

MEMORANDUM IN OPPOSITION TO  
THE APPLICATION OF QUAKER VALLEY SCHOOL DISTRICT  
FOR A SPECIAL EXCEPTION  
TO BUILD A HIGH SCHOOL IN LEET TOWNSHIP IN AN AREA  
DESIGNATED AAA RESIDENTIAL

Zoning ordinances are a community's protection against ungoverned development.

Persons residing in the community are entitled to rely upon zoning designations. AAA

Residential Zoning Areas are inhabited by families who value the peace and rural nature of their area within the Township. (Sep 17, 2021, J. Bunce p 211; T. Weber p 76; M. Connelly p. 87; Sept 13, 2021, Mark Zappala pp. 99, 101-102). A Special Exception Request must be carefully weighed and considered as against the reasonable expectations of residents that the community will not abandon their interests in favor of a new applicant. A Special Exception Request must also be carefully weighed and considered as against the reasonable expectations of residents regarding noise, congestion, and dangers to the safety of their homes and persons.

Leet Township is a community of roughly 1,600 residents. It is self-described as rural. (See Leet Township Website). To grant the Special Exception request of QVSD means that five days per week during the school year roughly 1,000 additional persons will become part of the community. This number does not include the students and families who will come from other schools for events such as theatre performances or other interscholastic events like basketball games. Neither does the number reflect the stated goal of the school district to make the site a community resource, which of necessity means that even more persons will be there, during both daylight and evening hours (July 8, 2021, J. Thomas, p 121). Those persons and people at the school will have service needs, emergencies will arise, and township road usage will increase.

There will be a cost impact to the Township, both economic and to the rural nature of the community.

Counsel for QVSD would have you believe that the failure of Leet to specifically identify a school among the types of special exceptions to be considered means that the usage must be permitted so long as the school is no more onerous than any other school. He argued it repeatedly and forcefully (an example: Jun 28, 2021, Dan Gramc pp 114 & 119). The argument is as inaccurate as it is glib. It disempowers the Zoning Hearing Board's important community function. The Ordinance also fails to identify specific requirements for a nuclear waste disposal site on the land. Does Counsel think therefore, that the Township must grant that usage, so long as it is no more onerous than any other nuclear waste disposal site?

The Zoning Hearing Board has the power and authority to examine the substance of the application. At Part 6 Section 2.A. (1) of Ordinance 2019-02 it states, the application shall include all proposed structures and all proposed construction ... on the site in sufficient detail to determine...compliance with all applicable requirements of this chapter. It is further noteworthy that the Planning Commission of Leet Township directed Counsel for QVSD to submit a Geotechnical Report to the Zoning Hearing Board. (Jun 28, 2021, Dan Gramc, p 17). The Planning Commission must therefore agree that the ZHB should consider matters beyond strict land usage, including, but not limited to, geotechnical aspects and their impact on the proposed construction. (See also testimony of Charles Wooster in response to this same question by Teri Soster, agreeing that traffic impacts are rightfully considered by the ZHB. July 15, 2021, C. Wooster p 206).

More importantly, the Leet Township Ordinance at No. 2019-02 Part 6 Section 2 explicitly enumerates the standards to be applied. It states: the Zoning Hearing Board shall not approve an application for a use by special exception unless and until:

- (1) The Board is satisfied that the use will be beneficial to the public at the proposed location (Leet Ordinance No. 2019-02 Part 6 Section 2.A.(5));
- (2) that it shall be more suitable at the proposed location than on other properties in the same district (Leet Ordinance No. 2019-02 Part 6 Section 2.A.(6));
- (3) that it shall not involve any element or condition that may be dangerous, injurious or noxious to any other property or persons (Leet Ordinance No. 2019-02 Part 6 Section 2.A.(7));
- (4) that the proposed site shall be sited, oriented, and landscaped to be harmonious with adjacent buildings and property (Leet Ordinance No 2019-02 Part 6 Section 2.A.(8)) and
- (5) that it shall organize vehicular access...to minimize traffic congestion in the neighborhood (Leet Ordinance No. 2019-02 Part 6 Section 2.A.(12)). (Emphasis added).

