

LAW OFFICES

A PROFESSIONAL CORPORATION

SUCCESSOR TO

RESPECTIVELY

\* ALSO ADMITTED IN NEW JERSEY  
o ALSO ADMITTED IN NEW YORK  
† MASTERS IN TAXATION  
♦ ALSO A CERTIFIED PUBLIC ACCOUNTANT

Via First Class U.S. Mail  
and Electronic Mail @

Office of the Attorney General  
Mezzanine Level  
1251 Waterfront Place  
Pittsburgh, PA 15222

**RE: ACRE Complaint—Horsham Township, Montgomery County**

Dear Attorney Willig:

Please be advised that this firm serves as solicitor to Horsham Township ("Township"). The Township is in receipt of a complaint submitted to the Attorney General's Office on January 8, 2025, and your correspondence dated January 27, 2025, in which you outline a request to review the Township's actions pertaining to [REDACTED] notice of intention to commence forestry on 100 acres located in the Township. The Township believes its ordinances comply with all existing state laws, are consistent with the Agriculture, Communities, and Rural Environment Law ("ACRE"), 3 Pa.C.S. §§ 312 *et seq.*, and Right-to-Farm Law ("RTFL"), 3 P.S. §§ 951 *et seq.*, and are within the Township's authority under the Municipalities Planning Code ("MPC"), 53 P.S. §§ 10101 *et seq.* Please allow this correspondence to serve as the Township's response to the complaint.

***Procedural and Factual History***

[REDACTED] ("Owner") is the owner of a 100-acre property located on [REDACTED] and more specifically described as Montgomery County Tax Map Parcel [REDACTED] ("Property"). Owner is a corporation formed by members of the [REDACTED] family, long-time and well-known real estate developers in Montgomery County. After owning the Property since the 1980s, the [REDACTED] incorporated the Owner corporation and transferred the Property into Owner's name in 2018. For many years, the Property was encumbered by an easement in favor of the United States of America to protect the flight path of the United States Navy Base at the Naval Air Station Joint Reserve Base, Willow Grove. The United States Navy closed the Naval Air Station in 2011. In

Willig  
March 6, 2025

2020, the United States of America, after receipt of \$850,000 from the [REDACTED] released the easement on the Property, making development possible for the first time since 1989. The release of easement is attached to this letter and marked *Exhibit "A"*.

Approximately two years after the easement was released, [REDACTED] asked the Township staff for a meeting to discuss the development of the Property. At the meeting, [REDACTED] presented a concept plan showing 64 houses (attached as *Exhibit "B"*) and asked that the Township amend its zoning to allow a more dense development as shown on the concept plan. The [REDACTED] also asked that the Zoning Ordinance be amended to allow the removal of more trees than currently allowed under the Zoning Ordinance. At the time of the first meeting, the environmental protection standards of the Zoning Ordinance permitted developers to remove 20% of woodland areas as part of their projects. After several meetings, the Township staff and the developer team reached agreement on all issues except the tree replacement requirements. The Township staff prepared an ordinance amendment that reduced the minimum lot size and allowed removal of up to 80% of the woodland areas, but did not amend the requirement for tree replacement, or a fee-in-lieu of, for trees removed from the Property to accommodate development. Owner asked that the ordinance eliminate the tree replacement requirements, but the Township declined to include that change. Meetings and discussions broke down over the tree replacement issue. Because there were other developers interested developing properties in the same area, the Township proceeded with the adoption of the ordinance. A copy of that ordinance is attached and marked *Exhibit "C"*.

After the breakdown of negotiations with Owner, the Township was contacted by an individual who asked about conducting forestry operations on the Property. The Township Zoning Ordinance does not specifically provide regulations for forestry operations. Owner stated its intent to begin clear-cutting trees on Property with no reforestation plan to avoid tree replacement requirements. The Zoning Ordinance does not require permits for activities protected by the Right-to-Farm Act. Because the Owner had clearly expressed its intention to develop the Property, the Township asked that the Owner file an application for a zoning permit accompanied by a forestry management plan, or as it appeared that the Owners' intent was to clear-cut the Property, a reforestation plan. When the Owner failed or refused to file a permit application or provide a forestry management or reforestation plan, the Township Zoning Officer issued an Order and Determination directing the Owner to not commence removing trees from the Property without a permit. A copy of that Order and Determination is attached and marked *Exhibit "D"*.

Currently, the [REDACTED] website lists the Property for sale for residential development. See Horsham Township - Vacant Ground - [REDACTED] and the attached *Exhibit "E"*.

Owner appealed the Order and Determination to the Township Zoning Hearing Board and the matter is currently pending before the Zoning Hearing Board.

### ***Analysis***

The Township Ordinance does not impede or in any way interfere with Normal Agricultural Operations. Pursuant to ACRE in relevant part, municipalities shall not enforce or adopt an ordinance which:

Willig  
March 6, 2025

(1) Prohibits or limits a normal agricultural operation unless a local government unit:


- (i) Has expressed or implied authority under state's law to adopt the ordinance; and
- (ii) It is not prohibited or preempted under State law from adopting the ordinance.

