

Law Office of

Telephone

E-mail

October 15, 2025

Office of Attorney General
Att.: Robert A. Willig, Esquire
Senior Deputy Attorney General
1251 Waterfront Place-Mezzanine Level
Pittsburgh, PA 15222

Via first class mail, postage prepaid

Re: Benton Township, Lackawanna County
ACRE Request-
Benton Township Response

Dear Senior Deputy Willig:

I serve as the Zoning Solicitor for Benton Township, Lackawanna County, PA. I have been asked to provide the Township's response regarding the above-referenced ACRE Response.

recently purchased a parcel of property in the RA District in Benton Township. requests that a commercial stable business should be considered a normal livestock operation, such as a farm. Benton Township requires that request be an application for a special exception, as directed by the Benton Township Zoning Ordinance (Adopted 2002) ("Ordinance"). We respectfully disagree with Complaint and Ordinance interpretation.

Section 303 Definitions of the Ordinance provides:

"Agricultural Use: The use of any parcel of land for economic gain in the raising of agricultural products, livestock, poultry and/or dairy products. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes the raising of fur bearing animals, riding academies, livery or

boarding stables and dog kennels; and excluding the disposal or use of sludge, septage or similar waste products.”

“**Livestock:** Any domesticated animals other than normal household pets including, but not limited to cattle, bison, sheep, goats, llamas, swine, fowl, rabbits, insects and fur bearing animals.”

“**Stable, Commercial:** A structure or land where horses are kept for remuneration, hire, sale, boarding, riding or show, and which includes the commercial hire of horses to the general public for riding or other purposes. (See Section 805.3)”

Section 805.3 of the Ordinance specifically provides for stables, boarding, commercial and horses for hire identifying parcels size, number of horses (up to 20), building size, fences, parking and specific uses permitted, among other items.

Section 805.3.I. “Uses Permitted” of the Ordinance include types of uses permitted as part of a horse farm operation. The uses include: breeding, raising and keeping of horses, training of horses, boarding of horses, hire of horses and sale of horses.

RA Rural Agricultural District- Schedule of Uses, Page IV-4, specifically designates the necessity for a special exception should an owner desire use of property for stables, boarding, commercial, and horses for hire.

Benton Township’s intent regarding its RA Schedule of Uses is to permit, protect and encourage the continued use of land for agricultural and forestry enterprises, to minimize conflicting land uses, while allowing a number of other limited non-agricultural uses to enable owners to realize reasonable income from their land.

Section 1106 of the Ordinance provides for the Zoning Hearing Board Hearings and Decisions. Contained in Section 1106 are advertising and notice requirements pertaining to hearings, which afford the community, abutting property owners and otherwise, with the opportunity to attend and voice any concerns or support which is hteir right to do.

The Ordinance is consistent with Pennsylvania law and requires that [REDACTED] file a Special Exception Application to establish a commercial stable on his property.

Respectfully
[REDACTED]

[REDACTED]