
Request for ACRE Review - East Union Township, Schuylkill County

From [REDACTED]
Date Fri 4/3/2026 4:01 PM
To ACRE Shared Mailbox <acre@attorneygeneral.gov>

 4 attachments (4 MB)

East Union Township Zoning-Ordinance-1-21-21.pdf; Zoning-UCC-Permit-Schedule-of-Fees.pdf; Re: East Union Township Timber Harvest Ordinance; Timber Harvest Ordinance Concerns with summaries 23 Feb 2026.pdf;

You don't often get email from [REDACTED] [Learn why this is important](#)

Good afternoon-

I am a consulting forester working on a timber harvest in East Union Township. I am submitting this request for review under the Agriculture, Communities and Rural Environment (ACRE) law concerning restrictions imposed by the township on timber harvests. I reached out by email to their zoning officer ([REDACTED]) per direction of the township office with my concerns. He passed my concerns on to the East Union Township Chairman for review. Yesterday I received an "informal" response indicating that "they do not have concerns with the existing ordinance, as it is currently in place to protect the township and maintain quality of life."

I respectfully request the Attorney General's Office review this ordinance pursuant to the authority granted under Act 38 of 2005 and respond appropriately. Attached is the East Union Township Zoning Ordinance, the Zoning UCC Permit Schedule of Fees, the email correspondences between the township engineer and myself, and the document outlining my concerns that is referenced in my original email to the [REDACTED]. The section regarding timber harvesting is on page 130 of the PDF document. I have highlighted that section to ease locating it.

Thank you for your attention to this matter.

[REDACTED]

Concerns Related to East Union Township – Timber Harvest Ordinance

802.17 FORESTRY ACTIVITIES (TIMBER HARVESTING)

In order to preserve forests and the environmental and economic benefits that they provide, it is the policy of East Union Township to encourage the owners of forest land to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, historical and amenity values. The timber harvesting regulations set forth in this Section are intended to further this policy by:

1. promoting good forest stewardship;
2. protecting the rights of adjoining property owners;
3. minimizing the potential for adverse environmental impacts;
4. preserving historical and environmental sensitive areas; and
5. avoiding unreasonable and unnecessary restrictions of the right to practice forestry.

“Forestry activities that include timbering operations that exceed five (5) acres shall be conducted in accordance with the following requirements:

3. The Forestry Management Plan shall be consistent with the Timber Harvesting Guidelines of the Pennsylvania Forestry Association;

Ordinance requires that a Forest Management Plan consistent with the “Timber Harvesting Guidelines of the Pennsylvania Forestry Association” be filed with the Township. The OAG acknowledges the Township may require an owner/operator to file a management plan developed by a professional forester. However, the “Timber Harvesting Guidelines of the Pennsylvania Forestry Association” no longer exist and have been out of print for over twenty (20) years. The OAG recommends the township change its ordinance to require compliance with the PSU College of Agricultural Sciences, Best Management Practices for Pennsylvania Forests. [Clay Township, Lancaster County, September 28, 2018]

4. Prior to the approval of the Zoning Permit Application, an Erosion and Sediment Control Plan shall be submitted by the Applicant to the Schuylkill County Conservation District for its review, recommendation and approval;

Ordinance requires Erosion & Sedimentation Control Plan (E&S Plan) be submitted to and approved by the County Conservation District. The DEP's erosion and sediment control regulations do not require an E&S plan to be submitted for review and approval to the Conservation District and the Conservation District has no role in DEP's approving of such plans, thus the Township cannot impose this requirement because it is stricter than State law. 25 Pa. Code § 102.4(b)(8). The Township can require

