

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Stephen Bates and Heather Forster	:	
	:	
v.	:	
	:	No. 984 C.D. 2025
North Fayette Township and Range	:	
Resources - Appalachia, LLC	:	
	:	
Appeal of: Stephen Bates, Ashley	:	
Bianchi, Jennifer Black, Jennifer	:	
Danzuso, Robert Danzuso,	:	
Heather Forster, Rachel Main,	:	
Diane McLaughlin, Logan Miller,	:	
Nicole Miller, Deborah Morelli,	:	
Nicholas Morelli, Christina Murphy,	:	
Aaron Ray, Peter Scully, Shannon	:	
Smith, Vincent Smith, Vincenzo	:	
Smith, Mary Ellen Thompson,	:	
Richard Thompson, Amanda	:	
Van Wagner, Aria Van Wagner, and	:	
Juliana Van Wagner	:	Argued: June 16, 2026

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE MATTHEW S. WOLF, Judge
HONORABLE MARY HANNAH LEAVITT, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
JUDGE WOLF

FILED: August 25, 2026

Stephen Bates and Heather Forster (collectively, Objectors) appeal a June 30, 2025 order of the Court of Common Pleas of Allegheny County (trial court). The trial court's order quashed Objectors' appeal from a decision of the North

Fayette Township (Township) Board of Supervisors (Board) that approved Range Resources – Appalachia, LLC’s (Range) conditional use application to construct an oil and gas well pad on the basis that Objectors lacked standing under Section 1002.1-A(c) of the Pennsylvania Municipalities Planning Code (MPC).¹ Concluding that the trial court did not err in quashing Objectors’ appeal, we affirm the trial court.

I. BACKGROUND

On June 26, 2024, Range filed an application for a conditional use to operate an unconventional oil and gas well pad on a 14.1-acre lease parcel on what is commonly known as the Semerod farm property, situated on Seabright Road in the Township. Original Record (O.R.) at 120.² Per the Township’s Zoning Ordinance, oil and gas wells are permitted as a conditional use in all Township zoning districts, including the R-2 Residential District where the Semerod farm property lies. North Fayette Township Zoning Ordinance, Chapter 27, Ch. § 27-305.6 (Table I, Table of Authorized Principal Uses). Range’s stated purpose for the well pad was for the extraction of shale gas. O.R. at 120.

On August 1, 2024, the Township’s Planning Commission reviewed Range’s conditional use application as an agenda item at its monthly meeting and recommended approval of the Application, with conditions, to the Board. O.R. at 394-96. The Board held a hearing on Range’s application on August 27, 2024. *Id.* at 406. Notice of the hearing was posted in the *Pittsburgh Post-Gazette* on August 11, 2024, and August 18, 2024, as well as along the street frontage at the subject property. *Id.* at 26, 406-07. The hearing was open to public comment, which was

¹ Act of July 31, 1968, P.L. 805, *as amended*, added by the Act of July 4, 2008, P.L. 319, 53 P.S. § 11002.1-A(c).

² Due to various paginations in the Original Record, the citations refer to the Portable Document Format pages.

limited to three minutes per speaker. *Id.* at 445. Speakers were required to swear in before making statements. *Id.*

Several individuals testified against Range's conditional use application at the hearing, including Objector Bates, who noted his concerns with hazardous air pollutants, water degradation, economic loss, increased traffic and safety issues, and seismic issues. O.R. at 433-34. Objector Bates attempted to speak again but was informed he had exhausted his three minutes. *Id.* at 445. Objector Forster also spoke, relaying her history of dealing with fracking in her home state of West Virginia, and asking what recourse property owners have if fracking destroys the community. *Id.* at 446-47. Ultimately, the Board allowed Objector Bates to speak a second time for one minute, where he questioned whether Range gave any consideration to a community monitoring program wherein residents could lodge complaints about potential issues. *Id.* at 449. A representative of Range responded that it had not, but it was something the company could look into. *Id.* at 450.

Towards the close of the public comment portion of the hearing, Range's counsel lodged a standing objection to granting party status to any speaker who did not live within half a mile of the site and provided a map as an exhibit that showed and listed properties that were within half a mile. O.R. at 455-56, 461-64.