Finally, it is the applicant, QVSD's burden to persuade the Zoning Hearing Board that the proposed use will not offend general public interest, such as the health, safety, and welfare of the neighborhood and that it satisfies the remaining tenets of the Ordinance (Leet Ordinance No. 2019-02 Part 6 Section 2.D).

Objector asserts that QVSD has not met its burden of proof with regard to each of these subsections. The application of QVSD should not be granted for the following reasons: (1) The character and condition of the land at the site poses a danger to the health, safety, and welfare of

the neighborhood, both during and after proposed construction. (2) The character, condition and usage of Camp Meeting Road poses a danger to the health, safety, and welfare of the current residents of the Township as well as persons who would be attending or visiting the proposed high school. (3) The proposed site is not harmonious to adjacent land and buildings due to the noise and light which would be created, and other environmental impacts; (4) The School District failed to show that a high school shall be more suitable at the proposed location than on other properties in the same district. Adequate due diligence or feasibility studies on the current high school site or on any other properties in the district were not done. Hearsay claims were made, but no borings were done and no preliminary studies were performed or introduced; and (5) The proposed exception offends the public interest and health, safety and welfare of residents of the Township as a result of, among other things, the lost revenue from property taxes and increased burdens and costs on services, the dangers of a single access road, and the failure of QVSD to follow the recommendations of PaDOE regarding site choice. However, this objector will focus on the first two reasons.

**The character and condition of the land at the site poses a danger to the health, safety, and welfare of the neighborhood, both during and after proposed construction.**

The proposed site is a hilltop ridge with steeply sloped wooded hillsides. (Jun 30, 2021, J. Thomas, pp 21, 127; Exhibit 2, SP 3). Leet is a known high-risk landslide area (Jun 30, 2021, J. Thomas, pp 91, 117; Aug 20, 2021, G. Philips p 69).

As testified by QVSD's own engineers, the site is metastable, with an average safety factor of 1. That is to say, "where forces resisting ground movement are equal to the forces which tend to cause slope movement, ...the slope is right on the verge... It doesn't take much to cause it to begin to be unstable and potentially begin to move" (Aug 20, 2021, G. Philips, pp 77-79).

Moreover, there are areas on the site with a safety factor less than 1. "They are in active movement. Every time it rains, they move a little more" (Aug 20, 2021, G. Philips, pp 24, 80, 176).

These facts, uncontradicted by any person, establish how very little it would take to cause a landslide on or below the site.

The land itself is not conducive to a large construction project, such as the proposed high school. The ridge of the site is capped with hard sandstone. Plans call for the removal of 30 feet of this cap (Aug 20, 2021, G. Philips p 232; Jun 30, 2021, J. Thomas, p 21; Exhibit 2, SP 3). The amount of, or necessity for, blasting has not been determined. Preliminary plans for the site indicated that blasting would be necessary, but the engineer now states that it will depend upon how hard the sandstone is (Aug 20, 2021, G. Philips, pp 24-25, 97-98). If no blasting is required, they will use heavy equipment to break up the sandstone. If blasting does occur, its function is to vibrate the land causing fractures to the stone. Either scenario will vibrate the ground. QVSD's engineer, Geoffrey Philips agreed that blasting can go wrong (Aug 2, 2021, G. Philips p 26). But the blasting does not have to go "wrong" for the vibrations to cause metastable or unstable (areas with a safety factor of less than 1) land to slide.

Borings indicate there is subsurface water (Aug 20,2021 J. Boward p 64). If breaking up or blasting causes subsurface cracks in the remaining sandstone, subsurface water could make its way anywhere. This water may cause or contribute to landslides, but in and of itself, may also invade downhill homes. (Aug 20, 2021, J. Boward, pp 70, 72-75).

