

March 19, 2020

Pennsylvania Office of the Attorney General
Attn: ACRE
15th Floor, Strawberry Square
Harrisburg, PA 17120
Via Email: ACRE@attorneygeneral.gov

Dear Attorney Willig,

I am a landowner of a small farm and small business in Hopewell Township, Cumberland County. By this letter, I am formally requesting that your office review the Hopewell Township ordinance as provided in Act 38 of 2005, because I feel there are some restrictive requirements for the future of farming in this township. Enclosed is a copy of the ordinance.

My family owns a property at [REDACTED] where we have a small furniture and mill work business, which was grandfathered in. Our family would like to have a bicycle sales/repair shop on this same property but we have been told by the township that we need a Conditional Use hearing. The fees that Hopewell Township charges for Conditional Use hearings and related expenses are very high, in my opinion. They are restrictive to family's having small businesses under Article 10, Section 10.39 Retail Business, Personal and Repair Service section of the ordinance. I would appreciate if you would look at the fees associated with any legal proceedings within Hopewell Twp, and if you can convey to the township about the unrealistic high costs, I would appreciate it.

My family also owns a property at [REDACTED] There are deed restrictions placed upon this property, which would not allow any animal farming operation. How terribly unfortunate. But, even if my family members would be allowed to construct an animal barn on the property, the Hopewell Township ordinance requires a Conditional Use hearing in the Agriculture Zone for what is recognized as a normal agricultural operation by the ag industry. It is not a use permitted by right in Hopewell Twp. So, for the sake of any other farmer in the township who is in the agriculture zone, and would like to expand or construct a normal agricultural operation, it is overly restrictive in my opinion.

Regarding the zoning ordinance, please refer to Article 2, Definitions. Hopewell Twp defines "intensive agriculture" basically as CAOs and CAFOs. Then it defines "agricultural operations" as essentially what the Right to Farm Act defines as a Normal Agricultural Operation, which in industry standards recognizes as also including CAOs and CAFOs.

Referring to Table 3-1, an "agricultural operation" is considered a Permitted Use, but a "Commercial Stockyard, Feedlot and/or Commercial Livestock Operation" requires a Conditional Use. Also, I don't see where "commercial stockyards" "feedlots" or "commercial livestock operations" are defined in Article 2, Definitions. Hopewell Twp defined "intensive agriculture" but doesn't refer to anything as "intensive agricultural operations" in Table 3-1. Table 3-1 also indicates that "Non-Commercial Keeping of Livestock" is a Permitted Use, but I don't see a definition in Article 2.

Article 5 refers to the Agricultural Zoning district. Please refer to Sect 5.09; there is a minimum acreage requirement of 10 acres to raise livestock or poultry. If there is less than 10 acres, the ordinance allows 2 head

of livestock or 100 fowl per 40,000 sq ft. There are many farm operations in PA that have CAOs or CAFOs on 10 or fewer acres, which is allowed under the Nutrient Management Act.

Article 10 refers to Permitted and Conditional Use regulations. When reviewing the required items (including 4 copies and having to pay filing fees) for a Conditional Use to have a bicycle sales/repair shop seems like overkill. The township works from the assumption that I'm trying to negatively impact my neighbors, instead of assuming that I'm trying to offer a service, and provide some extra income for my family.

Regarding Section 10.17, for Commercial Stockyards, Feedlots and/or Commercial Livestock Operations—again, how are these defined? These require a Conditional Use instead of a Permitted Use.

10.17.A.2—No exterior animal holding pens or areas devoted to loading/unloading of animals shall be located within 200 ft of any property line nor 500 ft of any land within a residential zone. That seems more restrictive than the Nutrient Management Act.

10.17.A.3—All animal holding pens or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum 50 ft wide landscape strip. This is an agriculturally zoned area. Why are we required to screen what is a normal agricultural operation?

10.17.A.4—All access drives onto the site shall be provided in a dust and mud free manner for a distance of at least 200 ft from the street right of way line. Does the township require this same thing from every other business entity? Is paving required? If it is, that's very expensive, and increases the impervious surface from a stormwater management standpoint.

10.17.B.3.a/b—includes additional requirements 100 ft from a property line. Is this consistent with the Nutrient Management Act?

10.17.B.3.d—setback of 150 ft from a well not owned by the owner of the CAFO

10.17.B.4—“Irrespective of the setback requirements of this section, a new building to provide housing for animals may be located in the aforesaid setback area, provided:

- a) There was, prior to this ordinance, other buildings housing animals within the required setback area.
- b) The new building housing livestock will not project further into the required setback area than did the building in existence prior to this ordinance.
- c) The number of equivalent animal units on the parcel where the confined livestock operation is or will be located, after construction, will not be more than double the number that were present within the permitted setbacks....

10.17.B.5— Please refer to this section as it regards traffic requirements.