Objectors also appeared at the subsequent meeting of the Board on September 24, 2024, and expressed concerns as to procedure of the August 27th hearing, and environmental impact stemming from the proposed well pad. O.R. at 496, 515-17. Specifically as to procedure, Objector Bates asserted that the residents were denied a chance to request objector status at the August 27th hearing. *Id.*

On October 8, 2024, the Board approved Range's conditional use application, subject to various conditions. In its decision, the Board concluded that

Range had met its burden in proving the permissibility of its proposed conditional use, shifting the burden to “objectors to demonstrate with a high degree of probability that the proposed use will substantially affect the health and safety of the community.” O.R. at 31. The Board ultimately concluded that the objectors had failed to meet that burden after having been “provided a full and fair opportunity to testify, comment and pose inquiries to [Range’s] representatives and to the Board regarding the Application and related matters” and that Range had shown “that its proposed activities and operations [will be] conducted in strict compliance with all applicable federal and state laws and regulations, [and] Township Ordinances[.]” *Id.* at 32.

On November 7, 2024, Objectors filed a statutory appeal of the Board’s decision to the trial court. Therein, Objectors raised various procedural complaints including the posting of the August 27, 2024 hearing and the nature and conduct of the hearing itself. They alleged they were not informed of their ability to present witnesses or otherwise act as parties at the hearing, were constrained by the three-minute speaking limit, and “were denied their due process rights and opportunity to be heard as required by PA local agency law.” O.R. at 5-6. They further stated that due to these alleged deficiencies, an additional hearing open to the public should have been held. *Id.* at 5.

Range filed a Notice of Intervention in the trial court on December 2, 2024, and subsequently a Motion to Quash Land Use Appeal (Motion to Quash) on February 3, 2025, challenging Objectors’ standing. O.R. at 103, 565-70. Range maintained that Objectors, who reside at the same address, live over two miles from the proposed well pad, and have failed to assert a substantial, direct, or immediate

interest to confer standing. *Id.* at 568-70. The Township filed a Notice of Joinder in support of Range's Motion to Quash. *Id.* at 573.

On February 26, 2025, Objectors' counsel filed a Notice of Intervention in which 17 additional individuals³ attempted to intervene to join Objectors' appeal. O.R. at 585. Range filed a Motion to Strike this Notice of Intervention, which the Township joined. *Id.* at 619, 630. On April 28, 2025, Objectors' counsel filed a second Notice of Intervention in which an additional six individuals⁴ attempted to intervene to join Objectors' appeal. *Id.* at 637. Objectors also filed a Response in Opposition to Range's Motion to Strike. *Id.* at 647.

On June 30, 2025, the trial court "quashed/denied" Objectors' appeal, finding that Objectors lacked standing. The trial court stated:

Objectors reside too far from the Semerod site to be granted standing on proximity alone. Further, Objectors have not pled or demonstrated any site-specific concerns related to their property that is required of an aggrieved party. At the hearing, Objectors expressed only general concerns about potential harm to communities and health relating to the use for which approval was sought. Objectors have not demonstrated that they meet the definition of an aggrieved party under MPC Section 11002.1-A and therefore do not have standing to appeal.

Trial Court Opinion at 4. The trial court further found that Objectors' standing defect could not be cured by the attempted intervenors' belated petitions to intervene, even where certain intervenors may have standing on their own, citing this Court's

³ Identified as Rachel Main; Nicholas and Deborah Morelli; Richard and Mary Ellen Thompson; Diane McLaughlin; Robert and Jennifer Danzuso; Peter Scully; Nancy and Paul Niederle; Shannon, Vincent and Vincenzo Smith; Ashley Bianchi; Jennifer Black; and Aaron Ray.

⁴ Identified as Amanda VanWagner, Aria VanWagner, Juliana VanWagner, Christina Murphy, and Logan and Nicole Miller.

decision in *Northampton Residents Association. v. Northampton Township*, 322 A.2d 787, 791-92 (Pa. Cmwlth. 1974). *Id.* at 4-5. The trial court alternatively reasoned that even if Objectors did have standing their appeal was without merit. The trial court found that (1) the public hearing on Range’s conditional use application was properly noticed, (2) there was no error in how the Board’s chair conducted the August 27th hearing, and (3) no additional public hearing was necessary prior to the Board voting on Range’s conditional use application. *Id.* at 5-7.

