate professionals through the regulations and requirements of IRC Section 1031. Review the [slides](#) from her recent presentation on the topic of "1031 Pitfalls and Strategies In 2023 For Investors and Real Estate Professionals."



If you have questions or want information about how to best prosecute zoning and land use appeals, or if you are looking for assistance with your next real estate transaction, please contact **Rob Gundlach** at **215.918.3636** or rgundlach@foxrothschild.com.

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