The potential for landslide and the change in the path of subsurface water may adversely affect the 25 downhill neighbors on Winding Road, Wood Spur, Overdrive and Riverview. Mr. Philips and Mr. Boward admit that cracks in foundations may occur, water may make its way into dwellings and that landslides themselves may cause damage or injury. (Aug 20, 2021, J. Boward, pp 65-68; Aug 20, 2021, G. Philips p 252). The detriment to the health, safety and welfare of the community is not obviated by the existence of contractor's insurance. Even if it were, there are still problems of time limitations and burden of proof upon the injured. (Aug 20, 2021, G. Philips p 41). The Ordinance states, the proposed development “**shall not** involve any element or condition that **may** be dangerous, injurious or noxious to **any** other property or persons” (Leet Ordinance No. 2019-02 Part 6 Section 2.A.(7)). (Emphasis added)

Another contributor to the potential for landslides is the removal of trees. On the site, many trees will be removed. On the southern and western portion of the site where the district intends to remove colluvial soils and bench, they will of necessity have to clear cut the land. The hilltop ridges that need to be brought down 30 feet will be denuded as well as the building areas and those which will become impervious surface. Altogether, Jon Thomas testified that approximately 47 acres will have to be clear cut (June 30,2021, J. Thomas p 135; July 8, 2021, J Thomas pp 80-82). Everyone agrees that the root system of trees help keep the earth from moving (June 30,2021 J. Thomas pp 114 and 125; Aug 20, 2021, G. Philips p 265).

To examine all the factors more closely, the hillsides are colluvial soils. Defined by Mr. Philips as: “their safety factor has been decreased, due to wind, water and erosion, to be less than one.” (Aug 20, 2021, G. Philips, pp 14, 70, 79-80).

Further, the site is ringed with Pittsburgh Redbed, a “slippery clay layer on top of a shale layer... that’s prone to movement”. (Aug 20, 2021, G. Philips p 73; Nov 16, 2021, Kim Gatesman, pp 4-5; Garvin Boward Beitko Geologic Map, closer image denoting Redbed band attached hereto; Aug 20, 2021, G. Philips pp 15-16, 21). A quick glance at the attached geologic map shows a wide band of Redbed surrounding the entire top of the site.

While in their application and testimony much was made of the district’s plan to rehabilitate the slope and improve it, in fact their benching plan involves less than one third of the dangerous Redbed slopes. They intend to work only the southern and western side of the ridge. (Aug 20, 2021, J. Boward p 82; Aug 20,2021 G. Philips pp 176-177, 234, 259; Exhibit 2 SP3).

The remaining portions of the site, the “undisturbed” slopes will have trees removed uphill from them, heavy equipment operating uphill from them, pulverizing of stone, and potential blasting, paving and construction, all uphill from them. All this activity will occur uphill from a ring of Redbed, which is covered with colluvial soils where the safety factor of the land is already 1 or less and where VEBH has identified steep slopes and wetlands (March 12, 2019, QVSD Conceptual Site Planning Study, attached hereto). Downhill of all this activity, and the Redbeds, are the Leetsdale neighbors of Winding Road, Wood Spur, Overdrive and Riverview. There are more streets and homes involved; the named streets are those directly touching land of the site (Garvin Boward Beitko Geologic Map, identifying streets and attached hereto).

No plan has been formulated as to how colluvial soils and Redbed will be removed from the southwestern portion of the site, or how Camp Meeting Rd will be supported, given that it is known to be already sliding, or how the benching will be accomplished given the poor state of the site, or how the sandstone will be removed (Aug 20, 2021, G. Philips pp 30, 74, 79, 83-84, 210). This lack of plan itself violates the Ordinance for the Ordinance requires a degree of specificity that would enable to ZHB to conclude that the work can be done without endangering the health, safety, and welfare of the community (Ordinance 2019-02 Part 6 Section 2.A.(1). QVSD has been directed to present evidence of the geotechnical aspects of their application. The ZHB is obliged to rule upon it. No specific plan has been submitted. Leet has only the assurances of Mr. Philips and Mr. Boward that they, or whoever is hired, will design and then perform the work safely (Aug 20, 2021, G. Philips p 30).

The combination of trees removed from the site, steep, metastable or unstable slopes, clay, subsurface water, colluvial soils, and Pgh Redbed surrounding the site, combined with the large amount of excavating and earth-moving contemplated, including the very real potential need for blasting are dangerous and potentially injurious to the Leet community and to its downhill neighbors in Leetsdale. Adding to these risks is the failure of the Applicant to present a plan as to how they might safely accomplish their goal. This combination of factors is sufficient to decline the application of QVSD for a Special Exception and this Objector urges the Honorable Zoning Hearing Board to do so.



