



Eastburn and Gray, PC
Attorneys at Law

[REDACTED]

May 29, 2020

VIA EMAIL ONLY

Robert A. Willig
Senior Deputy Attorney General
Office of the Attorney General
1251 Waterfront Place
Mezzanine Level
Pittsburgh, PA 15222

[REDACTED]

Re: [REDACTED] and ACRE - Request for Review

Dear Mr. Willig:

I serve as solicitor to the Lower Milford Township Board of Supervisors and am writing in response to your letter dated April 29, 2020 in the [REDACTED] letter. The Township Supervisors have considered the issue raised in your letter regarding the Township Zoning Ordinance.

I am sure you are aware that Lower Milford Township is a farming community. The Supervisors have worked diligently over the years to ensure that the Township Zoning Ordinance fosters farming throughout the Township. Lower Milford Township was the first to preserve a farm in Lehigh County and it ranks as one of the top municipalities in the County in terms of the total number of farms preserved.

Thus, the Board considered very carefully the recommendation in your letter with regard to the yearly anticipated gross income issue of \$10,000 as it relates to an acreage requirement. After consultation with the Board, it has determined that it will amend the Township's Zoning Ordinance (the "Zoning Ordinance") so as to clarify the \$10,000 issue you raised. A proposed amendment will be drafted and provided shortly to the Board for its review and comment.

Notwithstanding an amendment to be made to the Township's Zoning Ordinance, the Board believes that the [REDACTED] proposed use, as previously presented to the Lower Milford Township Zoning Hearing Board, would remain a non-permitted use. The Supervisors wish to point out that the Township's ordinance does not allow multiple uses on the property, namely residential, agricultural, and a winery with food trucks and events, without some form of zoning relief.

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[REDACTED] propose to continue using the property as a residence. The proposed winery use with food trucks and special events would constitute a second principal use on the property. Pursuant to Section 301 "Use Regulations" of the Zoning Ordinance, a property in this district is only permitted to have one principal use. While facilities necessary for growing, picking, and processing grapes; turning them into wine; and a tasting area are logically associated with the agricultural operation of a winery, food trucks and the hosting events on the [REDACTED] property transforms the use into something beyond merely a winery. These aspects of the proposed use may not be permitted under the Zoning Ordinance, and are not within the ambit of the protections afforded to agricultural operations by ACRE and the Right to Farm Law.

Following the adoption of the amendment, [REDACTED] may submit a new application for a zoning permit to the Township. Their application will be reviewed by the Township's Zoning Officer, who will evaluate the proposed use and determine whether it is permitted on the property or whether any zoning relief is required.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

[REDACTED]

cc: Board of Supervisors
[REDACTED]