an applicant to provide a copy of the written E&S Plan. We also note that the Township may, at its own expense, submit an applicant's E&S Plan to the Conservation District for review to check compliance with the regulations. What the Township cannot do is require the landowner to get approval from the Conservation District prior to harvesting. Additionally, the Township cannot simply transfer the cost of the Conservation District review into its fee for processing timber harvesting permit applications. The MPC expressly prohibits Townships from charging a landowner "expenses for engineering...or other technical consultants...costs" in administering a zoning ordinance. 53 P.S. § 10617.3(e). Having the experts at the local Conservation District review the E&S Plan falls within the ambit of engineering and technical consultation. The Township can, perhaps, increase the timber harvesting permit fee by some amount to help defray some of the costs of Conservation District review, but the Township cannot increase the permit fee for the entire Conservation District review cost. That would violate the MPC. [East Nantmeal Township, Chester County, April 13, 2016; North Coventry Township, Chester County, June 08, 2018; Clay Township, Lancaster County, September 28, 2018; Eldred Township, Monroe County, November 29, 2018; East Brandywine Township, Chester County, December 21, 2018; Middle Smithfield Township, Monroe County, February 11, 2019; East Earl Township, Lancaster County, November 05, 2019; Kidder Township, Carbon County, March 31, 2020; Pocono Township, Monroe County, April 07, 2020; Middle Smithfield Township, Monroe County, April 17, 2020]

5. Clear cutting shall be prohibited except on tracts of less than five (5) acres;

Ordinance includes provisions allowing, requiring, or disallowing certain forestry practices (e.g. clearcutting, cutting large diameter trees) throughout a municipality. An ordinance that includes provisions requiring or precluding certain forestry practices uniformly throughout a municipality fails to account for the unique circumstances and ecological requirements of a particular site. Certain sites require specific silvicultural methods to ensure proper regeneration of species and forest stands. The overarching management goals vary depending on the site specific conditions of a particular forest. Timber harvesting operations should be given flexibility to determine what method or methods will best allow for future stands. Additionally, landowners have a right to manage their woodlot for future outcomes. Clearcutting is a recognized silvicultural tool leading to the regeneration and establishment of even-aged forests, which are predominant across the State. Clearcutting is appropriate for Pennsylvania's two major forest types, northern hardwood and oak hickory and without clearcutting or other even-aged management and harvesting techniques, the proportion of black cherry and oak in Pennsylvania will be reduced in the future." The landowner and logger must be given the flexibility to choose the best silvicultural method in light of the specific circumstances present at the time of the harvest instead of being forced into a silvicultural straightjacket which can reduce the commercial bottom line and harm the environment. Restrictions on the type of forestry practices a landowner may engage in for a timber harvest can be an obstacle to the best silvicultural methods suitable for the stand at that time, thus would constitute an unreasonable restriction in violation of the MPC. [Monroeville Township, Allegheny County, December 7, 2015; East Nantmeal Township, Chester County, April 13, 2016; Clay Township, Lancaster County, September 28, 2018; East Brandywine Township, Chester County, December 12, 2018; Lower Saucon Township, Northampton County, February 15, 2019; Kidder Township, Carbon County, March 31, 2020]

6. When harvesting or otherwise removing on tracts larger than five (5) acres, at least 30% of the forest cover (canopy) shall be kept and the residual trees shall be well distributed. At least 30% of these residual trees shall be composed of highest value species as determined and documented by the Forestry Management Plan,

Ordinance defines "High Value Species." The definition for "High Value Species" attempts to delineate the size and species of trees that should be considered "high value" species. However, our experts advise that the types of trees considered a high value species can change from year to year as the market changes. Moreover, we are advised that what is of value to a woodland owner may go beyond economics. The identification of high value trees and the silvicultural practices appropriate for the particular forest stand are more properly in the purview of the land owner and forester. [East Nantmeal Township, Chester County, April 13, 2016; Clay Township, Lancaster County, September 28, 2018]

not unduly interfere with the use and enjoyment of properties in the surrounding area.

- C. All day care facilities shall have an outdoor play area which shall be completely enclosed with a fence six (6') feet in height. Outdoor play activities shall be limited to the hours between 10:00 A.M. to 5:00 P.M. local time. The minimum area of said play area shall be three-hundred (300) square feet or ten (10) square feet per child, whichever is greater.
- D. The applicant shall supply evidence that vehicular traffic congestion will be avoided in "pick-up and drop-off points" utilized in transporting individuals to and from the facility.

802.14 DWELLING OVER OR ATTACHED TO A BUSINESS

A dwelling unit over or attached to business establishments may be permitted provided that such dwelling is occupied by the owner or manager of such business. Said dwelling unit shall be designed as living quarters with private access, having adequate natural light and kitchen and bathroom facilities. The required off-street parking shall include residence parking spaces in addition to commercial parking spaces as required by Article 11.