**The character, condition and usage of Camp Meeting Road poses a danger to the health, safety, and welfare of the current residents as well as persons who would be attending or visiting the proposed high school.**

There are two aspects to the impact of the proposed high school on Camp Meeting Road. The first is the congestion which will be created by the vehicles going to and from the school and the second is the danger created by the nature and condition of Camp Meeting Rd itself. Let us first examine the congestion question.

The Wooster Traffic Impact Study is part of the record, having been submitted with the application for special exception. In Appendix A p 71, a vehicle count on Camp Meeting Rd. was performed on September 19, 2019. The result of this count: 2,800 vehicles use Camp Meeting Rd. daily. Mr. Wooster was satisfied that this count was reflective of normal road usage (July 15, 202, C. Wooster p 236). However, since the upper end of Camp Meeting Rd. was closed at that time and Little Sewickley Creek Rd was open, the number may be a low count. Assuming arguendo that the count is reflective, at present then, 2,800 vehicles travel on Camp Meeting Road daily.

Wooster's Study found that if the proposed high school is built, there would be 1,792 additional vehicle trips on Camp Meeting Rd. daily (July 15, 2021, C. Wooster pp 84, 237). This count does not reflect any additional traffic for school events, such as theatre or sporting events (July 15, 2021, C. Wooster pp 131, 217, 254). To that end and to give some prospective to what additional traffic may exist, the school's auditorium will seat 800 and its main gymnasium will seat 1200 (Jun 30, 2021, J. Thomas, pp 60-62). Neither does the 1,792 reflect the additional number of vehicle trips that would be added for use of the site as a community resource.

Of the 1,792 vehicle trips contemplated, Mr. Wooster felt the real difficulty would occur at peak am and pm hours. Even so, his study concluded that there is no need for a traffic signal or even additional stop signs at the intersection of Camp Meeting and Beaver Rd. Instead, he recommends, and the school has adopted his recommendation, to station a traffic officer at that intersection during the peak am and pm times (Traffic Impact Study p 17).

The intersection of Camp Meeting and Beaver has a present Level of Service rating of C (July 15, 2021, C. Wooster p 239). “Level of Service (LOS) is defined in terms of delay. Delay is a measure of driver discomfort, frustration, fuel consumption and lost travel time,” (Traffic Impact Study p 176). An LOS rating of C means that there is an average wait of more than 15 seconds and less than 25 seconds per vehicle. To illustrate: if 4 vehicles are on Camp Meeting waiting to turn onto Beaver, the average wait time of the fourth vehicle is 60 to 100 seconds (Traffic Impact Study p 176).

The Traffic Study concludes that the proposed high school traffic will change the LOS at the Camp Meeting/Beaver Rd intersection from C to F (Traffic Impact Study Table 1E; July 15, 2021, C. Wooster p 239). An LOS of F is defined as “when volume exceeds the capacity of the lane, extreme delays will be encountered” (Traffic Impact Study p 176). The average delay for an LOS of F is greater than 50 seconds per vehicle. It is an unacceptable LOS according to PennDOT and to Mr. Wooster (Traffic Impact Study p 176).

The contemplated solution of this unacceptable traffic congestion is to place a traffic officer at that intersection during peak times. Mr. Wooster testified that this was less than one hour in the morning and less than one hour in the afternoon. (July 15, 2021, C. Wooster p 269). However, his breakdown of when traffic comes and goes shows that 500 vehicles enter the school site and 600 vehicles exit the school site, not at peak hours (Traffic Impact Study Table 2;

July 15, 2021, C. Wooster pp 238-239). There will therefore be 1,100 additional vehicle trips on Camp Meeting Rd which will not have the benefit of a traffic officer (July 15, 2021, C. Wooster p 239).

Eleven Hundred vehicles, plus whatever portion of the 2,800 are not traveling at peak hours, will be attempting to use Camp Meeting Rd. without a traffic officer, signal or stop signs. Again, this number does not include any vehicles which will travel to the school site for interscholastic activities or for any contemplated community uses of the proposed school.

It is worth mentioning at this juncture that though the school has not submitted a plan to include a stadium at the site, they are creating a space for one in the future. Mr. Thomas testified that the planned 550 parking spaces will be sufficient at present, but “they have room to expand if they need to for stadium parking” (July 8, 2021, J. Thomas p 93). He further stated that although the present plan does not have a sports stadium, it is designed so as “not to preclude building one in the future. The basic infrastructure, earthwork, power consumption, sewer loads, stormwater needs are baked in.” (Jun 30, 2021, J. Thomas, p 66).