Thank you for your consideration of this request.

If you have questions or comments, I can be reached at [REDACTED]

Sincerely,

[REDACTED]

HOPEWELL TOWNSHIP, CUMBERLAND COUNTY

415 Three Square Hollow Road, Newburg, PA 17240-9333

Board of Supervisors 2020

Verne L. Wadel, Chairman
David M. Elliot, Chairman
Danny G. Forrester, Road master

Kimberly S. Myers, Municipal Secretary-Treasurer
Gregory L. Alleman, Zoning-Permits Officer

February 25, 2020

[REDACTED]
[REDACTED]
[REDACTED]
RE: Enforcement Notice

Dear [REDACTED]

You are in violation of Article 3, Section 305, Table 3-1 that requires a Conditional Use under Article 10, Section 10.39 Retail Business; Business, Personal, and Repair Service at 1033 Ridge Rd., Shippensburg, PA 17257. This Section 10.39 would require a Conditional Use Hearing through Hopewell Township for permitting and operation upon approval. Enclosed is the requirements for the above mentioned part of the Zoning Ordinance.

You have the right to file an appeal of this Enforcement Notice to the Zoning Hearing Board. To do so you must contact the Zoning Hearing Board Secretary, Duane Gipe, at 717.446.3762 and file the required Notice. If you do not file an appeal from this Notice or correct the violation within 30 days from the receipt of this notice, the Township will file a complaint in the District Justice office assessing civil penalties of up to \$600 per day for each and every day of violation plus costs.

If you have any questions or comments, please contact me at 717.423.6582.


Greg Alleman,
Zoning/ Permits Officer

415 Three Square Hollow Rd.
Newburg, PA 17240-9333

PHONE (717) 423-6582
FAX (717) 423-6019
E-MAIL hopewelltownship@pa.net

Sensenig Woodworking
1033 Ridge Road
Shippensburg PA 17257
Phone (717) 423-5311
Fax (717) 423-5322



Specific Section(s) of the Zoning Code upon which application is based.

Describe Proposed Use of Property:

Briefly state why applicant believes Board of Supervisors should grant the conditional use.

Note: The applicant or its representative(s) shall be required to provide testimony at the Planning Commission meeting(s) at which this application is discussed and at the required Board of Supervisors Public Hearing(s) for this application.

(If more space is required, attach a separate sheet and make specific reference to the question asked.)

Has a previous Conditional Use Application been filed for this property?

No Yes (date if known) / /

Has a previous Zoning Hearing Board Application been filed for this property?

No Yes (date if known) / /

Has a previous Subdivision or Land Development Application been filed for this property?

No Yes (date if known) / /

In addition to this application, documentation must be submitted in compliance with Article 10 of the Zoning Ordinance, reproduced here, in part, for convenience.

Section 10.03A Conditional Uses - Procedure.

The procedure for requesting a Conditional Use in any zoning district shall be as follows:

- A. The applicant shall file an application for a Conditional Use Permit with the Board of Supervisors. The application shall contain the following information or material:
 - Names and addresses of adjoining property owners including properties directly across a public right-of-way.
 - A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of the Zoning Ordinance.
 - A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of the Zoning Ordinance.

- B. The Board of Supervisors submits the Conditional Use Application to the Planning Commission at least 14 days prior to the date of the hearing. The Planning Commission reviews the application and makes recommendations to the Board of Supervisors.

- C. Following public notice as required by law, the Board of Supervisors conducts a public hearing, which may be part of the Board of Supervisors' regular monthly meeting.
- D. The applicant is provided, either in person or by mail, a written notice of the decision or findings of the Board of Supervisors not later than 45 days of the last hearing on the conditional use application.
- E. Conditional Uses which are granted are subject to time limitations as set forth in Section 10.03 G of the Zoning Ordinance.

____ *My signature authorizes permission to post public notices on this property as required by law and permission to Township officials and staff to enter thereon for posting and inspection purposes.*

____ *I certify that the information provided on this application and supporting documentation and plans is true and correct to the best of my knowledge, information and belief.*

____ *I certify that the property owner(s) of the parcel of land for which this application for Conditional Use is being made has (have) authorized the submittal of this application and also certifies the content therein.*

Name of Owner (Print)

Signature

Date

HOPEWELL TOWNSHIP, CUMBERLAND COUNTY

415 Three Square Hollow Road, Newburg, PA 17240-9333

Board of Supervisors 2015

Danny G. Forrester, Chairman
Verne L. Wadel, Vice Chairman
Eugene F. Mellinger, Road master

Kimberly S. Myers, Municipal Secretary-Treasurer
Gregory L. Alleman, Zoning-Permits Officer
Sally J. Winder, Solicitor

INVOICE

TO:

[REDACTED]

DATE: July 7, 2015

RE: Fees for Conditional Use Hearing

Description:

(1) Fees for first Mailing-----	\$53.92
(2) Engineer Fees-----	\$774.75
(3) Fees for Stenographer -----	\$100.00

TOTAL FEE DUE ----- \$928.67

Please make payable to HOPEWELL TOWNSHIP and remit to the above address within 30 days.