Objectors timely appealed⁵ the trial court’s decision to this Court. On January 16, 2026, Range filed an Application for Relief to Quash Appeal (Application to Quash), asserting that Objectors lack standing and have failed to comply with the Pennsylvania Rules of Appellate Procedure in the filing of their appeal. By Order dated March 30, 2025, this Court listed Range’s Application to Quash for disposition with the merits of the appeal.

II. RANGE’S APPLICATION TO QUASH

In its Application to Quash, Range contends that Objectors lacked standing before the Board and trial court and therefore lack standing to bring the instant appeal. However, quashal is generally reserved for circumstances in which the order below is unappealable (such as an interlocutory order) or the court lacks jurisdiction. *See Sahutsky v. H.H. Knoebel Sons*, 782 A.2d 996, 1001 n. 3 (Pa. 2001). Jurisdiction and standing are distinct concepts. The former “relates to a court’s power to hear and decide a case.” *Housing Auth. of City of Pittsburgh v. Van Osdol*,

⁵ “This Court’s standard of review of the trial court’s order granting a motion to quash [an] appeal is limited to [determining] whether the trial court committed an error of law, an abuse of discretion, or a violation of constitutional rights.” *Alma v. Monroe Cnty. Bd. of Assessment Appeals*, 83 A.3d 1121, 1123 n.3 (Pa. Cmwlth. 2014) (quoting *Ray v. Brookville Area Sch. Dist.*, 19 A.3d 29, 31 n.3 (Pa. Cmwlth. 2011)).

40 A.3d 209, 213 (Pa. Cmwlth. 2012). The latter, on the other hand, relates to whether a person who seeks to challenge a determination is sufficiently aggrieved thereby. *Id.* Our Supreme Court has explained that “[w]hether a party has standing to maintain an action is not a jurisdictional question.” *Beers v. Unemployment Comp. Bd. of Rev.*, 633 A.2d 1158, 1160 n. 6 (Pa. 1993). While framed as an Application to Quash, Range has not alleged any jurisdictional impediment to this Court’s review, and we have found none. Rather, what Range truly seeks is a favorable appellate review of the trial court’s conclusion that Objectors lacked standing. Quashal is simply not the appropriate mechanism to address Objectors’ standing; rather, that requires a merits review.

Range secondarily argues that Objectors’ appeal should be quashed (or more properly, dismissed) due to failures to comply with Pennsylvania Rules of Appellate Procedure 3706 and 2154. Rules of Appellate Procedure 3706 and 2154 require the filing of docketing statements and a designation of the contents of the reproduced record, respectively. Regarding violations of the Rules of Appellate Procedure, “this Court has held that any party to an appeal before [it] who fails to strictly comply with all provisions of the Pennsylvania Rules of Appellate Procedure . . . is in peril of having its appeal dismissed; nevertheless, the Court will consider the defect and whether meaningful review has been precluded.” *Union Twp. v. Ethan Michael, Inc.*, 979 A.2d 431, 436 (Pa. Cmwlth. 2009). Here, the minor violations Range alleges in its Application to Quash do not preclude meaningful review, and therefore the Court declines to dismiss the appeal on this basis.

III. ISSUES

Turning to the merits, Objectors raise five issues for this Court’s consideration. First, they argue that the trial court committed reversible error by

quashing their appeal without permitting the presentation of additional evidence as permitted by Section 1005-A of the MPC.⁶ Second, they argue that summary dismissal of the appeal violated their right to remedy by due course of law under article I, section 11 of the Pennsylvania Constitution.⁷ Third, Objectors maintain that the trial court erred in failing to consider their claim arising under article I, section 27 of the Pennsylvania Constitution,⁸ commonly known as the Environmental Rights Amendment. Fourth, Objectors argue the Township's conduct at the August 27th hearing denied them procedural due process. Fifth and finally, Objectors maintain the trial court erred by quashing the appeal when they were denied meaningful opportunity to establish party status at the August 27th hearing and the Board did not advise on the record what steps an objector must take to protect his or her appeal rights.