3 Pa.C.S.A. §312. The definition of “Normal agriculture operation” is defined in the Right-to-Farm Act as “The customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market or poultry, livestock and their products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities.” ...” 3 P.S. § 952; see also 3 Pa.C.S. § 312 (stating that ACRE adopts the definition from 3 P.S. § 952). A “farmer” is defined as a “person engaged in the production of agricultural commodities.” 3 P.S. §2402. “Agricultural commodit[ies]” includes “forestry and forestry products” that are “transported or intended to be transported in commerce.” 3 P.S. § 952. Finally, “forestry” is defined in the MPC as “the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.” 53 P.S. § 10107. The above-referenced terms indicate that ACRE's applicability is limited to farms engaged in commerce that are producing commodities to sell in the marketplace and does not extend to those who intend to clear-cut the property, especially where there exists an intent to then develop the property.

The ordinance did not include specific regulations for forestry operations and did not require permits for activities under the Right-to-Farm Law. The Township determined that Owners are not proposing a normal agricultural operation. Customary silviculture does not include clear-cutting trees with no reforestation and the construction of houses where the trees used to be. As such, the Township, and faced with Owners clear expression of their intent to develop the property, and after receipt of written notice that the Owners intended to remove trees and avoid tree replacement requirements under the guise of a forestry operation, issued an Order and Determination which is now pending a full hearing before the Township Zoning Hearing Board.

Very truly yours,

  
By: 

  
Enclosures

cc: 

[REDACTED]  
**LAW OFFICES**  
[REDACTED]

**A PROFESSIONAL CORPORATION**

**SUCCESSOR TO**  
[REDACTED]

**RESPECTIVELY**  
[REDACTED]  
[REDACTED]  
[REDACTED]

\* ALSO ADMITTED IN NEW JERSEY  
◊ ALSO ADMITTED IN NEW YORK  
† MASTERS IN TAXATION  
◊ ALSO A CERTIFIED PUBLIC ACCOUNTANT

March 14, 2025

Via First Class U.S. Mail as addressed below and via email to [REDACTED]

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

**RE: ACRE Complaint—Horsham Township, Montgomery County**

Dear Mr. Willig:

This firm serves as Solicitor to Horsham Township ("**Township**"). On January 8, 2025, [REDACTED] ("**Owner**") filed a complaint with your office pursuant to the Agriculture, Communities, and Rural Environment Law ("**ACRE**" & "**ACRE Complaint**"), 3 Pa.C.S. §§ 312 *et seq.* The Township sent its response letter on March 6, 2025.

On March 11, 2025, the Horsham Township Zoning Hearing Board commenced its hearing on the Owner's appeal of a December 11, 2024 written determination by Township Zoning Officer [REDACTED]. This determination was triggered by the Owner's counsel sending a letter to the Township on December 2, 2024 indicating the Owner's intention to commence an activity on the heavily-wooded subject Property which the Owner labeled as "forestry." [REDACTED] determined that based upon the totality of the circumstances, as described in our previous letter and herein, the Owner indicated an intention to commence a use which failed to meet criteria that would properly classify it as "forestry" or any other normal agricultural operation and would therefore not be protected under the Right-to-Farm Law ("**RTFL**"), 3 P.S. §§ 951 *et seq.*

At the ZHB Hearing, the Owner called [REDACTED] on cross-examination as its first witness. The hearing has not yet concluded, and the Township will be presenting its case-in-chief,

Willig  
March 14, 2025

which includes more testimony from [REDACTED] on April 15<sup>th</sup>. Despite this, on March 12<sup>th</sup>, the day after the hearing began, the Owner's attorney contacted [REDACTED] to demand a meeting to discuss how they can commence forestry. This demand seems to be due to the Owner's mistaken interpretation of [REDACTED] testimony as an open invitation to host meetings to discuss the same matters which are currently the subject of ongoing litigation before the ZHB, with a witness still under oath whose testimony has not yet concluded in that very matter. Accordingly, the Township respectfully declined the Owner's demand for a meeting at this time.

Owner's counsel then sent you a letter on March 13, 2025 to attempt to supplement its ACRE Complaint by citing to select portions of [REDACTED] testimony from March 11th, and complaining about our refusal to meet in the middle of a bifurcated hearing. While ordinarily no response to you may be requested or necessary, the Township feels compelled to respond to defend against the Owner's improper allegations that the "township is attempting to do whatever it can to interfere or prevent forestry on [the Owner's] property." Since the litigation between the Owner and the Township is ongoing, and since the Township has already sent its response to the Owner's ACRE Complaint, the Township's response below to yesterday's letter will be concise.