A stadium will host interscholastic football, soccer, lacrosse, track, field hockey and band events. It will be in use throughout the school year with all attendant traffic, noise and lights. And though it is not in their present plan, it is a logical certainty that as soon as they can borrow enough, they will want to place a stadium at the same site as the school (Jun 28, 2021, J. Thomas pp 57-58: “A stadium is typically close to a high school”). A decision to grant a special exception to allow the school will lead inevitably to a request to build a stadium.

There is no plan to aid traffic flow with a traffic officer at the primary or the secondary access to the school (July 15, 2021, C. Wooster p 242). And although QVSD has presented a

plan showing turning lanes at the primary access on Camp Meeting Road, Charles Wooster has stated they aren't required, and he is uncertain that they will be part of the ultimate plan. (Wooster Traffic Study P4, pp 13, 53, and 333; July 15, 2021, C. Wooster p 73). If there aren't turning lanes from Camp Meeting Rd. into the school, then southbound traffic along Camp Meeting will be halted regularly at that intersection to allow for left turns.

Altogether, the planned and partially planned proposal of QVSD to locate a school on Camp Meeting Rd. will cause congestion, creating "driver discomfort, frustration, fuel consumption and lost travel time", particularly at the intersection of Camp Meeting Rd. and Beaver Rd. For those reasons, it will have a negative impact on the welfare of residents of Leet Township who live on or adjoining Camp Meeting Rd and a negative impact on the welfare of persons who, for work or other reasons, need to travel Camp Meeting Rd.

Granting a special exception in these circumstances violates Leet Township's Ordinance in three ways. At Part 6 Section 1: 2. A. (7) it may be injurious or noxious to other persons or properties; 2. A. (12) it fails to organize vehicular access to minimize traffic congestion in the neighborhood; and (2.D.) it offends general public interest, such as the health, safety and welfare of the neighborhood. Therefore, the application for a Special Exception should be denied.

Let us turn finally and importantly to the question of the safety of Camp Meeting Rd.

The school as proposed has access only on Camp Meeting Rd. (SP3) A landslide or an automobile accident occurring on Camp Meeting Rd. which closed the road would have a very real impact on persons coming and going from the school or other Camp Meeting locations (July 15, 2021, C. Wooster pp 91, 139). It would also impact the ability of emergency vehicles to

access both the school and other Camp Meeting Rd. locations (Nov 2, 2021, H.J. Garber pp 118, 120; See Mr. Soman’s statement, it would take eleven minutes to get a fire truck to the site. This amount of time, which he said was “a very long time”, is without the complication of any closed road. Sep 17, 2021, p 114). A school should be built with multiple access points according to safety experts (Nov 16, 2021, K. Gatesman p 36). The possibility of car accidents on the road or a landslide coming from the hillside above the road necessitating the closing of the road are both events which have occurred in the past (Sep 17, 2021, M. Connelly p 85; S. Hyjek p 111: Nov 2, 2021, HJ Garber pp130-131). These problems are not unlikely. Closure of the road presents not only a logistical problem with no real solution, but also a potential danger to persons with emergency needs. Therefore, proposing to build a school with a single access on this steep, winding, landslide-prone hillside is not beneficial to the welfare of the community.

Camp Meeting Rd cannot be designated as a school zone because there are no sidewalks along its length now and no plan to place any there. (June 30, 2021, J. Thomas p 57; Traffic Study Appendix A: There will be “no crosswalks and no sidewalk because pedestrian and bicycle traffic will be minimum due to location and topography.”; C. Wooster pp 97, 102-103). Both Mr. Thomas and Mr. Wooster agree that it is dangerous to walk or bike on Camp Meeting Rd. (July 8, 2021, J. Thomas p 32; July 15, 2021, C. Wooster pp 97, 102-103). Therefore, there will be no safe way for students living in proximity to walk or bike to school.