802.15 ENTERTAINMENT FACILITIES

Entertainment facilities as defined in Article 2 of this Ordinance shall provide proper parking areas with vehicular circulation and access designed to minimize any potential traffic congestion. Such facilities shall not be closer than fifty (50) feet from any boundary of a district having residences as principal permitted use, shall provide adequate screening from any residential district, and shall be conducted entirely within an enclosed structure.

802.16 FOOD PROCESSING

The processing, packaging, dressing and treatment of meat, poultry and fish products, shall be conducted wholly within a completely enclosed building. Smoke, noise, or odors affecting adjacent property shall be prohibited.

802.17 FORESTRY ACTIVITIES (TIMBER HARVESTING)

In order to preserve forests and the environmental and economic benefits that they provide, it is the policy of East Union Township to encourage the owners of forest land to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, historical and amenity values. The timber harvesting regulations set forth in this Section are intended to further this policy by:

1. promoting good forest stewardship;
2. protecting the rights of adjoining property owners;
3. minimizing the potential for adverse environmental impacts;
4. preserving historical and environmental sensitive areas; and
5. avoiding unreasonable and unnecessary restrictions of the right to practice forestry.

“Forestry activities that include timbering operations that exceed five (5) acres shall be conducted in accordance with the following requirements:

1. A Zoning Permit Application shall be submitted to the East Union Township Zoning Officer prior to harvesting or otherwise removing trees on any tract of land larger than five (5) acres;
2. Prior to the start of operations, a Forestry Management Plan shall be prepared and filed with the submission of the Zoning Permit Application Said plan shall be prepared by a qualified forester or forest technician, with a four-year degree from and accredited college;
3. The Forestry Management Plan shall be consistent with the Timber Harvesting Guidelines of the Pennsylvania Forestry Association;
4. Prior to the approval of the Zoning Permit Application, an Erosion and Sediment Control Plan shall be submitted by the Applicant to the Schuylkill County Conservation District for its review, recommendation and approval;
5. Clear cutting shall be prohibited except on tracts of less than five (5) acres;
6. When harvesting or otherwise removing on tracts larger than five (5) acres, at least 30% of the forest cover (canopy) shall be kept and the residual trees shall be well distributed. At least 30% of these residual trees shall be composed of highest value species as determined and documented by the Forestry Management Plan;
7. Clear cutting is prohibited on acres with slopes greater than 15% or within the 100-year floodway.

802.18 FUNERAL HOME

Funeral homes shall accommodate all of the parking areas required as provided in Article 11 of this Ordinance. In addition, sufficient area shall be provided for vehicular circulation on the lot and for the assembly area for the procession beyond the street right-of-way line. Points of vehicular access to the site shall not create traffic hazards on the street. Loading and unloading areas for ambulances and hearses shall be within an enclosed building or shall be screened from view from adjacent properties by a solid wall or solid opaque fencing six (6) feet in height. Outside lighting shall be directed away from adjacent properties.

802.19 GARDEN APARTMENTS

All multi-family residential development of garden apartments shall be subject to the following requirements and all other applicable requirements of this Ordinance:

- A. Garden Apartments shall be connected to and serviced by a Centralized Sewage Disposal System as defined in Article 2 of this Ordinance.
- B. Minimum lot size shall be 2 acres.
- C. Minimum lot width shall be 200 feet.
- D. Maximum percentage of building coverage on a lot shall be 40 percent.
- E. Minimum front yard setback shall be 50 feet.

RESOLUTION NO. 2024-12
EAST UNION TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA

BE IT RESOLVED by the East Union Township Board of Supervisors as follows:

CHAPTER 5

FEES

Part 1
Schedule of Fees

§101. Schedule of Fees. Unless otherwise specified in a specific ordinance or part of this Code, the following schedule of fees shall apply:

(b) Zoning

(1) Zoning Permits*

- (i) Residential Uses-New Construction-\$400.00
- (ii) Residential Uses-Additions-\$250.00
- (iii) All Other Residential Uses including Home Occupations, Accessory Structures and/or Uses and Swimming Pools-\$175.00
- (iv) Nonresidential Uses-New Construction and/or Use of Property with or without Structure-\$500.00
- (v) Nonresidential Uses-Additions-\$400.00
- (vi) Nonresidential Uses-Accessory Structures or Uses-\$250.00
- (vii) Signs (New or Replacement)

Commercial/Industrial-\$150.00
Institutional-\$150.00
Public/Semipublic Uses-\$100.00
Billboards-\$500.00
Other-\$75.00

- (viii) Fences-\$75.00
- (ix) Above ground swimming pools-\$100.00
- (x) In-ground swimming pools-\$200

(xi) Timber Harvesting:

Up to 5 Acres -	\$100.00
5-10 Acres -	\$250.00
10-20 Acres -	\$450.00

20-25 Acres -	\$550.00*
Over 25 Acres -	\$650.00*

*plus the fees to the conservation district and/or township engineer for their review if the zoning officer determines one or more such reviews are necessary.