IV. DISCUSSION

As it was dispositive below, we begin with a discussion of standing. Relevant here is Section 1002.1-A of the MPC, which governs “appeals challenging the validity of a land use decision on the basis of a defect in procedures prescribed by statute or ordinance.” 53 P.S. § 11002.1-A. Regarding standing, Subsection (c) provides:

(c) Appeals under this section shall only be permitted by an aggrieved person who can establish that reliance on the

⁶ Added by the Act of December 21, 1988, P.L. 1329, 53 P.S. § 11005-A.

⁷ “All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay.” PA. CONST. art. I, § 11.

⁸ “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.” PA. CONST. art. I, § 27.

validity of the challenged decision resulted or could result in a use of property that directly affects such person's substantive property rights.

53 P.S. § 11002.1-A. We have explained that:

To establish “aggrieved” status for purposes of standing, a party must have a substantial, direct, and immediate interest in the claim sought to be litigated. *Laughman v. Zoning Hearing Bd. of Newberry Twp.*, 964 A.2d 19 (Pa. Cmwlth. 2009). In order to have a substantial interest, there must be some discernible adverse [e]ffect to some interest other than the abstract interest of all citizens in having others comply with the law. *Pilchesky v. Doherty*, 941 A.2d 95 (Pa. Cmwlth. 2008). The interest must be immediate and not a remote consequence of the judgment. *Id.* A person has standing where he has suffered or will suffer “injury in fact” and the interest he seeks to protect is arguably within the zone of interest sought to be protected or regulated by the statute or constitutional guarantee in question. *William Penn Parking Garage, Inc. v. City of Pittsburgh*, . . . 346 A.2d 269 ([Pa.] 1975). Aesthetic evaluation cannot be equated with a substantial interest in the issuance of a zoning permit. *Miller v. Upper Allen Twp. Zoning Hearing Bd.*, . . . 535 A.2d 1195 ([Pa. Cmwlth.] 1987). An objector who is located in close proximity to the land involved in a zoning application normally has standing to contest the application. *Active Amusement Co. v. Zoning Bd. of Adjustment*, . . . 479 A.2d 697 ([Pa. Cmwlth.] 1984).

Lorenzen v. W. Cornwall Twp. Zoning Hearing Bd., 222 A.3d 893, 898 (Pa. Cmwlth. 2019) (quoting *In re Broad Mountain Dev. Co., LLC*, 17 A.3d 434, 440 (Pa. Cmwlth.), *appeal denied*, 24 A.3d 864 (Pa. 2011)). A property owner who asserts no interest in the zoning challenge other than the interest common to all citizens does not have standing. *Spahn v. Zoning Bd. of Adjustment*, 922 A.2d 24, 31 (Pa. Cmwlth. 2007).

The majority of the issues raised by Objectors relate to the merits of the Board's decision to grant Range's conditional use application, not the trial court's order quashing their appeal for lack of standing. However, Objectors' first, second, and fifth issues can be generously read to implicate standing arguments, and we therefore address them first.

A. Evidentiary Hearing Pursuant to Section 1005-A of the MPC

Objectors first argue that the trial court erred in quashing their appeal without a hearing to present additional evidence under Section 1005-A of the MPC. In their brief, they largely argue that the hearing was required in order for them to present evidence regarding improper notice of the August 27th hearing, and to “present evidence concerning the environmental and health impacts of hydraulic fracturing operations, including the risks of groundwater contamination, air pollution, noise disturbance, increased truck traffic, and diminution of property values.” Objectors' Br. at 12-13.⁹ However, they also argue that the trial court's “refusal to conduct any evidentiary hearing deprived [Objectors] of the opportunity to establish their standing and the merits of their claims.” *Id.* at 13. They maintain that “[s]tanding in land use cases turns on factual questions concerning the proximity of the challenger's property to the proposed development and the nature and extent of the potential impact on the challenger's interests.” *Id.* at 16. Objectors submit they were entitled to prove those allegations at an evidentiary hearing “before being denied access to the courts.” *Id.*

The Township responds that the trial court was not required to hold an evidentiary hearing under Section 1005-A of the MPC, as Objectors never filed a motion requesting said hearing. Moreover, the Township maintains the trial court

⁹ Objectors' Brief is not paginated, and therefore the citation refers to the Portable Document Format page number.

properly addressed the threshold issue of standing based on the evidence of record. Range's arguments largely reiterate the Township's position but additionally highlight that Section 1005-A is permissive, not mandatory, and the MPC simply does not require the trial court to act in the manner requested by Objectors.