In Horsham Township, Code Section 230-225 authorizes the Zoning Officer to issue or deny zoning permits for a new use. Section 230-226 of the Township Code prohibits the change in use or the disturbance of any environmental resource<sup>1</sup> on any property without the owner first securing a zoning permit, but references and wholly incorporates the RTFL by acknowledging that "*no zoning permit shall be required for activities exempted by Act 133 of 1982 (Right to Farm).*" Activities exempted by the RTFL include "normal agricultural operations," which include the "production, harvesting, and preparation for market use of agricultural [and] silvicultural commodities" by way of "the activities, practices, equipment, and procedures that farmers adopt, use, or engage in." 3 P.S. § 952. The Township's Zoning Ordinance Section 230-51.B also specifically permits agricultural uses in the R-1 Zoning District, in which the subject Property lies. "Forestry and forestry products" are indeed included in the definition of "agricultural commodity" so long as they are transported or intended to be transported in commerce. 3 P.S. § 952. While "forestry and forestry products" are not further defined in the RTFL, "forestry" is defined in the Municipalities Planning Code ("*MPC*") as "the management of forests and timberlands *when practiced in accordance with accepted silvicultural principles*, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, *which does not involve any land development.*" 53 P.S. § 10107. This definition serves to prevent a developer from circumventing the land development process, which typically provides for limitations or mandatory replacement of trees being cut down at the landowner's expense, by simply clear-cutting the land and then being able to develop it without providing for replacement trees.

Neither the RTFL nor the Horsham Code require a Zoning Officer to accept a landowner's stated intentions for a property at face value; such *prima facie* review by a Zoning Officer would constitute a serious dereliction of his or her duties to, among other things, implement the Zoning Ordinance and promote the safety, health, morals, and general welfare of the community which he

---

<sup>1</sup> Per Section 230-49 of the Township Code, "woodlands" and "floodplains" are environmental resources. The subject Property consists entirely of woodlands and contains a floodplain area as defined in Section 230-5.

Willig  
March 14, 2025

or she serves. In other words, where a landowner intends to commence normal agricultural operations on a property, he/she/it must make some showing that it actually will be an agricultural operation instead of simply an alteration of the land. Only then will that landowner be afforded the well-reasoned and highly desirable protections of the RTFL. In this case, the Township determined that the Owner's demonstrated intentions for the use of the property fell woefully short of what would be an activity exempted under the RTFL for numerous reasons. Instead, the Township determined that the Owner merely demonstrated an intention to disturb environmental resources, namely woodlands and floodplains, and the Zoning Ordinance properly requires a zoning permit prior to commencing such disturbance. The Horsham Township ZHB will now be left to determine whether the Owner made such a showing and that [REDACTED] determination was incorrect, but it appears that the Owner asks you to effectively adjudicate the same issue concurrently with the ZHB.

Horsham Township's Zoning Ordinance and implementation thereof do not prohibit activities protected by the RTFL, and the Owner's ACRE Complaint should accordingly be denied.



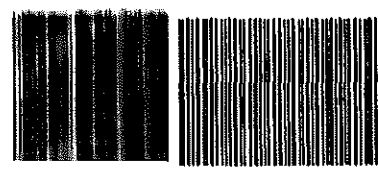

Please contact me if you need anything further.

Sincerely,

By: [REDACTED]

cc: [REDACTED] Township Manager (via email)  
[REDACTED] (via email)  
[REDACTED] (via email)

## **EXHIBIT “A”**

|  |   |         |                      |        |               |                |   |
|--|---|---------|----------------------|--------|---------------|----------------|---|
|   <p><b>RECORDER OF DEEDS<br/>MONTGOMERY COUNTY</b><br/><i>Jeanne Sorg</i></p> <p>One Montgomery Plaza<br/>Swede and Airy Streets ~ Suite 303<br/>P.O. Box 311 ~ Norristown, PA 19404<br/>Office: (610) 278-3289 ~ Fax: (610) 278-3869</p> | <p><b>DEED BK</b> [REDACTED]<br/><b>INSTRUMENT</b> [REDACTED]<br/><b>RECORDED DATE:</b> 03/02/2020 08:59:50 AM</p>  <p>5740512-0022L</p> <p align="center"><b>MONTGOMERY COUNTY ROD</b></p> |         |                      |        |               |                |   |
| <p align="center"><b>OFFICIAL RECORDING COVER PAGE</b> <span style="float: right;">Page 1 of 6</span></p>  |   |         |                      |        |               |                |   |
| <p><b>Document Type:</b> Deed Miscellaneous<br/><b>Document Date:</b> 02/18/2020<br/><b>Reference Info:</b></p>  | <p><b>Transaction #:</b> [REDACTED]<br/><b>Document Page Count:</b> 5<br/><b>Operator Id:</b> dawhltnr</p>  |         |                      |        |               |                |   |
| <p><b>RETURN TO: (Simplifile)</b><br/>Central Montgomery Abstract Co., Inc.<br/>1904-06 Swede Rd<br/>East Norriton, PA 19401<br/>(610) 279-2975</p>  | <p><b>PAID BY:</b><br/>CENTRAL MONTGOMERY ABSTRACT CO INC</p>   |         |                      |        |               |                |   |
| <p><b>* PROPERTY DATA:</b><br/>Parcel ID #: [REDACTED]<br/>Address: [REDACTED]</p> <p align="center">PA</p> <p>Municipality: Horsham Township (100%)<br/>School District: Hatboro-Horsham</p>  |   |         |                      |        |               |                |   |
| <p><b>* ASSOCIATED DOCUMENT(S):</b></p>  |   |         |                      |        |               |                |   |
| <p><b>FEES / TAXES:</b></p> <table border="0"> <tr> <td>Recording Fee: Deed Miscellaneous</td> <td align="right">\$73.75</td> </tr> <tr> <td>Additional Pages Fee</td> <td align="right">\$2.00</td> </tr> <tr> <td><b>Total:</b></td> <td align="right"><b>\$75.75</b></td> </tr> </table>  | Recording Fee: Deed Miscellaneous   | \$73.75 | Additional Pages Fee | \$2.00 | <b>Total:</b> | <b>\$75.75</b> | <p><b>DEED BK</b> [REDACTED]<br/><b>Recorded Date:</b> 03/02/2020 08:59:50 AM</p> <p>I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.</p>  <p align="right"><b>Jeanne Sorg</b><br/>Recorder of Deeds</p> |
| Recording Fee: Deed Miscellaneous  | \$73.75   |         |                      |        |               |                |   |
| Additional Pages Fee   | \$2.00  |         |                      |        |               |                |   |
| <b>Total:</b>  | <b>\$75.75</b>  |         |                      |        |               |                |   |

