

Willig, Robert A.

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From: [REDACTED]  
Sent: [REDACTED]  
To: ACRE Shared Mailbox  
Cc: [REDACTED]  
Subject: [EXTERNAL] ACRE Review Request  
Attachments: 2021\_10\_1 Status Review letter [REDACTED].docx; 2021 10 1 Status Review Inspection Report.pdf; [REDACTED] Settlement.pdf

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My name is [REDACTED] and I am writing to request a review of Upper Makefield Township's ordinance as relates to equestrian facilities. I believe that they have overstepped the permissible scope of their authority in their dealings with me and my horse farm.

#### BACKGROUND

In 2017, I purchased a horse farm in New Hope PA, [REDACTED]. It was a rundown farm that I purchased from PNC Bank after they had foreclosed on the prior owner. When I purchased the property, it had 31 horse stalls and an indoor and outdoor arena. I renovated the farm but did not add any density. I simply renovated the existing facilities.

However, due to the fact that the property was vacant during the foreclosure process, the Township required me to file for a conditional use approval, which I did. What should have been a routine approval with some reasonable requests regarding the operations, turned into a years long battle when the Township imposed 21 conditions for the use of the farm as an equestrian facility (which it had been for decades prior).

In November 2020, the matter was settled, reducing the number of conditions to roughly a dozen. I have complied with them all except for one.

There are residential units on the property and the settlement required me to have one occupied by June 2021 by me or a full-time caretaker. Occupying those units requires that a new septic system be installed for the residential units. Due to Covid issues in the winter of 2020-2021 the progress was slowed due to contractor availability and the need to locate an adequate site with the Bucks County Health Department. Progress has been steady and we are about to begin the work. **But the Township is now threatening to close the farm due to this provision.**

To be clear, we are a horse farm in compliance with state regulations [REDACTED]. I lease the property to [REDACTED], an insured entity that provides boarding and lessons for local girls and boys. They take care of the horses, including early morning and night checks of the facilities. Since 2017 there has not been a single incident of any issues with the facility or the animals.

#### REVIEW

Upper Makefield Township utilizes the Newtown Area Joint Municipal Ordinance. I can find nowhere where it requires, as part of a conditional use or any other approval, that a specific person or caretaker live on the property as a condition for its continued use as an agricultural enterprise. To understand the absurdity of their

position, in the initial Conditional Use approval they required me to personally move my principal residence to the property in order to continue to operate it as a horse farm.

The Newtown Area Joint Municipal Ordinance speaks to this issue in Section 803 A-1, where it discusses the density of farm units. Section 803 A-4 speaks to Riding Academies (which by definition [REDACTED] is). Here it is in its entirety.

A-4. Riding Academy. Riding academy, livery, or boarding stable, subject to the following provisions:

1. A lot area of not less than 10 acres shall be required.
2. Dwellings and accessory farm buildings shall be permitted in accordance with the regulations for Agriculture and Horticulture, Use A-1.
3. On sites of less than 15 acres, no more than one horse per acre shall be permitted.
4. Horse shows shall be permitted only by special exception.
5. Parking. No less than one off-street parking space shall be provided for every three persons present at such facilities when they are used to capacity.

No where does it state that full-time caretakers are required for this or any other farming use. Why? Because common practice deems the farmer as knowing what is best in terms of the care of animals. We have a Nutrient Management Plan that is followed and with which we are in full state compliance (attached). The horses are cared for in an excellent fashion and the facilities and the horses present no danger or concern to neighbors. Horses are a common presence in Bucks County and it's not uncommon for owners to board their horses at locations that are not monitored 24/7 by full-time employees.

Upper Makefield is creating a condition that exceeds their authority as defined in their ordinance and is hindering the operations of a legitimate agricultural enterprise.

I will continue with our plans for installation of the septic system and renovation of the units such that at some point in the near future there will be a full-time presence on the farm. But that should not be a requirement, nor should it be a reason to close a legitimate well-run business.

Thank you.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]