Section 1005-A of the MPC provides:

If, *upon motion*, it is shown that proper consideration of the land use appeal requires the presentation of additional evidence, a judge of the court may hold a hearing to receive additional evidence, may remand the case to the body, agency or officer whose decision or order has been brought up for review, or may refer the case to a referee to receive additional evidence, provided that appeals brought before the court pursuant to section 916.11 shall not be remanded for further hearings before any body, agency or officer of the municipality. If the record below includes findings of fact made by the governing body, board or agency whose decision or action is brought up for review and the court does not take additional evidence or appoint a referee to take additional evidence, the findings of the governing body, board or agency shall not be disturbed by the court if supported by substantial evidence. If the record does not include findings of fact or if additional evidence is taken by the court or by a referee, the court shall make its own findings of fact based on the record below as supplemented by the additional evidence, if any.

53 P.S. § 11005-A (emphasis added). While Objectors complain that the trial court did not hold a hearing, the record reflects that they never motioned for one to address the threshold issue of standing, or to put on evidence on the merits of the appeal. *See, e.g., Collier Stone Co. v. Twp. of Collier Bd. of Comm'rs*, 735 A.2d 768, 773 (Pa. Cmwlth. 1999) (affirming a trial court's denial of an appeal for a lack of standing where applicant did not move to supplement the record on standing pursuant to Section 1005-A of the MPC, concluding that applicant "failed to follow

the statutorily delineated procedure to supplement the record on the issue of its standing”). Accordingly, we find Objectors’ first allegation of error without merit.

B. Procedural Due Process

We address Objectors’ second and fifth issues together, as they overlap and both assert due process violations by the Board. Specifically, Objectors argue the Board’s hearing violated the requirements of Section 908(5) of the MPC,¹⁰ and that they were improperly denied party status at the August 27th hearing. These violations, Objectors maintain, prohibited them from establishing standing.

The Township and Range respond that Objectors were sworn in and testified under oath at the August 27th hearing but relayed only general concerns about Range’s conditional use application. Moreover, while Objectors assert the Board’s three-minute time limit on public comments violated their due process rights, the record reflects that the Board allowed attendees at the hearing to speak in excess of three minutes and specifically allowed Objector Bates to voice his objections at subsequent meetings prior to the Board’s vote on Range’s conditional use application. The Township and Range stress that the Board is not required to give legal advice to residents regarding their rights during public hearings. Perhaps most notably, the Township and Range reiterate that to date, Objectors have not so much as tried to establish anything above a general concern about potential harms

¹⁰ Section 908(5) provides that at hearings before a board:

(5) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

the conditional use may cause to residents' health, which is insufficient to show a direct effect on Objectors' substantive property rights necessary to confer standing.

Recently, in *South Bethlehem Associates, LP v. Zoning Hearing Board of Bethlehem Township*, 294 A.3d 441 (Pa. 2023), our Supreme Court had the opportunity to clarify the distinction between standing in the context of local zoning proceedings and judicial proceedings. The Supreme Court explained that generally, standing to initiate judicial proceedings depends on the litigant being adversely affected in some way, but the same is not necessarily true of local administrative proceedings. *Id.* at 445. Pointing to Section 908(3) of the MPC, the Court explained that standing to appear before a local board considering an application for a variance (or conditional use) is broader than the traditional "aggrieved-person" standard. *Id.* Section 908(3) provides:

(3) The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board. The board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the board for that purpose.

53 P.S. § 10908(3). While standing before an administrative zoning body is quite broad based on the MPC's "any person" language, "[i]t is a separate question whether such party status automatically transfers intact to the arena of judicial review." *Id.* at 445. The Court went on to hold that "a party who appears before a zoning board may only appeal an adverse decision to that court if that party has standing per this Court's traditional understanding of the concept." *Id.* at 448.