Rev1 2016-01-29

**PLEASE DO NOT DETACH**

**THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT**

**NOTE: If document data differs from cover sheet, document data always supersedes.**

**\* COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION**





Navy Contract No [REDACTED]

Prepared by:  
NAVFAC BRAC Program Management Office East  
4911 South Broad Street, Building 679  
Philadelphia, PA 19112-1303  
(215) 897-4900

Return to: [REDACTED]

MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
HORSHAM TOWNSHIP\$15.00  
HW

PIN: [REDACTED]

Cross-Reference to:  
Montgomery County Recorder of Deeds; Deed Book [REDACTED]

**RELEASE OF EASEMENT**

\*\*Department of Navy

**THIS RELEASE** is granted on this 18<sup>th</sup> day of February 2020, by the UNITED STATES OF AMERICA, acting by and through the Naval Facilities Engineering Command, Base Realignment and Closure, Program Management Office East under direction of the Secretary of the Navy, hereinafter referred to as the GOVERNMENT, at 4911 South Broad Street, Philadelphia, Pennsylvania 19112-1303, to [REDACTED] Pennsylvania Limited Liability Company, owner of the servient tenement, of [REDACTED], City of Plymouth Meeting, Commonwealth of Pennsylvania.

**WHEREAS**, the United States of America holds a perpetual easement on, over and across a portion of land owned by [REDACTED], said Easement as described in the Amended Declaration of Taking (Civil Action No. 86-5535) filed on September 8, 1989 in the United States District Court for the Eastern District of Pennsylvania and is set forth in the public record in the Office of the Recorder of Deeds for Montgomery County, PA in Deed Book [REDACTED] in which the United States of America condemned 98.401 acres of land, known as [REDACTED] (.685 acres) and [REDACTED] (.716 acres), in the Township of Horsham from [REDACTED] "Easement") for a perpetual restrictive easement required in connection with the operation of the former Naval Air Station Joint Reserve Base Willow Grove, Pennsylvania and in support of the Navy's Air Installation Compatible Use Zone (AICUZ) Program.

**WHEREAS**, the GOVERNMENT desires to release said Easement to the owner of the servient tenement.



NOW THEREFORE, in consideration of the sum of Eight Hundred and Fifty Thousand Dollars (\$850,000.00), the receipt of which is hereby acknowledged, the GOVERNMENT does, by this instrument, release to [REDACTED] any and all right, title and interest in and to the Easement described herein, it being the intention of the parties to terminate such Easement.

The easement area that is the subject of this Release is more particularly described in Exhibit "A" – Legal Descriptions for Parcel 10 and Parcel 22, and is attached hereto.

This Release of Easement is executed and delivered to [REDACTED] its successors and assigns, without any covenants whatsoever, either express or implied.

IN WITNESS WHEREOF, I have caused this Release of Easement to be executed on the date indicated above.

UNITED STATES OF AMERICA  
DEPARTMENT OF THE NAVY  
NAVFAC BRAC PMO EAST

WITNESS:

Elaine M. Preston  
Elaine M. Preston

By:

Gregory C. Preston  
Gregory C. Preston  
As its. Real Estate Contracting Officer

ACKNOWLEDGEMENT:

COMMONWEALTH OF PENNSYLVANIA)

) SS:

COUNTY OF PHILADELPHIA )

\*\* Department of Navy

I, the undersigned a Notary Public for the Commonwealth of Pennsylvania do hereby certify that this day personally appeared before me in the Commonwealth and county aforesaid, Gregory C. Preston, for and on behalf of the UNITED STATES OF AMERICA,\*\* whose name is signed to the foregoing document and acknowledged the same to be his free act in deed in such official capacity.