(xii) Non-Commercial Windmill-\$500.00

Commercial Wind Energy Facilities-\$2,500.00

(xiii) Accessory Solar Energy System (ASES)- \$1.00 per kW with a minimum fee of \$500.00

Principal Solar Energy System (PSES)- \$10.00 per KW with a minimum fee of \$2,500.00

*If a zoning permit is denied and not subsequently issued, for whatever reason, the applicant shall only be refunded one-half of the permit fee, which fee represents the review/administrative fee.

(2) Certificate of Nonconformity

(i) Residential Uses-\$150.00

(ii) Nonresidential Uses-\$250.00

(3) Certificate of Zoning Compliance

(i) Residential Uses-\$150.00

(ii) Nonresidential Uses-\$250.00

(4) Applications to Zoning Hearing Board-

(i) Residential Dimensional Variances Only-\$500.00.

(ii) All other residential appeals-\$750.00.

(iii) All nonresidential appeals- \$1,000.00.

(iv) In addition to the above referenced fees, when the costs of any appeal exceed the application fee, the applicant shall be responsible for those additional costs. Costs include notice and advertising, necessary administrative overhead connected with the hearing and one-half of the appearance fee of the stenographer. The cost of the original transcript, when required or requested, shall be governed by Section 1506(J) of the Zoning Ordinance.

(5) Conditional Use Permit/Appeal

- (i) Residential-\$500.00 plus \$25.00 Per Dwelling unit or Mobile Home.
- (ii) Nonresidential Uses-\$1,000.00.
- (iii) In addition to the above referenced fees, when the costs of the conditional use appeal exceed the application fee, the applicant shall be responsible for those additional costs. Costs include notice and advertising, necessary administrative overhead connected with the hearing and one-half of the appearance fee of the stenographer. The cost of the original transcript, when required or requested, shall be governed by Section 1506(J) of the Zoning Ordinance.

(6) Administrative Appeals-UCC Appeals Board--\$1,500.00

(7) Amendments (Text, Map or Curative Amendment)-\$1,500.00
In addition to the above referenced fees, the applicant shall be responsible for costs incurred by the Township for notice and advertising costs, necessary administrative overhead connected with the hearing and one-half of the appearance fee of the stenographer. The applicant shall also be responsible for the cost of the original transcript, when required or requested.

(c) Subdivision and Land Development*

(1) Minor Subdivision-\$350.00 plus \$10.00 for each lot or dwelling unit.

(2) Major Subdivision-\$750.00 plus \$10.00 for each lot or dwelling unit.

(3) Land Development/Site Plan-\$750.00.

*The applicant, landowner and developer shall all be individually, jointly and severally liable for the professional consultant fees incurred by the Township in connection with the plan. Professional consultant fees include any person who provides expert or professional advice for the Township such as architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, and planners. Professional consultant fees include the costs to the Township associated with the performing of the following services:

- Plan review
- Site Inspections
- Preparation or review of cost estimates for required improvements.
- Inspection of required improvements during the course of construction and upon completion of improvements.
- Final inspection of the subdivision and/or land development.

- Document preparation or review of required agreements during the plan approval process.

Professional consultant fees will be charged by the Township to the applicant, landowner and developer at the professional consultant's rate approved by the Township. The professional consultant fees will be billed by the Township monthly, and the applicant, landowner and developer shall be required to pay the bill within 30 days from the date of billing. With each plan and at the time of application, the applicant, landowner, and developer may be required by the Township to establish an escrow account with the Township in an amount to be determined by the Board of Supervisors. The escrow funds will be used to pay for the professional consultant fees. Any excess escrow refunds shall be refunded to the person paying them within 60 days from the date the final plan has been approved and recorded.

