

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 [REDACTED]. [REDACTED] is used exclusively for agricultural purposes, including equine transport, hay storage and delivery, veterinary and farrier care, volunteer operations, and riding and grazing activities. The sole driveway to my home and barn facilities provides critical access for all of these functions.

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 [REDACTED] 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.

Respectfully,

A large, irregular black redaction mark covering the signature of the sender.

Horse Rescue Operator and Landowner

A thick, horizontal black redaction mark covering the address of the sender.

Summary of Case

Both [REDACTED] and [REDACTED] are located in the Historical Equine Preserve in Sewickley Heights, known as the [REDACTED]. It is registered as #10 Historical Estate in the Sewickley Pattern Book and is protected by HARB and the Museum Commission. The lawsuit brought by the [REDACTED] of [REDACTED] concerns a 100 year old paper road easement which served the [REDACTED] on the [REDACTED] (now [REDACTED]). There are 4 buildings left of the old [REDACTED] estate, all of which have been turned 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 changes required the [REDACTED] to be moved to Little Sewickley Creek. In addition, the [REDACTED] known as the [REDACTED] for which the easement was written, was demolished (in 1993) in order to build [REDACTED] residential home on [REDACTED]. [REDACTED] in 1991, hoping to build a new home on his new property, learned that he could not connect to [REDACTED] via his easement due to the many new zoning laws and ordinances, but had to build his own driveway, a driveway which has solely served his property since 1993.

Currently, the new owner of [REDACTED] has initiated litigation seeking to reinstate the long-abandoned paper road as their driveway. 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 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 [REDACTED] 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 [REDACTED] showing required fence blocking access to [REDACTED]

[REDACTED]

[REDACTED]

Pictures of Farm, pastures and abandoned road