





2. Admitted, based on information and belief.
3. Admitted, based on information and belief.
4. Denied. Based on information and belief the District submitted an application for preliminary and final land development approval and/or an amendment thereto in or around March of 2020.
5. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to corresponding paragraph 5.
6. Admitted in part, denied in part. It is admitted only based on information and belief that a virtual public meeting was held by Upper Darby Township Counsel on March 25, 2020. Said recorded virtual public meeting is a document which speaks for itself and any characterization thereof is denied.
7. Admitted in part, denied in part. It is admitted only based on information and belief that a virtual public meeting was held by Upper Darby Township Counsel on April 1, 2020. Said recorded virtual public meeting is a document which speaks for itself and any characterization thereof is denied.
8. Denied as a conclusion of law to which no response is required. By way of further response, the public's opportunity to submit questions and comments was marginalized by the meeting's virtual format, short notice, late scheduling and directions that the public was not to debate with members of Council.
9. Denied. Said resolution is a document which speaks for itself, and any characterization thereof is denied.
10. Denied. Said resolution is a document which speaks for itself, and any characterization thereof is denied.

11. Admitted in part, denied in part. It is admitted only that on April 30, 2020, Appellants filed a Notice of Appeal. The remaining averments in paragraph 11 are denied. Appellants' Notice of Appeal is a document which speaks for itself and any characterization thereof is denied.

12. Denied. Appellants' Notice of Appeal is a document which speaks for itself and any characterization thereof is denied.

13. Denied as a conclusion of law to which no response is required.

14. Denied as a conclusion of law to which no response is required.

15. Denied as a conclusion of law to which no response is required.

16. Denied as a conclusion of law to which no response is required.

17. Denied as a conclusion of law to which no response is required. By way of further response, Appellants' are without knowledge, information, or belief sufficient to respond to the averments contained in paragraph 17.

18. Denied as a conclusion of law to which no response is required.

## **II. FACTUAL AND PROCEDURAL BACKGROUND**

### **A. The District Improvement Plan**

1. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to the corresponding paragraph number 1.

2. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to the corresponding paragraph number 2.

3. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to the corresponding paragraph number 3.

4. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to the corresponding paragraph number 4.

5. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to the corresponding paragraph number 5.

6. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to the corresponding paragraph number 6.

7. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to the corresponding paragraph number 7.

8. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to the corresponding paragraph number 8.

9. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to the corresponding paragraph number 9.

10. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to the corresponding paragraph number 10.

11. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to the corresponding paragraph number 11.

12. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to the corresponding paragraph number 12.

13. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to the corresponding paragraph number 13.

14. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to the corresponding paragraph number 14.

15. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to the corresponding paragraph number 15.

16. Admitted based on information and belief.

17. Denied as a conclusion of law to which no response is required under the Pennsylvania Rules of Civil Procedure. By way of further response, athletic fields are part of the Aronimink Elementary School facility and may not be considered a buffer.

18. Denied as a conclusion of law to which no response is required under the Pennsylvania Rules of Civil Procedure.

19. Denied as a conclusion of law to which no response is required under the Pennsylvania Rules of Civil Procedure.

20. Denied. Appellants are without knowledge, information, or belief sufficient to respond to the corresponding paragraph 20.

21. Admitted, based on information and belief.

22. Denied. See Appellants response to paragraph number 4 above.

23. Denied. Land development application is a document which speaks for itself. Any characterization thereof is denied.

24. Denied. Appellants are without knowledge, information, or belief to respond to Petitioner's corresponding paragraph 24.

25. Denied. Appellants are without knowledge, information, or belief to respond to Petitioner's corresponding paragraph 25.

26. Denied. Appellants are without knowledge, information, or belief to respond to Petitioner's corresponding paragraph 26.

27. Denied. Appellants are without knowledge, information, or belief to respond to Petitioner's corresponding paragraph 27. By way of further response, Exhibit C is document which speaks for itself. Any characterization thereof is denied.

28. Admitted, based on information and belief.

29. Denied as a conclusion of law to which no response is required. By way of further response, the written decision of the zoning hearing board marked Exhibit “D” is a document which speaks for itself. Any characterization thereof is denied.

30. Denied. Appellants are without knowledge, information, or belief to sufficiently respond to Petitioner’s corresponding paragraph 30.

31. Denied as a conclusion of law to which no response is required.

32. Denied. The referenced review letter marked Exhibit “E” is a document which speaks for itself, and any characterization thereof is denied.

33. Denied. The referenced review letter, Exhibit “E”, is a document which speaks for itself, and any characterization thereof is denied.

