

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Barbara A. Rinaldi, Executrix for the	:	
Estate of Anthony J. Rinaldi,	:	
Appellant	:	
	:	
v.	:	No. 142 C.D. 2025
	:	SUBMITTED: September 14, 2026
The Board of Supervisors of	:	
Waverly Township and NLMS, Inc.	:	

BEFORE: HONORABLE CHRISTINE FIZZANO CANNON, Judge
HONORABLE LORI A. DUMAS, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

OPINION NOT REPORTED

**MEMORANDUM OPINION BY
SENIOR JUDGE LEADBETTER**

FILED: October 9, 2026

In this land use appeal, Appellant challenges the approval of a plan on the basis that it did not comply with various aspects of Waverly Township's Subdivision and Land Development Ordinance. These issues were raised before the Township Board of Supervisors, on appeal to the Court of Common Pleas of Lackawanna County, and in Appellant's Statement of Errors Complained of on Appeal filed pursuant to Pennsylvania Rule of Appellate Procedure 1925(b). However, the trial court did not address any of these issues, either in its original order or in its Rule 1925(a) Opinion. One may wonder why the trial court ordered Appellant to file a 1925(b) Statement if it did not intend to address the issues raised therein. The purpose of a Rule 1925(a) Opinion is to give an appellant the opportunity to clarify the issues she wishes to raise on appeal and to give the trial court an opportunity to explain its analysis of those issues and its reasons for

rejecting them. This allows the appellate court to fully understand the basis for the trial court's order and engage in meaningful appellate review as to whether that order should be affirmed or reversed.

Here, however, in its December 2024 order, the trial court summarily stated that the Board did not commit an error of law or an abuse of discretion and that its findings were supported by substantial evidence. The trial court's March 2025 1925(a) Opinion simply incorporates the December 2024 order by reference. It does not address the issues raised by Appellant. Accordingly, we will remand this case to the trial court so that it can amend its 1925(a) Opinion to set out its analysis of the issues raised by Appellant and its reasons for rejecting them.

BONNIE BRIGANCE LEADBETTER,
President Judge Emerita

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Waverly Township and NLMS, Inc.	:	

ORDER

AND NOW, this 9th day of October, 2026, this matter is REMANDED to the Court of Common Pleas of Lackawanna County to prepare, within 30 days of this Order, an opinion in support of its December 2024 order denying the appeal of Appellant Barbara A. Rinaldi, Executrix for the Estate of Anthony J. Rinaldi. Pursuant to Pa.R.A.P. 1925(a), the trial court shall explicitly address in its opinion the issues raised in Appellant’s Statement of Errors Complained of on Appeal and provide an explanation for denying the appeal.

Jurisdiction is retained.

BONNIE BRIGANCE LEADBETTER,
President Judge Emerita