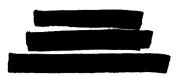
RECEIVED Office of Attorney General

JUL 08 2025

Legal Review Section



Office of Attorney General – ACRE Program

Strawberry Square Harrisburg, PA 17120

Subject: Request for Formal ACRE Review – **Zoning Enforcement and Agricultural Interference in Sewickley Heights**

To Whom It May Concern,

I am submitting this request for a formal review under the Agriculture, Communities, and Rural Environment (ACRE) Act concerning Sewickley Heights Borough's refusal to enforce its own zoning ordinances within the Equestrian Preserve District. This inaction is adversely affecting my protected agricultural operation, a 6.6-acre horse rescue facility, under the Pennsylvania Right to Farm Act. The Borough's continued inaction creates a precedent where zoning protections for agriculture become meaningless, threatening not only my operation but other similarly situated landowners.

My land is home to three retired Thoroughbred racehorses rescued from Pennsylvania tracks through the state of the state o

This same driveway—constructed, maintained, and used solely by me and the former owner for over 30 years—is now the subject of a legal claim by an adjoining landowner at who is attempting to activate a purported right-of-way across a long-abandoned paper street which violates the zoning protections established by the Borough. Notably:

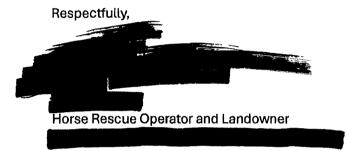
- The neighbor has built, maintained and used their own legally permitted driveway for over 30 years;
- The alleged easement area traverses the heart of my farm and is used to access zones for feed delivery, animal care and movement, volunteer and paid staff and the area directly abuts fenced paddocks on both sides of the drive;
- In the 1990s, the Sewickley Heights Borough previously **denied** this same property access to my driveway due to zoning ordinance violations;
- The Borough now refuses to enforce its own access and zoning ordinances, citing the
 matter as a "private easement," despite its significant impact on my ability to operate a
 protected agricultural use.

Allowing this driveway to be converted into a shared access point—particularly without local zoning approval or agricultural impact review—would result in animal safety risks, degraded infrastructure, and direct interference with what the Pennsylvania Right to Farm Act (3 P.S. §§ 951–957) defines as a "normal agricultural operation." This driveway is not a secondary access point. It is an **essential part** of a functioning rescue farm.

While I understand that ACRE does not govern private easement disputes, I respectfully ask whether the Borough's refusal to enforce applicable access or zoning ordinances—despite potential interference with equine safety and a longstanding agricultural use—warrants review under the ACRE Act. My concern is that this inaction undermines protected farm operations and reflects unequal enforcement of municipal obligations.

Supporting documentation is included.

Thank you for your attention and dedication to protecting Pennsylvania's agricultural communities.



Summary of Case

BOTH	ano	are located in the Historical Equine Preserve in Sewickley
Heights, known as the		It is registered as #10 Historical Estate in the
Sewickley Patte	rn Book and is protected by H	ARB and the Museum Commission. The lawsuit brought by
the	concerns a 100 ye	ear old paper road easement which served the
on th	ne (now	. There are 4 buildings left of the old
estate	e, all of which have been turne	ed into residences. Since the land change implementing
new Zoning ordinances in 1935 & in the 1969 Land Compact, Sewickley Heights Borough has turned 52		
Sewickley Heights estates into 5- acre residential lots with many ordinances created to protect the lots' integrity and the character of the area.		
The Zoning char	nges required the	to be moved to Little Sewickley Creek. In addition,
the	known as the	for which the easement was written, was
demolished (in	1993) in order to build	residential home on
	• =	on his new property, learned that he could not connect to new zoning laws and ordinances, but had to build his own
	eway which has solely served	· · · · · · · · · · · · · · · · · · ·
Currently, the n	d paper road as their driveway	as initiated litigation seeking to reinstate the 7. This cuts through the heart of my property and directly

contradicts the Borough's own zoning ordinances and threatens the integrity of the **Equine Preserve**—a district the Borough itself established to protect equestrian and agricultural uses. The Borough cites I this as a "private matter". This has alarmed the entire neighborhood- as we all have horses and support many equine activities and this action threatens us all.

The longstanding ordinances which the Borough refuse to enforce include (all included and available on Sewickley Heights Borough website):

- 1. 2010 Zoning: Unincumbered Lot size Article 7.4 1-7.4.3
- 2. Zoning 294: Nonconforming Uses- Article 14.04 Section A.1 7 Abandoned paper road w/ decaying bridge
- 3. Zoning 294: Section 14.04 Non-conforming Lots Section 14.04 A.1
- 4. Ordinance 297 Private Road, Article VI C: "In no case shall a single Private Road connect two public roads...),

The Borough's refusal to enforce its ordinances in this matter has created a substantial and ongoing hardship:

- Safety risks to my rescue horses and riders due to increased traffic and disruption along a driveway that leads directly to my barn.
- Degradation of the driveway, which is not engineered or intended to serve as a shared access route for multiple residences.
- **Diminished property value** and interference with the lawful operation of a protected agricultural use under the **Right to Farm Act**.

The road in question has not been maintained or used for decades. If the Borough believes it remains a valid access route, it should provide the legal basis for that position. Otherwise, I respectfully ask ACRE to review the Borough's inaction and to require the Borough to formally communication to the and the court stating that the road has been abandoned under applicable zoning and land use ordinances, and that any attempt to revive it is inconsistent with the Borough's own land use policies and the protections afforded to agricultural operations under state law.

Included:

Copies of Zoning Pages- all found on Sewickley Heights Borough website

Borough HARB meeting notes detailing using my driveway a zoning violation

1991 building plans for state of the showing required fence blocking access to

Pictures of Farm, pastures and abandoned road