

LEET TOWNSHIP ZONING HEARING BOARD

IN THE MATTER OF:

SPECIAL EXCEPTION APPLICATION OF QUAKER VALLEY SCHOOL DISTRICT

FINDINGS OF FACT

1. The Quaker Valley School District (*QVSD*) filed an application for special exception under Leet Township Ordinance 2019-02 for construction of a new public high school carrying a price tag of between \$95 Million and \$97 Million according to current estimates.
2. About 650 students would attend the school.
3. QVSD owns about 108 acres of land located in Leet Township's AAA zoning district. This land is situated at the top of a steep hill consisting in part of landslide-prone Pittsburgh Red Bed clay that is common throughout Western Pennsylvania.
4. Of those 108 acres, about 47 acres will be cleared for the school project.
5. Ten percent (roughly \$10 Million) of the price tag is for contingencies and possible increases in the scope of the project.

6. A “school” is a special exception in the AAA zoning district.
7. The school would be served by only one road, Camp Meeting Road.
8. There would be two access driveways off Camp Meeting Road into the school.
9. Camp Meeting Road is already congested during times of shift changes at nearby employers and with the addition of two-third more student drivers and school buses (it already carries one-third of the student drivers and school buses).
10. The current high school has two roads serving it—Ohio River Boulevard and Beaver Street—that are available to first responders.
11. There is an ever-present risk of active school shooters using automatic weapons.
12. First responder delays of minutes or seconds in reaching the school can cost students and faculty members their lives.
13. In the recent past, a bullet was found at the current high school and the school was shut down.
14. ZHB reminded everyone of the availability of its subpoena power upon request.
15. No first responders or emergency management experts testified.

16. QVSD's traffic expert testified that he has not consulted local police about whether this traffic plan makes sense in the event of a catastrophe at the school such as a shooter or an explosion.
17. He testified that he was not asked to identify whether there might be some other access to the site for an EOR.
18. He further testified that he did not conduct [a study on] and [he] renders no opinion on how much time it would take or how emergency access vehicles would access the school normally or in event of Camp meeting closure.
19. He testified that first-responders will figure out a way to manage it, and he is not concerned that they will be able to reach the school sooner or later. He testified that a simple emergency-only road could be accomplished and that it might involve eminent domain.
20. He said that, if everything went well and as expected in an emergency, the first responders handle it, but he could not render an opinion about how they would do it or how long it would take.
21. In response to specific questions about active shooter situations at the school, he testified that emergency management professionals will develop an emergency and contingency event plan in the future.
22. QVSD's feasibility expert, Jon Thomas, testified that he had not consulted with first responders.

23. He testified that the new school would be about a mile farther away from local police departments than the current school, but he did not know what, if anything this would mean in terms of first responder delays in reaching the school.
24. He said he has not looked into this matter of first-responder delays in connection with preventing a serial killer from being able to take advantage of it to shoot all the students in the school.
25. Based on Mr. Wooster's testimony, Mr. Thomas's testimony, and the objectors' testimony on the EOR issue, ZHB determined It is an abnormal risk for a school not to implement an emergency management plan that included an EOR if reasonably recommended by the first responders.
26. If a public high school's emergency management plan does not include an EOR reasonably recommended by first responders, the risks to public safety and welfare will be substantial, serious, highly probable and virtually certain, and will be abnormal for a school.
27. On February 9, 2022, ZHB made its public oral decision denying the application but giving QVSD thirty days to amend the application with regard to the EOR.
28. Also on February 9, 2022, ZHB announced if an EOR amendment were made to the application, then it would convert the denial into an approval subject to the condition that the EOR would be implemented if and as reasonably recommended by first responders, and subject to several other conditions

involving safety measures for landslides, water runoff, Camp Meeting Road, insurance, monitoring of conditions and other matters unrelated to the EOR.

29. In case an EOR amendment might be filed, ZHB scheduled a final public hearing on March 9 to receive it.
30. When ZHB announced its decision on February 9, QVSD's solicitor said on the record that QVSD did not currently own land for an EOR that abutted any public street but that the exercise of eminent domain and its costs were not problematic for QVSD in this project.
31. During the time between February 9 and March 9, ZHB through its solicitor offered QVSD the opportunity at the March 9 hearing to request reconsideration of the February 9 oral decision on any basis whatsoever.
32. In its Decision, ZHB did not impose details for the EOR. On the contrary, it specifically left the resolution of those details for a later time in the project's evolution.
33. During the period from February 9 to March 9, ZHB through its solicitor asked QVSD if it would make the EOR commitment to the Planning Commission and Township Commissioners rather than making it to ZHB.
34. QVSD responded that it would commit to collaboration with first responders and to considering their recommendations in its plan. It stopped abruptly short of committing to implement the first responders' reasonable recommendations concerning an EOR.

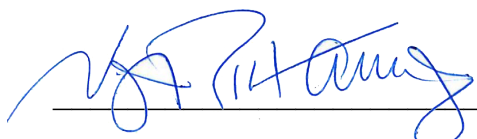
35. An EOR is a private road, not a public street.

36. Leet Township's Subdivision and Land Development Ordinance (SALDO) does not give the Planning Commission and Township Commissioners authority over private roads. Their authority under the express language of the SALDO covers public streets.

37. As March 9 approached, QVSD notified ZHB that it would not file an amendment. It did not request reconsideration. It consented to canceling the March 9 public hearing.

38. On March 28, 2022, ZHB denied the application in writing.

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A handwritten signature in blue ink, appearing to read "Vincent J. Restauri, Jr.", is written over a horizontal line.

Vincent J. Restauri, Jr., Solicitor

March 28, 2022