

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

HINES NURSERIES, INC., T/A/ HINES COLOR	:	No. 440 MAL 2004
	:	
	:	Petition for Allowance of Appeal from the
	:	Published Opinion and Order of the
v.	:	Commonwealth Court, dated February 20,
	:	2004, (at No. 711 C.D. 2002) affirming the
	:	order of the Court of Common Pleas of
PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS	:	Bucks County, dated February 11, 2002
	:	(at No. 01-02674-22-5).
	:	
	:	
PETITION OF: ARI VAN WINGERDEN	:	
	:	

ORDER

PER CURIAM

DECIDED: October 20, 2004

AND NOW, this 20th day of October 2004, the Petition for Allowance of Appeal is GRANTED, limited to the following issue: whether 53 P.S. § 10508(2) can be satisfied where the Board denies an application as filed and cites to a prior stipulation as the reason. The order of the Commonwealth Court is REVERSED. See Coretsky v. Board of Commissioners of Butler Township, 555 A.2d 72, 74 (Pa. 1989) (when Board fails to cite to statute or ordinance to explain why application was denied, the application is deemed approved as filed), and 53 P.S. § 10508(3) (same). Petitioner's remaining issue is DENIED.

Mr. Justice Saylor files a Concurring Statement.