Thank~ You!

415 Three Square Hollow Rd.
Newburg, PA 17240-9333

PHONE (717) 423-6582
FAX (717) 423-6019
E-MAIL hopewelltownship@pa.net

BREHM-LEBO ENGINEERING, INC.
Civil Engineers ▶ Planners ▶ Surveyors ▶ Structural Engineers

17 State Avenue
Carlisle, PA 17013-4431



Phone: (717) 243-4114
Fax: (717) 243-3301

DUE UPON RECEIPT
Please return white copy with remittance

INVOICE

A late charge of 1 1/2% per month,
will be applied to all past due invoices.

HOPEWELL TOWNSHIP SUPERVISORS
415 THREE SQUARE HOLLOW ROAD

April 30, 2015
Project No: 2015-HW-066
Invoice No: 0018265

NEWBURG PA 17240

Project: 2015-HW-066 HOPEWELL TWP [REDACTED] CONDITIONAL USE

Professional services from April 01, 2015 to April 30, 2015

Professional Personnel

	Hours	Rate	Amount
PLAN REVIEW			
BREHM, DOUGLAS S.	2.90	91.00	263.90
LETTERS/MEMOS			
BREHM, DOUGLAS S.	3.15	91.00	286.65
TELEPHONE/CONF			
BREHM, DOUGLAS S.	0.30	91.00	27.30
SITE OBSRVE/MTG			
BREHM, DOUGLAS S.	1.90	91.00	172.90
CLERICAL/TYPING			
PORTER, PEGGY	0.80	30.00	24.00
Totals	9.05		774.75
Total Labor			774.75

Total this invoice \$774.75

PLEASE VERIFY PREVIOUS PAYMENTS OF OUTSTANDING INVOICES TO AVOID OVERPAYMENTS

HOPEWELL TOWNSHIP - 2015 FEE SCHEDULE

- BUILDING PERMIT** ~ \$0-1,000- \$30.00+ \$1.00 each additional \$1,000 or part thereof beyond the first \$1,000
- LAND-USE PERMIT** ~ \$0-1,000- \$30.00+ \$1.00 each additional \$1,000 or part thereof beyond the first \$1,000
- ZONING PERMITS** ~ \$30.00 **DRIVEWAY PERMIT** ~ \$30.00
- COPIES** ~ \$1.00 a sheet
- ZONING ORDINANCE BOOK AND SUBDIVISION AND LAND DEVELOPMENT ORDINANCE BOOK** ~ \$30.00 each
- ZONING HEARING BOARD** ~ Appeals and Variances (PLUS ALL Certified mailings shared expenses of Stenographer.) \$250.00
- PUBLIC GATHERING PERMIT** (more than 450 individuals) **\$300.00**
- CONDITIONAL USE PERMIT** (PLUS ALL Certified mailings shared expenses of Stenographer.) **\$300.00**
- SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

Preliminary Plan Application Fee: \$100.00 • Each Lot/Dwelling: \$25.00 **Escrow \$1,500**

Final Plan Application Fee: \$100.00 • Each Lot/Dwelling: \$20.00 **Escrow \$1,500**

- LAND DEVELOPMENT PLAN** Other than Residential **Escrow \$5,000**

\$300.00 <3 acres \$400.00 3-10 acres \$500.00 >10 acres

- UNIFORM CONSTRUCTION CODE** Pa Municipal Code Alliance, Inc. (717.377.8350) Fee Schedule Attached

- SEWER SYSTEM** Other permit fees as established by SEO (per schedule)

New Sewage System- Initial application (additional fees will apply as established by SEO) **\$600.00**

Sewage System Repair **\$175.00**

Consultation Fee (associated costs are the responsibility of the applicant) **\$45.00 per hour**

- LAND OWNERS RESPONSIBLE FOR ALL FEES RELATING TO DEVELOPMENT OF LAND WHICH MAY INCLUDE:**

***ENGINEERING SERVICES**- Storm water Management, plan review, site observation, etc...

(Actual cost of Township Engineer- Fee Schedule Attached)

*Cumberland County Planning Department (actual cost determined by County)

*Cumberland County Conversation District- Permits may be required. (Actual cost determined by District)

(NO PLAN WILL BE RELEASED UNTIL ALL FEES ARE PAID)

Name of Landowner (Print) _____ Signature _____

- Landowner by signing this fee schedule understands that fees are required to be paid prior to any permits being issued.

Any person who violates any provision(s) of these fees will, upon conviction, be sentenced to pay a civil penalty of not more than \$600 plus costs of suit and reasonable attorney fees.