34. Denied. The correspondence marked Exhibit “F” is a document which speaks for itself, and any characterization thereof is denied.

35. Denied. The review letter marked Exhibit “G” is a document which speaks for itself, and any characterization thereof is denied.

36. Denied. The document marked Exhibit “H” is a document which speaks for itself, and any characterization thereof is denied.

37. Denied. The document marked Exhibit “I” is a document which speaks for itself, and any characterization thereof is denied.

38. Denied. The document marked Exhibit “J” is a document which speaks for itself, and any characterization thereof is denied.

39. Denied. The document marked Exhibit “K” is a document which speaks for itself, and any characterization thereof is denied.

40. Denied. The document marked Exhibit “L” is a document which speaks for itself, and any characterization thereof is denied.

41. Denied. The document marked Exhibit "M" is a document which speaks for itself, and any characterization thereof is denied.

42. Denied. The document marked Exhibit "N" is a document which speaks for itself, and any characterization thereof is denied.

43. Denied. The document marked Exhibit "O" is a document which speaks for itself, and any characterization thereof is denied.

44. Denied. The documents marked Exhibits "P" and "Q" are documents which speaks for itself. Any characterization thereof is denied.

45. Denied. The document marked Exhibit "R" is a document which speaks for itself, and any characterization thereof is denied.

46. Denied as a conclusion of law to which no response is required.

47. Admitted based on information and belief.

48. Denied. Exhibit "S" is a document that speaks for itself, and any characterization thereof is denied.

49. Denied. Exhibit "T" is a document that speaks for itself, and any characterization thereof is denied.

50. Denied. Exhibit "U" is a document that speaks for itself, and any characterization thereof is denied.

51. Denied. Exhibit "V" is a document that speaks for itself, and any characterization thereof is denied.

52. Denied. Exhibit "W" is a document that speaks for itself, and any characterization thereof is denied.

53. Denied. Exhibit "X" is a document that speaks for itself, and any characterization thereof is denied.



54. Denied as a conclusion of law to which no response is required under the Pennsylvania Rules of Civil Procedure.

55. Denied. The document marked Exhibit "Y" is a document which speaks for itself, and any characterization thereof is denied.

56. Denied. The document marked Exhibit "Z" is a document which speaks for itself, and any characterization thereof is denied.

57. Denied. Appellants are without knowledge, information, or belief as to sufficiently form a response to the corresponding paragraph 57.

58. Admitted based upon information and belief.

59. Denied. The document marked Exhibit "AA" is a document which speaks for itself, and any characterization thereof is denied.

60. Denied. Exhibit "BB" is a document which speaks for itself, and any characterization thereof is denied.

61. Denied. Exhibits "CC" and "AA" are documents which speaks for themselves, and any characterization thereof is denied.

62. Denied. The document marked Exhibit "AA" is a document which speaks for itself, and any characterization thereof is denied.

63. Denied. The document marked Exhibit "DD" is a document which speaks for itself, and any characterization thereof is denied.

64. Denied. The document marked Exhibit "EE" is a document which speaks for itself, and any characterization thereof is denied.

65. Denied. The document marked Exhibit "EE" is a document which speaks for itself, and any characterization thereof is denied.

66. Denied. The document marked Exhibit “FF” is a document which speaks for itself, and any characterization thereof is denied.

67. Denied. The document marked Exhibit “GG” is a document which speaks for itself, and any characterization thereof is denied.

68. Denied. The document marked Exhibit “HH” is a document which speaks for itself, and any characterization thereof is denied.

69. Denied. Exhibits “GG” and “HH” are documents which speaks for themselves, and any characterization thereof is denied.

70. Denied. The document marked Exhibit “II” is a document which speaks for itself, and any characterization thereof is denied.

71. Denied. The public’s participation was marginalized by the instructions of the Township Counsel both on the record during the meeting and has published in its agenda for the April 1, 2020 meeting.

72. Denied. Appellants are without knowledge, information, or belief sufficient to form a response to the averments contained in the corresponding paragraph 72.

73. Admitted in part, denied in part. It is admitted only that Township Council did not vote until after midnight. It is denied that the vote was delayed due to ordinary questioning by Township Council and the public because the Land Development Application was the subject of a special meeting which did not begin until nearly 10:00 p.m. The special meeting was scheduled late on a weekday night in order to marginalize participation from the public, specifically Appellants.

74. Denied. The Resolution is a document which speaks for itself, and any characterization thereof is denied.

75. Admitted.

76. Denied. The Opposition Documents marked as Exhibit “KK” are documents which speak for themselves, and any characterization thereof is denied.

