

FIELD OF SCREAMS

Clifton goes to court in battle with U.D. over new school

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MEDIA COURTHOUSE » Clifton Heights Borough has initiated its own civil suit against the Upper Darby School District in the latest legal wrangling between the two governing bodies to build a school on a portion of district-owned land in the borough.

Borough Solicitor Frank Catania filed a declaratory judgment suit at the county courthouse on Aug. 7, asking a judge to rule that the borough council and borough planning commission be allowed to review the school district's land development application under four borough ordinances adopted in late May and the county's 2016 subdivision and land development ordinance (SALDO). The borough ordinances, numbers 867 to 870, amended the borough code in an attempt to slow down the process and make it more difficult for the school district to build a planned 160,000-square-foot middle school and new athletic fields on more than 13 acres of land on North Springfield Road in the Residential Conservation District (RCD)-zoned portion of the borough.

Upper Darby School District officials say the ordinances were deliberately changed and that many of them specifically target the district as the only organization looking to build on that land and/or put a school on it.

The district submitted its land development application to the borough on May 23, and the ordinances were adopted by bor-

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— Declaratory judgment filed by borough solicitor Frank Catania

ough council on May 28.

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The borough must act on the application within 90 days following the date of the regular meeting of borough council, "a very short specific period of time considering the unresolved legal issues and incompleteness and deficiencies found in the defendant's application."

The case docket did not list which judge is assigned to the case and who will eventually rule on the contentious matter.

Filing of the suit came one week before Clifton Heights and Upper Darby School District are due in court for a pretrial conference before county Judge Barry Dozor for a civil land development appeal filed by the district to address alleged deficiencies by the borough of statutory procedures of notice and enactment of zoning and land development ordinances under the Pennsylvania Municipalities Planning Code in their rush to enact the zoning changes - and thwart the district's plans for the new school. In a press release announcing the district's filing of their case on June 27, the borough's provisions, "appear designed to attempt to thwart the district's proposed development of a new school" and rushed to pass the ordinances without proper notification for ordinance 869 and provide comment for ordinance 870 to the county planning commission prior to enact-



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This front portion of Upper Darby School District land in Clifton Heights is the proposed site of a new middle school. Athletic fields will be built in the back for continued community use.

ment.

The ordinances in question in both cases are summarized as follows:

- Ordinance 867 amends the borough's SALDO to include an "impact statements required" section for land development applicants to submit impact statements for market analysis, environmental impact analysis, traffic study impact and community and fiscal impact analysis.

- Ordinance 868 removed a by-right use of the RCD-zoned land to allow a school to be built without council approval.

- Ordinance 869 amends language in eight specific sections of Chapter 340 that includes limiting the permitted height of structures from three stories or 35 feet down to one story or 12 feet in the RCD Zoning district.

- and Ordinance 870 which amends the borough's SALDO from the county SALDO of 1978

to the county SALDO of 2016.

The district also argues in their suit that the borough failed to hold a "public hearing" on any of these ordinances before enactment.

Catania could not say Friday how the declaratory judgment suit he filed may affect Wednesday's pre-trial conference.

District spokeswoman Aaronda Beauford said the district will continue to move forward with the goal of building the school on their property and will work with the borough to do so.

In addition to these suits, the school district this month will formally end a decades-long lease agreement with Clifton that allowed the borough to use the land for its community events and sports programs. Clifton residents have been rallying against the district's plans saying they're building up on sacred ground and the borough's last open space.