South Bethlehem's review of administrative and judicial standing concepts is instructive here, as Objectors appear to blur the lines between standing before the Board and before the trial court. While Objectors' arguments focus largely on their inability to establish standing at the August 27th hearing, there is no question that they appeared of record, and therefore their argument that procedural defects prohibited them from establishing standing before the Board misses the mark. Simply put, they had standing to participate before the Board and achieved party status. In fact, Objectors signed in, were present, and participated at the August 27th hearing, as well as at two additional meetings on September 24, 2024, and October 8, 2024. *See* O.R. at 431-34 (Objector Bates speaking at the August 27th hearing and expressing general concerns regarding the environmental impact of the proposed well pad); O.R. at 445-48 (Objector Forster speaking at the August 27th hearing and expressing general concerns regarding the well pad); O.R. at 496 (Objectors speaking at the September 24th meeting and expressing concerns regarding how the August 27th hearing was conducted and reiterating general environmental concerns); O.R. at 515-17 (Objectors speaking at the October 8th meeting and again expressing general concerns regarding the well pad's possible environmental impact).

It is a "separate question" if they established standing before the trial court. *South Bethlehem*, 294 A.3d at 445. Based on the record before us, we find no error in the trial court's determination that Objectors failed to establish standing before the trial court. In their Brief in Opposition to Range's Motion to Quash before the trial court, Objectors did not contest Range's assertion that they lived more than two miles from the proposed well pad. In fact, Objectors only offered a single paragraph in support of their contention that they had standing before the trial court:

[Objectors], who reside in close proximity to the proposed site, possess a substantial, direct, and immediate interest in the approval or disapproval of the conditional use permit for fracking operations. Their [c]oncerns regarding potential environmental hazards, health risks, property values, and overall community welfare provide a compelling justification for their standing. The risks associated with fracking, including water contamination and air pollution, especially in a residential area, lend further weight to their claims.

O.R. at 581. This merely asserts legal conclusions and reiterates the type of general concerns raised by Objectors at the hearings and meetings before the Board. Further, in their brief before this Court, Objectors raise only general environmental concerns to support their standing argument: “[Objectors] alleged in their pleadings that they are adjacent landowners who will be directly affected by the fracking operations.” Objectors Brief at 16. However, Objectors fail to sufficiently detail any “discernible adverse effect to some interest other than the abstract interest of all citizens.” *Lorenzen*, 222 A.3d at 898 (internal brackets omitted).

Additionally, in spite of their general contention that they are “adjacent landowners,” the record clearly indicates that Objectors do not live close enough to the proposed well pad to establish standing based on proximity alone. *See* O.R. 461-464 (Objectors’ address is not listed among those parcels within half a mile of the proposed well site). This Court has explained that “[a]n objector who is located in close proximity to the land involved in a zoning application normally has standing to contest the application.” *Broad Mountain*, 17 A.3d at 440.

[P]roperty that is adjacent to or abuts the zoning area in question is in close proximity for standing purposes. We have also held that the owner of [a] property that is within 400 to 600 feet of the challenged zoning district is also within close proximity and has standing. However, the

owners of property one-half mile and one mile or more away from the challenged zoning area have been deemed to not be in close proximity in order to confer standing . .

. .

Laughman, 964 A.2d at 22-23 (citations omitted) (holding that objector whose properties were located 8/10, one, and two miles from the subject property was not a landowner in close proximity and, thus, failed to establish standing).

Because Objectors failed to establish standing based on proximity to the proposed well pad or sufficiently show a direct effect on their substantive property rights necessary to be considered “aggrieved” under Section 1002.1-A(c) of the MPC, we find no error in the trial court’s conclusion that Objectors lacked standing to appeal.¹¹

V. CONCLUSION

For the foregoing reasons, the trial court’s June 30, 2025 order quashing Objectors’ statutory appeal is affirmed.