Given under my hand and seal this 18<sup>th</sup> day of February, 2020

Commonwealth of Pennsylvania - Notary Seal  
CELESTE CERINO, Notary Public  
Philadelphia County  
My Commission Expires June 2, 2022  
Commission Number 1256191

Celeste Cerino  
Notary Public  
(Seal)



Exhibit "A" - Legal DescriptionParcel 10

ALL THAT CERTAIN tract, piece or parcel of land situate in the Township of Horsham, County of Montgomery, Commonwealth of Pennsylvania, according to a survey and plan by Pickering, Corts & Summerson, Inc., Consulting Engineers & Land Surveyors, Newtown, PA, dated December 31, 1980, as follows to wit:

Beginning at a point for a corner, said point being the common point of beginning (P.O.B.) as described in [REDACTED], Recorder of Deeds Office, Norristown, PA;

Thence along the centerline of [REDACTED] thirty-three feet (33.00') wide, South forty-nine degrees sixteen minutes forty-three seconds West ( $S49^{\circ}16'43''W$ ) a distance of five hundred forty-eight and seventy-four hundredths feet (548.74') to a point for a corner; Thence along the easterly line of [REDACTED] Unit 3, North forty-three degrees nine minutes sixteen seconds West ( $N43^{\circ}09'15''W$ ) a distance of five hundred forty-one and fifty-five hundredths feet (541.55') to a concrete monument set for a corner; Thence thru lands of [REDACTED] and [REDACTED], [REDACTED] North fifty-one degrees forty-one minutes fifty seconds East ( $N51^{\circ}41'50''E$ ) a distance of five hundred fifty-two and seventy-six hundredths feet (552.76') to a concrete monument set for a corner; Thence along the southerly line of [REDACTED] South forty-two degrees fifty-two minutes twenty-eight seconds East ( $S42^{\circ}51'28''E$ ) a distance of five hundred eighteen and ten hundredths feet (518.10') to the point and place of beginning.

Contents of the above described parcel being six and six hundred eighty-five thousandths acres (6.685 AC.).



Exhibit "A" - Legal DescriptionParcel 22

ALL THAT CERTAIN tract, piece or parcel of land situate in the Township of Horsham, County of Montgomery, Commonwealth of Pennsylvania, according to a survey and plan by Pickering, Corts & Summerson, Inc., Consulting Engineers & Land Surveyors, Newtown, PA, dated December 31, 1980, as follows to wit:

Beginning at a stone found for a corner, said stone being at the terminus of the fourth course and distance as described in [REDACTED] Recorder of Deeds Office, Norristown, PA;

Thence along the lines of [REDACTED] and [REDACTED] Unit [REDACTED] North thirty-nine degrees zero minutes fifty-two seconds East ( $N39^{\circ}00'52''E$ ) a distance of eight hundred eight and sixty-five hundredths feet (808.65') to a point for a corner; Thence along the westerly line of Tax Block 15-C, Unit 10, South forty-two degrees fifty-two minutes twenty-eight seconds East ( $S42^{\circ}52'28''E$ ) a distance of one thousand nine hundred fourteen and sixty-seven hundredths feet (1914.67') to a concrete monument set for a corner; Thence thru lands of [REDACTED] [REDACTED] South fifty-one degrees forty-one minutes fifty seconds West ( $S51^{\circ}41'50''W$ ) a distance of five hundred fifty-two and seventy-six hundredths feet (552.76') to a concrete monument set for a corner; Thence along the northerly line of [REDACTED] North forty-three degrees nine minutes sixteen seconds West ( $N43^{\circ}09'16''W$ ) a distance of three hundred eight and seventy-one hundredths feet (308.71') to a point for a corner; Thence along same, South forty-nine degrees sixteen minutes forty-three



Exhibit "A" – Legal DescriptionParcel 22 (Continued)

seconds West ( $S49^{\circ}16'43''W$ ) a distance of one thousand one hundred seventy feet (1170.00') to a point for a corner; Thence along a northerly line of [REDACTED] North fifty-one degrees fifty minutes fifty eight seconds West ( $N51^{\circ}50'58''W$ ) a distance of nine hundred seventy-six and seventy-four hundredths feet (976.74') to a point; Thence thru lands of [REDACTED] North forty-six degrees sixteen minutes twenty-one seconds West ( $N46^{\circ}16'21''W$ ) a distance of one thousand four hundred forty-five and ninety-four hundredths feet (1445.94') to a railroad spike set for a corner; Thence along the centerline of Park Road, thirty-three feet (33.00') wide, North thirty-eight degrees forty-five minutes forty-seven seconds East ( $N38^{\circ}45'47''E$ ) a distance of one thousand thirty-five and fifty-one hundredths feet (1035.51') to a point for a corner; Then along the lines of [REDACTED] and [REDACTED] South forty-nine degrees thirty-one minutes thirty-seven seconds East ( $S49^{\circ}31'37''E$ ) a distance of one thousand one hundred sixty-two and seventy-six hundredths feet (1162.76') to the point and place of beginning.

Contents of the above described parcel, being ninety-one and seven hundred sixteen thousandths acres (91.716 AC.).



## **EXHIBIT “B”**



## **EXHIBIT “C”**



**HORSHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2024-02**

**AN ORDINANCE AMENDING THE HORSHAM TOWNSHIP CODE OF ORDINANCES, CHAPTER 230, ZONING, ARTICLE VI, R-1 LOW-DENSITY RESIDENTIAL DISTRICT, SECTION 230-52, DEVELOPMENT REGULATIONS, TO CREATE A NEW SUBSECTION D, OPEN SPACE OPTION, SUBJECT TO DEVELOPMENT REGULATIONS AND STANDARDS; REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; AND FURTHER PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to the applicable provisions of the Home Rule Charter of Horsham Township, Section 601 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, and the Horsham Township Zoning Ordinance, Township Council has the authority to enact and amend land use ordinances as the Township deems beneficial to the Township; and

**WHEREAS**, the Township has determined that certain amendments to the R-1 Low-Density Residential District are warranted to enhance development within that district.