(d) UCC/Building (Requires Zoning Permit First)

(1) Residential

New Construction\$110.00 plus 1% of total construction cost*

Plan Review.....\$150.00 per dwelling unit

Review of Revised Plans.....\$75.00

Repairs and Renovations..... \$25.00 plus 1% of total construction cost*

Plan Review.....\$150.00 per dwelling unit

Review of Revised Plans.....\$75.00

Demolition.....\$150.00 per dwelling unit

Utility & Miscellaneous Group U.....4.5% of construction cost*

Plan Review (if required) \$ 75.00

(2) All use groups other than Residential

New Construction..... \$310.00 plus 1% of total construction cost**

Repairs and Renovations..... \$55.00 plus 1% of total construction cost**

Plan Review

For Buildings with an estimated construction value up to \$3,000,000.00 the Building Plan Review fee is: 0.0013 of the estimated value. (\$250.00 Minimum)

For Buildings with an estimated construction value over \$3,000,000.00 up to \$6,000,000.00 the Building Plan Review fee is: \$3,900.00 plus 0.0005 of the estimated value over \$3,000,000.00

For Buildings over \$6,000,000.00 the fee is: \$5,400.00 plus 0.0004 of the valuation over \$6,000,000.00

The Plan Review Fee for: Electrical, Mechanical and Plumbing are computed at 25% of the Building Plan Review fee for each discipline
 Review of Revised Plans..... 25% of Initial Plan Review Fee
 Demolition..... \$0.01 per sq. ft. (\$150.00 Minimum)
 Signs (as required) \$71.00 plus \$2.00 per sq. ft.

* All costs estimates are based on a minimum of \$100.00/ Sq. Ft. for all use groups and \$25.00/Sq. Ft. for residential accessory structures. Certified contractor estimates may be accepted.

** Additional costs determined at time of review by UCC Inspector
 state Act 13 Fee (All Use Groups^ pursuant to PA DCED (currently \$4.50)
 \$4.50

Reinspection (For Failed Inspections - All Use Groups)

All re-inspections will be invoiced at a rate of \$75.00/hr. plus expenses.

(3) Construction Not Covered Above

Any construction, not specifically cited above, requiring a permit and Inspection shall be associated with the closest specific construction type indicated.

(4) Commencing Activities Prior to the Issuance of Permits or Submittal of Plans

Activities commenced prior to the issuance of permits or submittal of plans required by East Union Township pursuant to the Pennsylvania Uniform Construction Code shall be subject to an additional fifty percent (50%) administrative fee.

(e) Miscellaneous

(i) Street Excavation Permits

-Initial 50 feet of excavation: \$85.00
 -Plus \$85/each additional foot or increment thereof
 -Plus Inspection (Minimum one hour) \$45.00
 -Plus processing and issuing an excavation permit in a newly paved or constructed street-\$400 for the first fifty (50') linear feet, and \$200 for every subsequent fifty (50') linear feet or increment thereof

(ii) Solicitation/Transient Retail Business Permit- \$75.00 per year or \$50.00 per calendar month.

(iii) Contractor Registration-\$75.00 per year.

(iv) Demolition Permits-

-Residential:

-Accessory Structure-\$100.00

-Principal Structure-\$200.00

-Nonresidential:

-Accessory Structure- \$150.00

-Principal Structure- \$500.00

(v) Landlord Tenant Registration-\$10.00 per unit plus \$150.00 when an inspection is required.

(vi) Intermunicipal Liquor License Transfer-\$750.00

(f) Penalty.

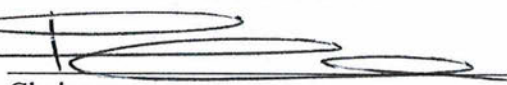
If a person starts work without first obtaining a zoning permit, the zoning permit fee will be two times the amount the zoning permit fee would have been had the person obtained a zoning permit and paid the zoning permit fee before starting the work.

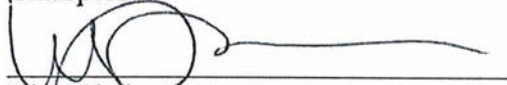
The above fee schedule is hereby adopted, this 3rd day of June 2024 by the East Union Township Board of Supervisors to be effective immediately.

ATTEST:

EAST UNION TOWNSHIP:


Secretary


Chairperson


Vice Chairperson


Supervisor