

January 9, 2025

VIA EMAIL & FIRST CLASS MAIL

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

RE: ACRE Request for Review -

Chestnuthill Township, Monroe County, Pennsylvania

Our File No.

Dear Senior Deputy Attorney General Willig:

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 Esquire of Attorneys on behalf of my knowledge, a copy of Attorney etter of November 12, 2024 to your office was not provided to Chestnuthill Township by Attorney and was only reviewed in conjunction with your letter of December 12, 2024.

With respect to ACRE generally, Chestnuthill Township, Monroe County, Pennylvania 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 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 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 off in the nature of an advisory opinion for possible future activities on l property.

The primary issue raised in the letter appears to be the alleged prohibition of a residential use on broperty 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 realty 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) principle 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 hid, 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.

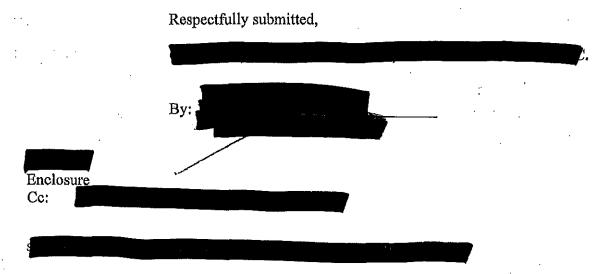
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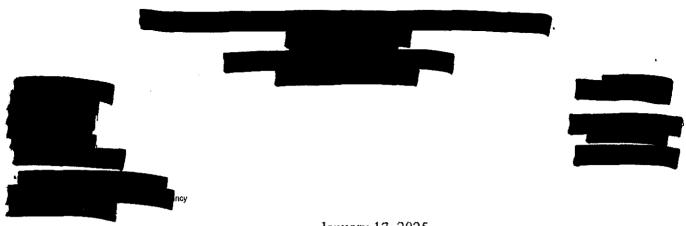
To be clear, there is nothing in the Chestnuthill Township Zoning Ordinance which prohibits from engaging in equine activities on her property. If in the future she elects to establish a commercial stable, a land development plan would likely be required for the improvements necessary to accommodate 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.





January 17, 2025

VIA EMAIL & FIRST CLASS MAIL

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

RE: ACRE Request for Review -

Chestnuthill Township, Monroe County, Pennsylvania

Our File No.:

Dear Senior Deputy Attorney General Willig:

This letter is a supplement to my letter to you of January 9, 2025 and in response to the letter of January 15, 2025 from the property of the Attorney of the Chestnuthill Township Zoning Ordinance should have been 119-27C. which relates to permitted accessory uses in all Districts. Subsection (11) of that section provides, as a permitted accessory use, "such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted right, special exception or conditional principle use. It was this subsection that was relied upon and should have been stated in my letter for the principle that the Chestnuthill Township Zoning Ordinance does not in fact prohibit maintaining both a residence and an agricultural or animal husbandry use on the same property. This provision recognizes the reality that many such uses would have a residential use incidental to those activities on the same parcel of land.

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 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,

