

August 27th 2025

[REDACTED]
[REDACTED]
Mailing Address:

[REDACTED]
Farm Property Address:

[REDACTED]
Dear ACRE Compliance Review Board,

My family recently purchased a 46 acre property in a RA Rural Agricultural District in Benton Township, PA. This property was purchased as vacant land but with multiple derelict farm buildings and abandoned building slab foundations. Our intentions are to demolish these buildings, build an equipment barn, 10-stall equine barn with associated paddocks, primary residence in the curtilage of the previous primary residence and finish the upstairs of the equine barn as a residence for the operators of the farm (my family) or farm labor that we may need to hire in the future.

At issue are multiple points in the zoning ordinance. In the supporting attachments I've included the first email exchange as well as the second email exchange with the township. I've also included the attachments that are referenced in those email exchanges. I'm not sure of the easiest way to go through the points so I'll list them in reference to the attached zoning ordinance. I base most if not all of my information on previous dispositions to ACRE complaints that were published by this office.

1) RA - RURAL AGRICULTURAL DISTRICT -- SCHEDULE OF USES

This section lists "Stables, boarding, commercial and horses for hire" as requiring a Special Exception in this zoning district. See Page IV-4 (PDF 46). The township definition of "Commercial Stables" can be found on Page III-24 (PDF 39.)

I do not believe a special exception can be required for the "Commercial Equine Operation" that we are proposing. The reasoning for this is spelled out in the attached 2015 Newlin Township disposition (NEWLIN) (pages 9-10)

2) Table 805 LOT SIZE AND SETBACKS FOR KENNELS AND STABLES

This section on page VIII-5 (PDF 127) places lot size, acreage requirements and setback requirements specifically on "Boarding or Commercial Stables" that I believe are preempted by other PA state law.

a) The problems with "Minimum Lot Size" and "Land Requirements" are thoroughly summed up in NEWLIN (pages 5-7) as well as the 2016 Cumberland disposition (CUMBERLAND) (page 7.) Our operation will not be large enough that we will ever be considered a CAO or CAFO, having 19 acres to distribute manure (hay production) for a theoretical 7.5 AEUs (density of 0.39 AU/Acre.) We will of course develop, maintain and update a manure management plan as required by the PA DEP under the Clean Streams Law.

b) The setbacks listed should be preempted by section 519 of the Nutrient Management Act as summarized in the 2023 Independence disposition (INDEPENDENCE.) The township is consistent here with general agricultural use setbacks listed in section 803.6 page VIII-2 (PDF 126) so this is a request for general clarification. There are MANY farm buildings in this township that do not meet these setback requirements.

3) 805.3 Stables, Boarding, Commercial and Horses for Hire

This section defines the additional regulations to be placed on commercial equine operations and can be found on pages VIII-6 & VIII-7 (PDF 128-129)

a) The parcel size issue was addressed previously in this complaint.

b) The number of horses was addressed previously in this complaint.

c) It seems like the township is trying to regulate the manner in which a business is conducted and dictate the details of development and construction as addressed in NEWLIN (page 6.) The 200 square foot per horse seems arbitrary. My primary issue is that the township does not define any other barn size to animal ratio for other livestock operations. As a note the barn that I'm planning on building is 319.2 square feet per horse so I would not be directly affected by this.

d) It's a great idea to have fences and we certainly will to keep our horses safe and out of trouble. I'm just pointing out that I do not see this requirement applied to "Livestock Operations" even when searching the zoning document for "fence."

e) It seems like the township is trying to regulate the manner in which a business is conducted and dictate the details of development and construction as addressed in NEWLIN (page 6.) We will of course have parking and the space in front of the barn will certainly accommodate 5 cars for the 10 horses we are planning on keeping. Again, this isn't applied to other agriculture operations.

f) The setbacks issue was addressed previously in this complaint.

g) It seems like the township is trying to regulate the manner in which a business is conducted and dictate the details of development and construction as addressed in NEWLIN (page 6.) When it comes to trails there is no definition of "vegetative buffer." We would contain trails to our own property but riding on a trail around the edge of it certainly makes sense to me. If the intent is to dictate how close to a property line you can put a trail just say that, as written it seems poorly defined at best.

h) Manure management is covered under the Clean Streams Act as addressed in CUMBERLAND. We will maintain and enforce a manure management plan as required by the DEP and update that plan if our operation changes. All other manure odors associated with livestock operations are protected from complaints in these ordinances.

i & j) I lump these two together since the permitted and prohibited uses on a "Commercial Equine Operation" are very clearly defined in the Agricultural Area Security Law as shown in NEWLIN (page 2.) The township's definition seems redundant here.

i.2 Specifically) I think the specified 150' setback for any training activity or facility for training horses is either preempted by the arguments made in INDEPENDENCE and /or NEWLIN (page 6.) This will cause difficulties for where we want to place the training arena and will also impact "training" that may be done in the paddocks or riding trails.

4) 803.2 Livestock Operations

It was my proposal to the township that they either provide us a waiver that states our "Commercial Equine Operation" receives the same consideration as a "Livestock Operation" as spelled out in this section. Or "Commercial Equine Operation" could be added as its own subsection under 803 on page VIII-4 (PDF 126.)

5) 803.3 State Protected Agricultural Operations

I believe this section applies here and provides the township a path to address this issue with a provision already in the zoning ordinance as shown on page VIII-4 (PDF 126.) These ordinances were written in 2002 and the AASL was revised in 2006 to protect commercial equine operations. I've suggested this in both of my communications with the township as a temporary path forward.

I thank you sincerely for your consideration of this matter and can be reached by phone for any additional information.

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
08/25/2025

To whom it may concern:

I've been reviewing the Benton Township Zoning Ordinance as well as applicable PA state laws relating to Agricultural Security Areas and do not believe a special exception is required for a commercial equine operation on our property at [REDACTED]. I noticed that the township ordinances were written in 2002 and the State ASA laws were amended in 2006 to protect "Commercial Equine Activity" as a normal farming operation.

The Lackawanna County AG Land Preservation guidelines were also amended at that time to incorporate this protected activity. I've included a copy of that revision (Appendix N) as well as the conservation easement deed as recorded for our property and the ASA formation document for Benton township where the [REDACTED] property is shown as included.

I've discussed this at length with [REDACTED] who administers the Lackawanna County Conservation Program and he agrees that our indented use of the property is indeed protected by state law as revised. I'm going to continue working on the site layout, septic design, primary residence and secondary residence above the equine barn. I'll work with NEIC for all appropriate permits as that design and build process proceeds. I propose that section 803.3 applies to Commercial Equine Operations as defined by the PA state law. As a temporary solution I'd suggest we consider Commercial Equine Operations to be equivalent to an 803.2 Livestock Operation. This will give Benton Township the ability to look at updates to the Zoning Ordinances at your convenience and allow us to proceed with our project. If necessary I can work with Eric to get a statement from the County and State Land Preservation boards in support of this land use. I've included the conversation I had with [REDACTED] on this matter on the second page. [REDACTED]

If this temporary solution works for you please provide a short statement that I can include with permit applications for Ag use buildings so that [REDACTED] knows where we stand from a land use standpoint. If you need any additional information please let me know and I'll work with [REDACTED] to get you a response.

Regards,

[REDACTED]
[REDACTED]
[REDACTED]