

**IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

HINES NURSERIES, INC.,	:	No. 440 MAL 2004
t/a HINES COLOR	:	
	:	Petition for Allowance of Appeal from
	:	the Published Opinion and Order of the
v.	:	Commonwealth Court (en banc, per Cohn,
	:	J.), dated February 20, 2004, affirming the
	:	Order of the Court of Common Pleas of
PLUMSTEAD TOWNSHIP BOARD OF	:	Bucks County (Rufe, J.), dated February
SUPERVISORS	:	11, 2002.
	:	
	:	
PETITION OF: ARI VAN WINGERDEN	:	
	:	

**CONCURRING STATEMENT**

**MR. JUSTICE SAYLOR**

I agree with the decision to reverse the Commonwealth Court's order in this matter, but would not foreclose the use of a court-approved stipulation that ends pending litigation, in certain instances, as a basis for the denial of plat approval under Section 508 of the Municipalities Planning Code. See 53 P.S. §10508. As the Commonwealth Court dissent observed, however, the stipulation upon which the Plumstead Township Board of Supervisors relied in the present matter is not material to Petitioner's application for a lot line change and, thus, cannot serve a basis for denying that application pursuant to Section 508.