**NOW, THEREFORE**, Township Council does hereby enact and ordain as follows:

**Section 1:** Chapter 230, "Zoning", §230-52, "Development regulations," is amended to revise subsection C, "Conservation Option" as follows:

C. Conservation option. In order to encourage the conservation of land for agricultural and open space purposes, parcels in excess of 35 acres may reduce the minimum lot size to 43,560 square feet upon demonstration of compliance with the following requirements:

- (1) The minimum tract size shall not be less than 35 acres;
- (2) The minimum amount of common open space shall be 20% of the site area which shall be a contiguous parcel. Up to 50% of the common open space may contain stormwater management basins. The location of the open space shall be approved by Council and shall not be part of any building lot in the subdivision;
- (3) The development shall be served by public water and sewer;

- (4) There shall be a fifty-foot perimeter buffer along all major arterial, minor arterial, and collector streets. The perimeter buffer shall be landscaped as required in Section 230-31.A. The perimeter buffer shall be owned and maintained by a homeowners' association and shall not be part of any building lot;
- (5) Where open space abuts private property or new building lots, the edge of the open space area shall be delineated by a concrete monument or similar post and shall be installed and maintained by the homeowner's association. The boundaries of the perimeter buffer shall be delineated by fencing, to be approved by Council, which shall be owned and maintained by the homeowner's association;
- (6) The minimum cartway width of all streets in the subdivision shall be 30 feet, as required by the Township Subdivision and Land Development Ordinance;
- (7) When determining the protected area, as set forth in section 230- 49.B(4)(b), where woodland covers more than 50% of the gross tract area, the required 80% woodland preservation requirement may be reduced to 20% woodland preservation, at the landowner's option by payment to the Township of a fee of \$2,500.00 per lot for off-site traffic improvements or the improvement of Township-owned open space or parkland. This fee does not preclude the payment of any township impact fees nor tree replacement requirements.
- (8) The minimum lot width shall be 125 feet;
- (9) Not more than 10% of the developable area on each lot shall be occupied by buildings;
- (10) Not more than 20% of the developable area of each lot, shall be covered by buildings, parking lots, vehicular accessways or other impervious material;
- (11) There shall be a minimum front yard on each street on which each lot abuts, measured from the ultimate right-of-way to the building, the depth of which shall be at least 60 feet;
- (12) There shall be two side yards for any building or use of not less than 50 feet in aggregate width and neither shall be less than 15 feet in width. The minimum Building Spacing between principal buildings on adjacent lots shall be 40 feet;
- (13) On each lot there shall be a rear yard, the depth of which shall be at least 80 feet;

- (14) The height of any building shall not exceed 35 feet;
- (15) The minimum contiguous building envelope area shall consist of not less than 6,000 square feet.

**Section 2:** Chapter 230, "Zoning", §230-52, "Development regulations," is amended to add the following:

D. **Open Space Option.** To encourage the conservation of land for open space purposes and the preservation of land contiguous to existing established open space and Township-owned open space and parkland, parcels in excess of 95 gross acres may reduce the minimum lot size to 1 acre (43,560 square feet) upon subject to the following standards and requirements:

- (1) The minimum tract size shall not be less than 95 gross acres;
- (2) The tract shall be contiguous to either protected open space or Township- owned open space or parkland;
- (3) The tract shall have frontage on two public streets;
- (4) The minimum amount of common open space shall be 20% of the base site area. Up to 50% of the common open space may contain stormwater management basins. For the purpose of this subsection, the perimeter buffer required in subsection D(6) below may be included in the required open space calculation. Portions of the open space shall be contiguous to Township-owned open space or parkland. The open space shall not include any building lot in the subdivision;
- (5) The development shall be served by public water and sewer;
- (6) There shall be a fifty-foot perimeter buffer along all major arterial, minor arterial, and collector streets. The perimeter buffer shall be landscaped as required in Section 230-31.A. The perimeter buffer shall be owned and maintained by a homeowners' association and shall not be part of any building lot;
- (7) Where open space abuts private property or new building lots, the edge of the open space area shall be delineated by a concrete monument or similar post and shall be installed and maintained by the homeowner's association. The boundaries of the perimeter buffer shall be delineated by fencing, to be approved by Council, which shall be owned and maintained by the homeowner's association;
- (8) When determining the protected area, as set forth in section 230- 49.B(4)(b), where woodland covers more than 70% of the gross tract area, the required 80% woodland preservation requirement may be reduced to 20% woodland preservation, at the landowner's option criteria by payment to the Township of a fee of \$2,500.00 per lot for off-site traffic improvements or the improvement of Township-owned open space or parkland. This fee does not preclude the payment of any township impact fees nor tree replacement requirements;

- (9) A lot width of not less than 150 feet shall be provided at the building line;
- (10) Building Coverage. Not more than 10% of the developable area of each lot may be occupied by buildings;
- (11) Lot coverage. Not more than 20% of the developable area of each lot may be covered by buildings, parking areas, vehicular accessways, or other impervious material;
- (12) Yard requirements;
  - (a) Front yard. There shall be a minimum front yard on each street on which each lot abuts, measured from the ultimate right-of-way to the building, the depth of which shall be at least 60 feet;
  - (b) Side yards. Each side yard shall be not less than 30 feet;
  - (c) Rear yard. There shall be a rear yard, the depth of which shall be at least 80 feet. Where the rear yard of a lot abuts the tract boundary, the rear yard setback shall be at least 90 feet;
    - i. Where the rear yard of a lot abuts the tract boundary, accessory buildings and structures shall be not less than 50 feet from the rear lot line;
- (13) Height requirements. The height of any building shall not exceed 35 feet.