The current site of the high school has sidewalks and crosswalks. Somewhere between 80 and 100 students walk to and from school (Nov 16, 2021, K. Gatesman p 39). The PDE encourages schools to preserve walkability and existing sites (Nov 16, 2021, K. Gatesman pp 40-42). The plan of the school district is certainly contrary to this goal. Consider the real-world situation of kids who live in neighborhoods directly across from the entrance to the proposed

school or close by. Will they elect to wait for their buses? It seems likely that they will be running, walking or biking along and across Camp Meeting Rd. A proposal that acknowledges the danger of what people will do without planning how to counterbalance that danger, is not a proposal which should be accepted.

Both Mr. French and Mr. Wooster testified as to the nature and condition of Camp Meeting Rd. They agree that it is steep and curvilinear (July 15, 2021, C. Wooster p 190; Sep 17, 2021, p 122; Sep 17, 2021, J. French pp 128-129; Safety Review of Camp Meeting Rd. p 8: “The grade on Camp Meeting Rd between the proposed high school driveway and Beaver St. was estimated at 10% ... a steep roadway by most highway standards. Downgrades increase braking distance, speeding and difficulty stopping and slowing in poor weather conditions”).

Mr. Wooster and Mr. French agree there is a hairpin turn close to the secondary access and curves where sight distance is inadequate currently (Nov 9, 2021, C. Wooster p 83; Traffic Report of J. French pp 10, 13 and photographs showing impaired sight distance p 11). “Embankments and/or vegetation on the inside of horizontal curves obstruct visibility. The consequences of inadequate sight distance are an increased risk of hitting objects in the road, including other vehicles, such as those that might be moving slow or queued due to congestion.” (Traffic Report of J. French p 9; Sep 17, 2021, J. French pp 131-132).

In addition to the difficulties of steepness, curves, and inadequate sight distances, Mr. French was concerned about the hazard of fixed objects occurring by the roadside. (Sep 17, 2021, J French 134-139; Traffic Safety Report pp 14, 15 & 18). “They include rock outcroppings, trees, retaining walls and inlet headwalls.” (Traffic Safety Report p 14; Sep 17, 2021 pp 137-139). Mr. Wooster stated he believed there was “generally” a four-foot shoulder, but there were “some issues of things that need to be maintained”. He did agree that there was

an encroachment (Nov 2, 2021, C. Wooster pp 27-29). “Roadside hazards cause or worsen a crash by a vehicle leaving the traveling lane” (Traffic Safety Report pp 14; Sep 17, 2021, J. French pp 134-139).

To illustrate the “things that need to be maintained”: There are inadequate and damaged guide rails. There are trees in close proximity behind the guide rails. There are guide rails where the earth is falling away behind them (Traffic Safety Report pp 17-19; Sep 17, 2021, J. French pp 137-139). There is substandard signing and pavement marking and inadequate lighting for safety along the road (Traffic Safety Report p 20).

Another circumstance of the road is how it dangerous it becomes in bad weather. Numerous witnesses testified to the dangers of the road, whether from black ice or snow (Sep 17, 2021, M. Vettorazzi p 72; Sep 17, 2021, T. Weber p 80; Sep 17, 2021, M. Connelly pp 85-86; Sep 17, 2021, S. Hyjek pp 100-101; Nov 2, 2021, H.J. Garber pp 130-131).

Mr. French concluded that building a high school on Camp Meeting Rd. would be detrimental to the health, safety, and welfare of residents of Leet Twp. and especially to kids. He stated that the condition of the road combined with increased traffic and teen drivers elevates the risk of crashes and may also elevate their severity (Sep 17, 2021, J. French pp 147, 148 and 185).

The posted speed limit of Camp Meeting Rd. is 25 mph (Nov 2, 2021, C Wooster pp 27-28). Mr. Wooster testified that at the posted speed limit, he believed the road was safe (July 15, 2021, C. Wooster pp 92, 93, 101; Nov. 2, 2021, C. Wooster pp 27-28).

A radar speed study of Camp Meeting Road was performed on Jan 13, 2021. The study concluded the 85% speed, that is to say, the speed that 85% of the cars were going, was northbound 36 mph and southbound 34 mph (Wooster Traffic Impact Study, Appendix C 2.2, p

6). Saying this another way, 36 mph is the speed at which the majority of vehicles traveled. 15% of the vehicles were traveling faster than that (July 15, 2021, C. Wooster 144-145; Nov 2, 2021, C. Wooster pp 66-67).

