

In the Zone

with Rob Gundlach

Spring 2025

Chairman's Message

I hope this note finds you well and enjoying the spring weather.

In this issue, our lawyers look at some zoning questions making their way through the Pennsylvania courts, including two new appellate rulings that help clarify how steep is *too* steep and when a parcel is truly bisected under the law. We also highlight a recent easement-by-estoppel case that turns on decades of neighborly silence, plus a few planning takeaways for developers working with overlay districts.

On the business side, we touch on new SEC rules around accredited investor verification, smart strategies for navigating loan workouts, and a timely economic outlook presented by Moody's at a packed-house industry forecast event.

Also included is a presentation on the condemnation/ eminent domain process that was prepared by Marc Needles. Our firm has a very active condemnation practice, with several cases being prosecuted in the courts, both as to damages claims and objections to takings. Feel free to call us if you find yourself in a position where your land is the target of a taking.

For those of you who were unable to join us at Buffalo Wild Wings for the first round of NCAA Basketball Tournament, we share some photos of this annual get-together. The party grows every year, so I hope we see you in 2026!

I also hope to see you sometime soon — either at the Mid-Atlantic Self Storage Conference in Atlantic City or another upcoming event. If there's something you would like to see in an upcoming issue of this newsletter, please reach out to me. My contact info is below.

Stay well,

Rob Gundlach

Alerts

When Is a Slope Too Steep? A Pair of Appellate Rulings Draws the Line

By Daniel Lyons

A pair of recent decisions from the Pennsylvania Commonwealth Court take on a familiar zoning challenge: whether steep-slope restrictions can — and should — be flexed to accommodate proposed development.

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Decades of Use Give Rise to Easement in Dispute Over Road

By Hannah Soisson

The court affirmed an easement by estoppel in favor of a landowner whose only access to their wooded parcel was via a dirt road that crossed a neighbor's private property. No one had objected — until the neighbor installed a locked gate in 2018.

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SEC Sets New Accredited Investor Standards

By Arina Shulga

The SEC hopes to make access to capital easier for companies and private funds by introducing a simplified alternative for investor verification in Rule 506(c) private placements.

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Commonwealth Court Rejects 'Bisected Tract' Claim

By Hannah Soisson

The appellate panel's decision offers important guidance for developers working with overlay districts and highlights the need for precision in zoning interpretations and land development planning.

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Guest Contributor

Loan Workouts: It Gets Late, Early

By Shlomo Chopp, Case Equity Partners

Real estate loan workouts are among the most challenging negotiations a business owner can face. Early, detailed planning is not merely advisable — it's critical.

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Resources

Eminent Domain From 30,000 Feet

Fox Real Estate Partner Marc Needles offered a sky-high view of ground-level battles in his recent course on eminent domain. Whether you're a landowner facing a taking or just curious about how the government can lawfully snatch up private property, this demystifies the complex world of eminent domain. From just compensation to relocation headaches and those dreaded "inverse condemnations," Marc walks through the law, the loopholes, and what happens when "public purpose" feels a little too personal.

[View the Presentation](#)

The 2025 Commercial Real Estate and Economic Outlook

The SIOR Philadelphia Chapter recently held an Economic Forecast seminar in partnership with PA/NJ/DE CCIM Chapter, CREW Greater Philadelphia and IREM Delaware Valley Chapter. Many of those in the sellout crowd of 180 attendees asked for the presentation deck from Moody's. If you share any data from this deck, please credit Moody's accordingly.

[View the Presentation](#)



Events



College Basketball at Buffalo Wild Wings

Thanks to all who joined us in Bucks County to kick off the start of the NCAA Tournament! We enjoyed seeing everyone in their team hats at our annual event. We nearly closed out the restaurant! Left photo: Nicholas Balkowski (Associate at Brook Hastings), Dan Humes (client), Fox Associates Jenna Kasman and Hanna Soisson and Erin Lalli (Bohler Engineering). Right photo: Fox Partners Rob Gundlach, Joel Bolstein and Carrie Nase-Poust.



Mid-Atlantic Self Storage Conference

Atlantic City – Tues., May 20 and Wed., May 21

We hope to see you at SSA’s Mid-Atlantic Conference and Trade Show in Atlantic City! Partners Rob Gundlach and Dan Lyons will be at the conference. Feel free to connect with us at the Fox booth if you are attending the event. Visit the [Conference website](#) for more information and to register.

If you have questions about how best to proceed with zoning and land use applications and 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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