

VIA EMAIL & FIRST CLASS MAIL

RE: ACRE Request for Review - [REDACTED]  
Chestnuthill Township, Monroe County, Pennsylvania  
Our File No.: [REDACTED]

I am writing to you as Solicitor to the Chestnuthill Township Board of Supervisors in response to your letter of December 12, 2024 in the above matter. Specifically, this is in response to ACRE Request for Review sent to your office by Attorney [REDACTED] Esquire of [REDACTED] Attorneys on behalf of [REDACTED]. To my knowledge, a copy of Attorney [REDACTED] letter of November 12, 2024 to your office was not provided to Chestnuthill Township by Attorney [REDACTED] and was only reviewed in conjunction with your letter of December 12, 2024.

With respect to ACRE generally, Chestnuthill Township, Monroe County, Pennsylvania has a long history of agricultural and animal husbandry operations which continue to this day. Chapter 119 of the Chestnuthill Township Code of Ordinance relating to zoning provides for agricultural uses in all of its zoning districts as a permitted use. I have enclosed for your reference a copy of Chapter 119 Attachment 2 representing the Table of Permitted Uses excerpted from the Chestnuthill Township Zoning Ordinance.

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With respect to the issue of commercial equine activities as referenced in Attorney ██████ letter of November 12, 2024, that issue was, indeed, before the Chestnuthill Township Zoning Hearing Board in conjunction with an Enforcement Notice issued by the Chestnuthill Township Zoning Officer against ██████. However, the matter was resolved in favor of ██████ by the Chestnuthill Township Zoning Hearing Board which upheld ██████'s appeal of the Zoning Enforcement Notice. Thus there is no pending violation against ██████ for the property relating to any activities protected by ACRE. More importantly, during ██████ testimony before the Zoning Hearing Board, she made clear that she is not in fact conducting or intending to conduct commercial equine activities on her property and that any boarding of horses is limited to one (1) or two (2) horses for friends of acquaintances and not actual riding or riding instruction which would rise to the level of a commercial stable as defined in the Chestnuthill Township Zoning Ordinance. Thus it appears that Attorney ██████ request on behalf of ██████ is in the nature of an advisory opinion for possible future activities on ██████ property.

The primary issue raised in the letter appears to be the alleged prohibition of a residential use on ██████ property along with agricultural or animal husbandry. With respect to the allegation that Chestnuthill Township Zoning Ordinance would prohibit ██████ from residing on her property while maintaining a commercial stable, it is true that in the Rural Residential zone more than one principal use on a parcel of property is prohibited. However, in recognition of the reality that such a facility might require or inherently involve occupancy of the property of a single-family residence, the Chestnuthill Township Zoning Ordinance does provide at section 119-27(e) that the Chestnuthill Township Zoning Officer has discretion to determine that such residential use would actually be an accessory use to the commercial use and not a second principal use. As stated otherwise, the restriction against more than one (1) principal use on a residential property is intended to reflect intention to preserve the residential character in Chestnuthill Township. It does not, however, act in a manner which would prohibit ██████ from maintaining a commercial stable operation while retaining her residence if she sought to utilize her property in that fashion in the future.

The change in use of the property to a commercial stable may require submission of a Land Development Plan under the Chestnuthill Township Subdivision and Land Development Ordinance related to that use of the property. According to records within the Chestnuthill Township files, it appears that ██████ did, in fact, elect to pursue such a land development approval several years ago, but withdrew that application indicating once again that she did not intend to pursue a commercial stable operation on her property.

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To be clear, there is nothing in the Chestnuthill Township Zoning Ordinance which prohibits [REDACTED] from engaging in equine activities on her property. If in the future she elects to establish a commercial stable, a land development plan would likely be required for the improvements necessary to accommodate that use. Whether any structures utilized as a commercial stable would be exempt from the Pennsylvania Uniform Construction Code requirements would depend on how those structures would be utilized and would be evaluated in accordance with UCC standards which are unrelated to the Chestnuthill Township Code of Ordinances, except to the extent that Chestnuthill Township has in fact adopted the Uniform Construction Code.

Once again, the Chestnuthill Township Supervisors are committed to maintaining an atmosphere within the Township that preserves agricultural and animal husbandry uses including equine activities. Most recently, as part of a joint planning initiative, Chestnuthill Township enacted a Fireworks Ordinance which had as a primary goal the protection against the significant and well documented impacts to livestock and horses associated with the pervasive and unregulated use of fireworks. This Ordinance restricts times and locations in which fireworks may be used with specific reference to exclusion distances from animal husbandry and equine facilities in Chestnuthill Township.

If the Office of the Attorney General has concerns with the Chestnuthill Township Code of Ordinances as it relates to ACRE, I am certainly available to discuss this further with you and to provide any additional information that you require for an evaluation of the Chestnuthill Township Code of Ordinances as they relate to ACRE.

Thank you for your attention to this matter.

Respectfully submitted,

[REDACTED]  
By: [REDACTED]

[REDACTED]  
Enclosure

Cc: [REDACTED]  
[REDACTED]

██████████ also references the actions of the Zoning Officer in initiating an Enforcement Notice against the ██████████. Once again, that Zoning Enforcement

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Notice was resolved in the [REDACTED] favor by the Chestnuthill Township Zoning Hearing Board. Moreover, it is well settled that a Zoning Officer acts independently of the Township Supervisors in administering the Zoning Ordinance and the Municipalities Planning Code provides a vehicle for challenge of decisions from the Zoning Officer by an impacted landowner. That is exactly what happened in this situation and the Zoning Hearing Board made its determination that the Zoning Officer's enforcement notice was in error. It is quite incorrect to suggest that the Zoning Officer's interpretation of the Zoning Ordinance rises to the level of an ACRE violation as to the provisions of the Zoning Ordinance itself.

I apologize for the error in my previous letter and once again hope that the matter can be concluded with your office based upon the clarification and the information previously set forth in my letter of January 9, 2025 as supplemented and corrected herein.

Thank you for your attention to this matter.

Respectfully submitted,

[REDACTED]  
By: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]