**Section 3: Savings Clause.** The provisions of this ordinance are severable. If any section, clause, sentence, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decisions of the court shall not impair the validity of any of the remaining sections, clauses, sentences, part, or provisions of the ordinance. It is hereby declared the intent of Horsham Township Council that this Ordinance would have been enacted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

**Section 4: Repealer.** Any specific provisions of the Horsham Township Zoning Ordinance, Subdivision and Land Development Ordinance or any other Township ordinance or resolution that is in direct conflict within this ordinance are hereby repealed to the extent of such conflict.

**Section 5: Effective Date.** This Ordinance shall become effective five (5) calendar days after the date of enactment.

**ORDAINED AND ENACTED** by Horsham Township Council this 13<sup>th</sup> day of November, 2024.

**Attest:**

**HORSHAM TOWNSHIP COUNCIL**

  
William T. Gildea-Walker, Secretary

By:   
W. William Whiteside, President

## **EXHIBIT “D”**

HORSHAM TOWNSHIP

WWW.HORSHAM.ORG  
COUNCIL  
W. WILLIAM WHITESIDE, III, PRESIDENT  
SEAN WADE, VICE PRESIDENT  
ERIC GLEMSER  
SAMANTHA SLAFF  
ELLEN ZSCHUNKE



1025 HORSHAM ROAD

HORSHAM, PA 19044

215-643-3131 PHONE  
215-643-0448 FAX

WILLIAM T. GILDEA-WALKER  
TOWNSHIP MANAGER

DENNIS P. HAGGERTY JR.  
DIRECTOR OF ADMINISTRATION

December 11, 2024

ORDER AND DETERMINATION

To:

[REDACTED]

Owner:

[REDACTED]

Property Location:

[REDACTED] Horsham Township  
Montgomery County [REDACTED]  
Horsham Township Zoning District – R-1

Dear [REDACTED]

In a letter dated December 2, 2024, you indicated that your client, [REDACTED], intended to conduct forestry operations on the property they own on [REDACTED] which property is more specifically identified as Montgomery County [REDACTED].

In order to commence any use of the property, including forestry, it will be necessary to secure a zoning permit under the Zoning Ordinance and demonstrate compliance with all township ordinances as well as state laws and regulations.

You argue that the Right to Farm Law protects your client's right to conduct forestry activities on the property and that the Municipalities Planning Code prohibits provisions in a zoning ordinance which unreasonably restrict forestry.

Please note, however, that the Municipalities Planning Code defines "Forestry" as "the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, **which does not involve any land development.**"

Likewise, the Right to Farm Act defines Normal Agricultural Operation as those activities a farmer would adopt or use to prepare his goods for market.

The purpose of these laws is to encourage the continuation and sustainability of farming activities.

More than 18 months ago, your clients approached the township with a plan to develop the property. You and your client represented that you paid the United States to extinguish the easement previously in place for the Naval Air Station. You presented a concept plan and asked the township to amend the zoning ordinance to allow greater density on the property.

Negotiations on the terms of the ordinance amendment ensued and later reached an impasse because your client did not want to be subject to the tree replacement requirements of the zoning ordinance or subdivision and land development ordinance.

At a meeting last month, the township enacted a zoning ordinance amendment which reduced the minimum lot size as your client requested, and reduced to 20% the woodlands which must remain undisturbed. The ordinance did not exempt the property from the tree replacement requirements as your clients requested.

Your letter indicates that your client now intends to remove trees on the property without specifying whether there will be selective harvesting or clear-cutting. The Right to Farm Law and the Municipalities Planning Code place limits on a municipality's right to regulate forestry operations. The goal of those state laws is to encourage and protect sustainable agriculture (including silviculture). Your clients are not engaging in forestry operations or any "normal agricultural operation." Your client's words and actions evidence an intent to remove all or most of the trees from the property so that you may build houses on the property without replacing trees as required by township ordinances.

In order to remove a natural resource from the property you will need to obtain a permit in accordance with Zoning Ordinance Section 230-226. There is no Right to Farm Act exemption because your client is not proposing an agricultural or forestry use, they intend to remove trees to prepare for the development of the property. You will need to demonstrate compliance with all provisions of the Zoning Ordinance, including, but not limited to, Section 230.49 which regulates natural resources. You will also need to show compliance with the Pa Code which requires, at Chapter 35 Section 102.1 et seq an Erosion and Sediment Control permit.