MATTHEW S. WOLF, Judge

¹¹ Based on this disposition, we do not reach Objectors’ remaining issues challenging the merits of the Board’s decision to grant Range’s conditional use application.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Stephen Bates and Heather Forster	:	
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v.	:	
	:	No. 984 C.D. 2025
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Smith, Vincent Smith, Vincenzo	:	
Smith, Mary Ellen Thompson,	:	
Richard Thompson, Amanda	:	
Van Wagner, Aria Van Wagner, and	:	
Juliana Van Wagner	:	

ORDER

AND NOW, this 25th day of August 2026, Range Resources – Appalachia, LLC’s Application for Relief to Quash Appeal is **DENIED**. The June 30, 2025 order of the Court of Common Pleas of Allegheny County (trial court) in the above-captioned case is **AFFIRMED**.

MATTHEW S. WOLF, Judge

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BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE MATTHEW S. WOLF, Judge
HONORABLE MARY HANNAH LEAVITT, Senior Judge

OPINION NOT REPORTED

DISSENTING OPINION
BY JUDGE McCULLOUGH

FILED: August 25, 2026

Because this case is readily distinguishable from *South Bethlehem Associates, LP v. Zoning Hearing Board of Bethlehem Township*, 294 A.3d 441 (Pa. 2023), I respectfully dissent.

Here, unlike *South Bethlehem*, the instant case involves a claim of standing based on **adjoining landowner** status.¹ I also highlight this Court’s line of precedent holding “that an **adjoining property owner**, who testified at the hearing before the zoning board in opposition to the zoning application, has sufficient interests in the adjudication and therefore **has standing** to appeal the Board’s decision to the trial court.” *Sparacino v. Zoning Board of Adjustment, City of Philadelphia*, 728 A.2d 445, 448 (Pa. Cmwlth. 1999) (emphasis added); *see also Society Created to Reduce Urban Blight v. Zoning Board of Adjustment of City of Philadelphia*, 921 A.2d 536, 544 (Pa. Cmwlth. 2007) (quoting *Sparacino* for this principle).

In *In re Brandywine Realty Trust*, 857 A.2d 714 (Pa. Cmwlth. 2004), the developer was granted a variance to construct a bridge in a restricted floodplain in connection with its proposed office development. The adjacent landowners were granted party status before the zoning hearing board and the trial court. On appeal, the developer contended the landowners lacked standing because they resided too far upstream from the bridge to be impacted by any flooding caused by the construction. *Id.* at 717. In response, the landowners argued that their status as adjoining landowners conferred standing. This Court agreed, and reiterated that adjoining property owners who testified at the hearing before the zoning board in opposition to a proposed use have standing to appeal the board’s decision to the trial court. *Id.*

¹ *South Bethlehem* involved competing hotel owners, and in that case, it was “undisputed that [the objector’s] sole reason for opposing the variance was his financial interests would be affected by having to compete for business with [the applicant’s] proposed hotel.” *South Bethlehem*, 294 A.3d at 448.

Similarly, here, Objectors “alleged in their pleadings that they are adjacent landowners who will be directly affected by the fracking operations.” (Objectors’ Br., at 16.) They further aver that the trial court’s determination on standing was premature, as the issue turns on factual determinations concerning the proximity of their property to the applicant’s property, and they were entitled to develop a factual record at an evidentiary hearing before being denied access to the courts. *Id.* Consistent with longstanding precedent related to zoning appeals involving adjacent property owners, I believe this case should be remanded for a hearing on the standing issue, rather than resolved on the incomplete record before us.² Accordingly, I respectfully dissent.

PATRICIA A. McCULLOUGH, Judge

² Insofar as the Majority relies on *Laughman v. Zoning Hearing Board of Newberry Township*, 964 A.2d 19, 22 (Pa. Cmwlth. 2009), to conclude that Objectors do not reside close enough to the proposed **well pad** (rather than to the **property**) to establish standing based on proximity alone, I disagree. (Majority Opinion, at 15.) First, *Laughman* did not involve a question of standing based on adjacent property owner status. Moreover, *Laughman* itself recognizes that “this Court has held that a property owner need not establish pecuniary or financial loss if his property is located in close proximity to the **subject property** because the zoning decision is presumed to have an effect on the property owner’s property.” *Laughman*, 964 A.2d at 22. Therefore, *Laughman* did not address adjoining landowner status and does not compel such result.