77. Denied as a conclusion of law to which no response is required.

78. Denied as a conclusion of law to which no response is required.

79. Denied as a conclusion of law to which no response is required.

80. Denied as a conclusion of law to which no response is required.

81. Denied as a conclusion of law to which no response is required.

83. Denied. Appellants Notice of Appeal is a document which speaks for itself, and any characterization thereof is denied.

84. Denied as a conclusion of law to which no response is required.

85. Denied as a conclusion of law to which no response is required.

86. Admitted.

87. Denied as a conclusion of law to which no response is required.

89. Denied as a conclusion of law to which no response is required.

90. Denied as a conclusion of law to which no response is required.

91. Denied as a conclusion of law to which no response is required.

92. Denied as a conclusion of law to which no response is required.

93. Denied as a conclusion of law to which no response is required.

94. Denied as a conclusion of law to which no response is required.

95. Denied as a conclusion of law to which no response is required.

96. Denied as a conclusion of law to which no response is required.

97. Denied as a conclusion of law to which no response is required.

98. Denied as a conclusion of law to which no response is required.

99. Denied. The Waiver Request Letter is a document which speaks for itself, and any characterization thereof is denied.

100. Denied as a conclusion of law to which no response is required.

101. Denied as a conclusion of law to which no response is required.

102. Denied as a conclusion of law to which no response is required.

103. Denied as a conclusion of law to which no response is required.

104. Denied as a conclusion of law to which no response is required.

105. Denied as a conclusion of law to which no response is required.

106. Denied. Appellants Notice of Appeal is a document which speaks for itself, and any characterization thereof is denied.

107. Denied as a conclusion of law to which no response is required.

108. Admitted based upon information and belief.

109. Denied as a conclusion of law to which no response is required.

110. Admitted based upon information and belief.

111. Denied as a conclusion of law to which no response is required.

112. Denied. The referenced Review Letters are documents which speak for themselves, and any characterization thereof is denied.

113. Denied as a conclusion of law to which no response is required.

114. Denied. Appellants Notice of Appeal is a document which speaks for itself., and any characterization thereof is denied.

115. Denied. Appellants Notice of Appeal is a document which speaks for itself., and any characterization thereof is denied.

116. Denied as a conclusion of law to which no response is required.

117. Denied as a conclusion of law to which no response is required.

118. Denied as a conclusion of law to which no response is required.
119. Denied as a conclusion of law to which no response is required.
120. Denied as a conclusion of law to which no response is required.
121. Denied as a conclusion of law to which no response is required.
122. Denied as a conclusion of law to which no response is required.
123. Denied as a conclusion of law to which no response is required.
124. Denied as a conclusion of law to which no response is required.
125. Appellants' Notice of Appeal is a document which speaks for itself, and any characterization thereof is denied.

126. Denied as a conclusion of law to which no response is required.
127. Denied as a conclusion of law to which no response is required.
128. Appellants' Notice of Appeal is a document which speaks for itself, and any characterization thereof is denied.

129. Denied as a conclusion of law to which no response is required.
130. Denied as a conclusion of law to which no response is required.
131. Denied as a conclusion of law to which no response is required.
132. Denied as a conclusion of law to which no response is required.
133. Denied as a conclusion of law to which no response is required.
134. Denied as a conclusion of law to which no response is required.
135. Denied as a conclusion of law to which no response is required.
136. Denied as a conclusion of law to which no response is required.
137. Denied as a conclusion of law to which no response is required.
138. Denied as a conclusion of law to which no response is required.
139. Denied as a conclusion of law to which no response is required.

140. Denied as a conclusion of law to which no response is required.

**WHEREFORE**, Appellants Alexander and Margaret Parenti, h/w, Tara Parenti, James and Lorainne, h/w, Michael and Barbara Concannon, h/w, Timothy and Jane Hanahan, h/w, Joseph and Wendy Bergantz, h/w, Donald and Bernadette Clark, h/w, Charles and Barbara Shultz, h/w, David and Dina Paul, h/w, Adam and Diane Slomiana, h/w/, respectfully request this Honorable Court deny Intervenor Upper Darby School District's Petition to Post Bond.

**DAVIS BUCCO MAKARA & DORSEY**

By: /s/ Paul A. Bucco  
Paul A. Bucco, Esquire  
John J. Dorsey, Esquire  
Peter K. Maganas, Esquire  
*Attorneys for Appellants*

Dated: June 29, 2020