

LEET TOWNSHIP ZONING HEARING BOARD

IN THE MATTER OF:

SPECIAL EXCEPTION APPLICATION OF QUAKER VALLEY SCHOOL DISTRICT

DECISION

DECISION DATE: March 28, 2022

In the matter of Quaker Valley School District's application for special exception to construct a new public high school, the Leet Township Zoning Hearing Board decides as follows:

1. The application is denied.

In the plan(s) and testimony offered to the zoning hearing board, it is undisputed that Camp Meeting Road is the only road or street that provides first responders with vehicular access to the two driveways into school. Camp Meeting Road is also the only road or street that provides students, school busses and the public with vehicular access to the school.

The school district has refused to commit in any legally enforceable manner to implement upcoming reasonable, written, detailed recommendations of first responders who would respond to emergencies at the school, for an emergency-only road (EOR), paid for by the school district (the "EOR Provision").

2. Had the school district agreed to the EOR Provision, then the decision of the zoning hearing board *would have been* to approve the application on the following conditions.
 - A. The school district shall comply with the EOR Provision.
 - B. The school district shall implement, at its cost, all the conditions and safeguards recommended by its own traffic, civil engineering, and geo-

technical engineering experts whom it called to testify during the zoning hearings. Any school district objections with respect to those conditions and safeguards will be reasonably resolved by the Leet Township Engineer in writing during the development phase of the project, upon 30 days prior written notice to the public of the school district with additional specific notice given to objectors and supporters who testified during the zoning hearings.

- C. Leet Township's standard (at a minimum) Developer's Agreement will be entered into by the Township and the school district in the development phase of the project.
- D. A full watershed impact study shall be conducted at the school district's expense, and the school district shall comply with its recommendations. If a watershed impact study is otherwise required by law, then the school district's compliance with that law will satisfy this paragraph.
- E. The school district will comply with all local, county, state and federal laws, rules, regulations and ordinances applicable to the project.
- F. The school district's general liability insurance policy (or the insurance policies of the school district's contractors) for this project will name the downhill property owners as direct additional insureds for personal injury and property damage resulting from landslides and water runoff caused in whole or in part by the project. The dollar-limits of those policies for such coverage shall be sufficient, in the opinion of two insurance consultants, to be ample for that purpose. The school district will enter into indemnification agreements with the downhill property owners for lost wages, reasonable attorney's fees, and other out-of-pocket costs they reasonably incur in pursuing such insurance claims.
- G. No buildings or improvements other than the school itself, the tennis court(s), parking areas, and the small practice fields(s), are approved at this time. In particular, and without limitation, no use is approved at this time—by way of permitted use as-of-right, special exception, variance, accessory use or on any other zoning basis—for any stadium or separate administration office building.

If the school district wishes in the future to build a stadium in Leet Township or on land in other municipalities adjacent to the site of the

school, it shall, based on the representations of its solicitor during the zoning hearings, bring the stadium proposal to the attention of the Leet Township zoning hearing board immediately, even if a stadium is permitted as of right.

- H. Except for changes typically allowed by the Leet Township Planning Commission and the Township Commissioners during the development phase—upon 30 days prior written notice of proposed atypical changes being given to the general public of the school district with additional specific notice to objectors and supporters who testified during the zoning hearings—the siting, landscaping, visual components, lighting, noise buffering, and other items set forth in the plan submitted to the zoning hearing board for decision, shall be implemented as presented therein, except as modified during the zoning hearings on the record.
- I. Two types of monitoring—monitoring of serious traffic accidents on Camp Meeting Road, and monitoring (including the use of inclinometers and monuments) to check for earth movement on the site—will be undertaken and paid for by the school district for a period of three years after final project construction is completed unless the Leet Township Engineer during the development phase reasonably recommends a different time period. The school district shall promptly make the results of the monitoring known to the public of the school district. At its expense, the school district will implement the reasonable recommendations of experts upon their review of the monitoring results.
- J. A land-development plan or grading permit application must be submitted to Leet Township on or before 24 months after the date of this decision. If the school district fails to make such submission(s) within that time, this approval expires and is of no force and effect.

IMPORTANT NOTICE: APPEALS OF THIS DECISION MUST BE FILED WITHIN 30 DAYS AFTER ENTRY OF THIS DECISION, WITH THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA. ANYONE WISHING TO APPEAL IS URGED TO CONSULT WITH AN ATTORNEY.

[signatures on following page]

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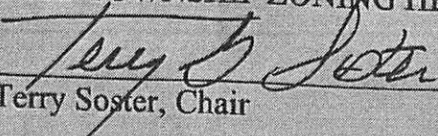
Terry Soster, Chair

Charles Soman, Member

David Kovacs, Member

Anthony Tirimacco, Alternate (Not Voting)

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 3/28/2022

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