Mr. Wooster's statement that the road is safe at the posted speed is therefore an empty statement. No one is traveling at the posted speed. In general, people are traveling 9 or 11 mph above the speed limit. Fifteen per cent of the time, they are going even faster than that. If the road is safe at the posted speed and everyone exceeds that, then it cannot be true that the road is safe.

A final circumstance to add to the litany of Camp Meeting Rd deficiencies is the acknowledgement of the teen aged driver. According to the CDC, motor vehicle crashes are the second leading cause of death for U.S. teens. Persons between the age of 16 and 19 are three times more likely than drivers 20 or older to be in a fatal crash. Pre-eminent among the reasons given is their inexperience. Other reasons include distracted driving, nighttime and weekend driving, not wearing seat belts, speeding, and alcohol or drug use (Sep 17, 2021, J. French p 152; French Traffic Safety Report pp 2-3). Mr. Restauri noted and was agreed with by everyone in earshot that insurance rates are notably higher for teen drivers. For a reason. They have more automobile accidents.

More than 200 students drive to school daily at present. (July 15, 2021, J Thomas p 32).

Camp Meeting Rd. is steep and very curved. It is the single access road for the proposed high school. It has inadequate sight distances. It has fixed object hazards, poor lighting, poor



markings, damaged and inadequate guide rails. It will likely have students walking or biking along it. It sometimes experiences accidents or landslide-forced road closures and sometimes experiences snow or black ice. While some of these hazards can be repaired or improved, the steepness of the road, and its curvilinear nature cannot be changed.

Further, when you acknowledge that persons who drive Camp Meeting Rd. exceed the speed limit significantly, and when you add to all these aforementioned conditions, the increased traffic which the proposed high school would bring, the frequency of accidents will certainly rise.

And finally, when you add to all these demonstrated deficiencies, more than 200 inexperienced and often distracted teen aged drivers, the inescapable conclusion is that granting a Special Exception to build a high school offends the public interest and would be detrimental to the health, safety, and welfare of the residents of Leet Twp. and to persons attending or visiting the proposed school (Leet Twp. Ordinance Part 6, Section 1, 2.D.).

The identified and proved deficiencies and conditions also fail to satisfy the requirement that the Special Exception shall not involve any element or cause any element or condition that may be dangerous, injurious, or noxious to any other persons or properties (Leet Twp. Ordinance Part 6 Section 1, 2.A.(7)). In the face of these demonstrated dangers to persons and to the welfare of the community, the Zoning Hearing Board must conclude that the Applicant has also failed to show that granting a special exception will be beneficial to the public (Leet Twp. Ordinance Part 6 Section 1, 2.A.(5)).

For all the reasons delineated in the introduction of this memorandum, but especially for the conditions, circumstances and reasons more fully described herein, and for the concomitant failure of the Applicant to carry its burden of proof, the application should be denied.

Wherefore, this Objector<sup>1</sup> urges the Honorable Zoning Hearing Board to deny the Application of QVSD for a Special Exception to build a high school in Leet Township in an area zoned AAA residential.

Respectfully Submitted,

Janet L. Innamorato

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<sup>1</sup> Any person that is “aggrieved” regarding the proposed exception has standing. See *Provco Partners v. Limerick Tp. Zoning Hearing Bd.*, 866 A.2d 502, 507 (Pa. Cmwlth. 2005). Aggrieved persons with standing to participate in special exception proceedings include groups of concerned citizens who own and/or reside on land near the subject property. See *Union Tp. v. Ethan Michael, Inc.*, 979 A.2d 431, 433 n. 1 (Pa. Cmwlth. 2009).

Pennsylvania case law is clear that such aggrieved persons are not necessarily limited to those residing in the Township in which the proposed exemption is sought. See *id.* at 505 (citing *Miller v. Upper Allen Township Hearing Board*, 535 A.2d 1195, 1199 (Pa. Cmwlth. 1987) (holding that a municipal line has no impact on the ability of a person to be aggrieved by the treatment of property in another municipality). Moreover, an objector is not required to establish pecuniary or financial loss as a result of the proposed use in order to have standing. See *Appeal of Hoover*, 608 A.2d 607, 611 (Pa. Cmwlth. 1992).