

Public Notice

*To: Persons Wishing to Participate in Zoning Hearings on Quaker Valley School District's Application for Special Exception for proposed High School
From: Terry Soster, Chair, Leet Township Zoning Hearing Board*

The Zoning Hearing Board (ZHB) intends to implement the following practices and procedures at the hearings, scheduled on June 28 and June 30:

Hearings will begin at 7:00 PM and end at approximately 10:PM.

ACCOMMODATIONS (HEARING ROOM, PARKING LOT, ZOOM)

Participants and observers who reside in Leet Township AND live within 300 feet of the proposed site will have first priority seating inside the building.

Participants and observers who reside in Leetsdale Borough AND live within 300 feet of the proposed site will have second priority seating.

All other participants and observers will have seating in the parking lot or have access via Zoom. The parking lot will have an audio (not video) feed from inside the hearing room. PLEASE BRING YOUR OWN CHAIRS.

The hearing room accommodates about 70 people. Social distancing will NOT be observed. Face masks and proof of COVID vaccination are not required in the hearing room or in the parking lot.

Parking lot participants will be offered the opportunity to come into the hearing room to speak on an informal but orderly basis.

ZHB plans to work with someone with experience in handling Zoom calls with large numbers of participants. More Zoom information will be posted on the Township's website as it comes available. Participation via Zoom is part of the official record.

Individuals having special needs should make their request for accommodations to the Township Manager as soon as possible.

Individuals wishing to speak must register before the hearing begins each night on a sign-up sheet in the hearing room and parking lot or, in the case of Zoom participation, by email. Details will be forthcoming on this website.

LAND USE LIMITATION

ZHB decides land questions. By law, it does not decide school tax or education issues. And by law, it does not make decisions based on an informal referendum that counts the number of people in favor of, versus opposed to, the application. ZHB has no authority to modify or reverse the elected school board members' decisions on school tax or education issues. ZHB's sole authority is to decide issues relating to land. Therefore, testimony on other issues will be significantly LIMITED by ZHB.

FUTURE ACTIONS BY ZHB AND OTHER GOVERNMENT AGENCIES

The application calls for 108 acres to be approved by ZHB as a special exception in the AAA Zoning District. A special exception isn't a variance that asks for permission to deviate from the ordinance. Instead, a special exception deals with a use of land that's already approved in the zoning ordinance but it must also satisfy other considerations.

ZHB is not permitted to second-guess the Township's Zoning Ordinance. Leet's Zoning Ordinance approves a school in the AAA zoning district. But the Ordinance also requires that the *land site selected* for the school must be considered in the context of its community impact. *Therefore*, preliminarily and subject to further legal review, it appears that ZHB must hear and weigh evidence on whether using *this particular land* for the school will create a substantially different impact on the community than would normally be expected from a new public high school located elsewhere.

If ZHB were to approve the School District's special exception application, it could happen that architectural plans approved by the school board in the future might vary from ordinance requirements. If that happens, a variance application will be submitted to the ZHB. The school district isn't required to have architectural plans at this point. Or, if buildings in addition to the high school itself are proposed in the future for the site, the school district may be required to seek additional ZHB approvals. You will receive the required notices if such applications are filed with ZHB in the future.

Along the same lines, other Township, state, county and possibly even federal governmental agencies will, in the future, review the School District's plans for compliance with other laws and its actual compliance with them—for example, environmental laws. ZHB is not involved in the deliberations of those agencies in the future. Interested individuals should keep abreast of those developments, if ZHB approves the special exception. Nonetheless, ZHB may allow LIMITED testimony on those issues at the special exception hearings.

SEQUENCING OF WITNESSES (EXPERTS AND OTHER PARTICIPANTS)

Anyone wishing to speak or present documents in person *or via Zoom* will be sworn-in to tell the truth at the start of each night of hearings. Speakers must identify themselves by name and address when testifying.

QVSD will present its evidence first.

Next, Citizen Groups supporting the application represented by attorneys will present its evidence. [NOTE: In addition to the School District solicitors, there is a citizens group in favor of the application that is represented by an attorney.]

Then, Citizens Groups opposing the application represented by attorneys will present its evidence. [NOTE: There are two citizens groups opposing the application that are represented by attorneys.]

NON-ATTORNEY PUBLIC PARTICIPATION:

Next, participants supporting the application not represented by attorneys will present their evidence in the order they signed in on the sign-up sheet in person or via Zoom.

Then, participants opposing the application not represented by attorneys will present their evidence in the order they signed in on the sign-up sheet in person or via Zoom.

ZHB does not apply strict, formal rules of evidence and allows reasonable latitude when admitting testimony.

During its deliberations, ZHB will give all evidence the weight that it believes it deserves and that the law requires. Just because testimony is admitted doesn't mean that it has equal weight with other evidence. For example, in its deliberations ZHB can conclude that some admitted evidence is actually irrelevant to the issues before it and may not be considered at all.

ZHB may reasonably limit duplicative or redundant testimony.

Documents and photographs may be offered into evidence. The meeting room has an easel and digital presentation capability for most laptops. If you wish to use paper or digital documents or photos in your presentation, please bring at a minimum 10 paper copies with you or three (3) non-returnable flash drives and a laptop to use in connecting to wall-mounted screen(s). These paper or digital documents and photos will become part of the official record.

SEQUENCING OF DIRECT, CROSS, AND RE-DIRECT EXAMINATION OF EACH WITNESS

After each attorney offers optional opening arguments, each Witness offering evidence will be questioned in the following sequence:

First, by the attorney calling him or her.

Second, by attorneys who wish to cross-examine the witness.

Third, by the Zoning Hearing Board members and the ZHB solicitor.

Fourth, by non-attorneys who wish to cross-examine the witness.

Fifth, redirect examination by the attorney calling him or her.

Sixth, the above sequence is repeated until all questioning is exhausted.

ZHB reserves the right to limit questioning that is irrelevant to the issues or is unnecessarily repetitive.

Then, closing arguments by attorneys supporting the application.

Then, closing arguments by attorneys opposing the application.

All attorneys and non-attorney participants will be offered the right to submit optional briefs by a stated deadline.

Once the briefing deadline has passed, ZHB will consider the law and the evidence and will, at a public meeting, vote on a written opinion and decision accepting or rejecting the application.

Those writings will be posted on the Township's website after the vote.

ZHB cannot estimate when (day or time) any part of the above sequencing will begin or end, because we do not artificially limit anyone to a preset number of minutes. As a result, additional hearing nights may be necessary.

POLICE AND EMT PRESENCE

Police officers will be present to assist participants and maintain order if necessary. EMTs will be present or on-call as needed.

FAIRNESS AND EFFICIENCY

ZHB reserves the right to modify these procedures as the hearings take place in the interests of fairness and efficiency.