The proposed use of the property is "development" as defined by SALDO Section 198-6. Please note that if you remove environmental resources now, in advance of development, and in order to avoid the provisions of the Zoning Ordinance and SALDO, you will be expected to reforest and demonstrate compliance prior to or as part of any land development approval.

If your client has changed its intentions with regard to the development of the property and wants to engage in true silvicultural, your permit application must include a forestry management plan (if you intend to use a selective harvesting technique) or a reforestation plan (if you intend to clear cut the woodlands).

Pursuant to Section 909.1 of the Pennsylvania Municipal Planning Code, you have the right to appeal this Order and Determination to the Horsham Township Zoning Hearing Board. **YOU MUST FILE THIS APPEAL WITHIN THIRTY (30) DAYS OF THE DATE OF ISSUANCE OF THIS NOTICE.**

December 11, 2024  
Order and Determination

Page 3

[REDACTED]

Failure to secure a permit and comply with township ordinances and state laws and regulations prior to commencing any tree removal is a violation of this the Zoning Ordinance. Because of the nature of the violation, the township may seek injunctive relief instead of, or in addition to, proceeding with a civil enforcement action.

Respectfully,

[REDACTED]

[REDACTED]

Zoning Officer/Township Manager

cc: [REDACTED]



## **EXHIBIT “E”**

## Horsham Township – Vacant Ground

Horsham Township, PA 19002



**Building Size:**  
Undeveloped

**Total Acres:**  
100 Acres

**Available:**  
Immediate Availability

---

## # Of Units: Undeveloped

---

This currently vacant piece of ground is comprised of 100 acres and is a prime site for residential development under Horsham Township's R-1 zoning designation. The property sits immediately adjacent to existing residential development, and is well suited for a planned single family home development. The site is located between [REDACTED] to the west and [REDACTED] the east, facilitating easy travel to and from the development. If you have interest in learning more about the development details of this project, please contact us at [REDACTED]

---

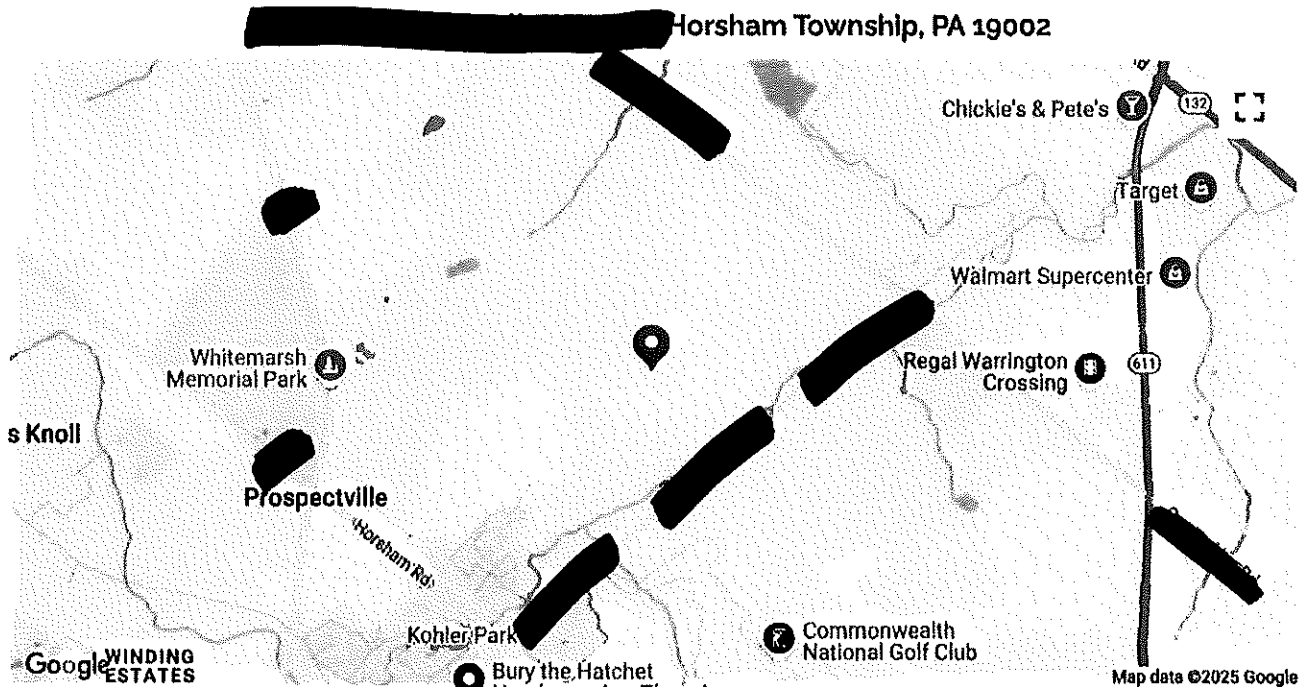
## Development Units

---

1. [REDACTED] 100 acres of vacant ground
- 

## Location Map

---





**CONTACT US**



**LEARN MORE**

About [REDACTED]  
Our Services  
Our Developments

[REDACTED] All rights reserved.

*The information included in this website is for marketing purposes only, with information obtained from sources deemed to be reliable; however no warranty or representation is made as to accuracy. This information is subject to errors, omissions, prior sale or lease, or withdrawal without notice*