

**Willig, Robert A.**

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**From:** [REDACTED]  
**Sent:** Tuesday, October 17, 2017 11:43 PM  
**To:** [REDACTED] Construction; Willig, Robert A.  
**Subject:** RE: Zoning setback issue

Mr. Willig

[REDACTED]

[REDACTED]

To briefly explain the project and the issues at hand:

-Mr. [REDACTED] intends to construct a poultry barn on his property approximately 250'x48'  
-Mr. [REDACTED] hired me to assist him in applying for the required stormwater and land development permits for this project - I prepared the plans and reports necessary to meet the Township requirements for stormwater management and land development approvals as well as to meet the state requirements for an NPDES stormwater permit -The plans and reports were submitted to the Township and PA DEP for review -We received comments from both the Township Engineer and the Senior Engineer with DEP's waterways and wetlands program -I addressed all of the DEP comments and most of the Township Engineer comments. However, there were a few comments from the Township Engineer that Mr. [REDACTED] found to be excessive and revising the design to address these comments would add significant, unnecessary costs to the project. I reviewed the Township stormwater ordinance and I agreed with Mr. [REDACTED] that some of the requests being made by the Township Engineer were above and beyond the ordinance requirements and in my opinion the design was adequate. The PA DEP agreed and at this time the PA DEP has no outstanding technical comments.  
-However, PA DEP is not willing to issue the NPDES permit until we have an approval letter from the Township Engineer - although they have approved other similar projects without Township Engineer approval.  
-in addition to Stormwater comments, the Township Engineer also commented that the proposed poultry barn shall be considered a principal structure and therefore must adhere to the principal structure building setbacks (and be located 100' from nearest property line). Mr. [REDACTED] residence is on this same piece of property and my interpretation is that the poultry barn is an accessory structure and should therefore only need to meet the setback requirements of an accessory structure (50' from the property line). It is Mr. [REDACTED] belief that by considering the poultry barn a principal structure (and thus having two principal structures on the same property) is essentially the local municipality trying to interpret their ordinance in such a way as to be more restrictive than state law for such an agricultural use.

I would happy to provide any additional information or explanation if needed.

[REDACTED]

-----Original Message-----

From: [REDACTED]

Sent: Tuesday, October 17, 2017 7:43 PM

To: Willig, Robert A. <rwillig@attorneygeneral.gov> [REDACTED]

Subject: Re: Zoning setback issue

Hi Mr. Willig, I have contacted my engineer, he should be sending you information which will tell the whole story from start to now, his name is [REDACTED], and he's from [REDACTED].... We are also having some serious storm water issues with our Twp storm water engineer, DEP has been ready to approve the NPDES permit for quite some time but we are being required by the Twp to do some things that add significant cost to the project and I just don't feel that there is enough profit in this proposed enterprise to justify spending that kind of money... None of the Municipalities around us put such stringent demands on ag projects or any projects for that matter, Lamar Twp is well known locally for being a mess to deal with, The solicitor here is [REDACTED] the same attorney that [REDACTED] has, Thank you again for listening !!

On 10/17/2017 9:09 AM, Willig, Robert A. wrote:

> Dear [REDACTED]

> Thanks for reaching out. My recommendation is that you file an ACRE complaint with my office. I don't need anything big but if you can summarize what is going on that would be helpful. Just send it to me I nan email (as I remember you can't scan anything). Give me as much detail as you can but again no need to go on for pages and pages. Just enough for me to understand the problem so that I can begin my review. Thank you.

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> Robert A. Willig

> Senior Deputy Attorney General

> 6th Floor-Manor Complex

> 564 Forbes Avenue

> Pittsburgh, PA 15219

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> -----Original Message-----

> From: [REDACTED]

> Sent: Monday, October 16, 2017 7:42 PM

> To: Willig, Robert A. <rwillig@attorneygeneral.gov>

> Subject: Zoning setback issue

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> Hi Mr. Willig, I'm [REDACTED],

> [REDACTED]..... We talked on Monday, October 16 approx 10:45 am, we

> briefly discussed a zoning issue I'm having with Lamar Twp concerning my permitting for a poultry house, I was initially told my setback is 50', but after my stormwater plan was completed & submitted to DEP for NPDES approval, I was contacted and told that the plan was inaccurate because the building was shown with a 50' setback instead of 100', However my research found that poultry houses do fall under accessory buildings and the setback requirement for that is 50', I'm appealing to you for a clear discernment, You can contact me with any questions at [REDACTED]

> [REDACTED] THANK YOU FOR YOUR CONSIDERATION & TIME !!

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