



SALEM TOWNSHIP

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Dear Residents:

Residents have the right to know what their elected officials are doing and why they are doing it. Over the past few weeks you have heard one side of the of the Three Cedars Farm issue through the Media. One Township Trustee has been quoted and even seen on TV making unauthorized and misleading statements. Enclosed you will find the Township's response which accurately reflects what happened and our original intent to uphold current Township Ordinances and keep the public safe.

As always, if you have comments or questions please feel free to contact me at the Township office. Have a safe and happy Holiday Season.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Heyl', written in a cursive style.

Robert Heyl
Salem Township Supervisor

Information Regarding Three Cedars Farm

Public officials are often the targets of individuals who try to damage their reputation and credibility by exciting a large group of people by spreading false information and rumors. Such a well orchestrated smear campaign appears to be what has been waged against the Salem Township officials in recent reports in the news media and on Facebook regarding the Three Cedars Farm.

Mr. Whittaker claims on his website that the "time and energy we must invest to preserve our right to operate the Three Cedars Farm has prevented us from being able to prepare our farm for Christmas." What "time and energy" has been invested by Mr. Whittaker? The Whittakers have never applied for a special use permit or a change of zoning for their commercial operation, have never applied for Certificates of Occupancy for many of their buildings, and have never even appeared at a Township Board meeting to discuss Three Cedars with the Township officials. Instead, Mr. Whittaker has chosen to try and gain public sympathy by using the newspapers and Facebook and the Three Cedars Farm webpage. This is unfortunate and will only hinder what the Township had hoped would be cooperation by Mr. Whittaker.

The simple truth is; Salem Township has not told Mr. Whittaker or Three Cedars Farm that it cannot be open for Christmas. Three Cedars can be open for the Christmas season and, if it is not, it is by Mr. Whittaker's own choice, not because the Township has told him the farm could not be open to the public. Mr. Whittaker has carefully chosen his words when he states that "some members of the Salem Board of Trustees appear to want to close down Three Cedars." Notice that Mr. Whittaker did not say that Salem Township actually did close down Three Cedars, because it has not.

During an inspection of the Three Cedars Farm by the Township, in early September, numerous safety issues and safety violations were noted on the property. These included exposed electrical outlets in the children's' play area, lights and exposed extension cords not rated for exterior use posing potential fire and shock hazards, improperly grounded or ungrounded wiring, clamp-on lights not rated for exterior use posing a shock hazard, extension cords that were a trip hazard, furnaces not properly vented constituting a potential fire hazard, and a number of other safety issues. Upon becoming aware of these violations, the Township had no choice but to **advise** Mr. Whittaker on September 9, 2011, to cease letting the public use his buildings "until such time as the buildings and structures thereon have been thoroughly inspected by the appropriate Township officials and (he has) obtained the necessary permits and Certificates of Occupancy." (Note: the word "advise" means to give someone a recommendation about what should be done – Webster's Dictionary, Current Edition). At the same time this letter was hand delivered to Mr. Whittaker, the Township officials met with him for over an hour and explained to him that the Township wanted to work with him on these issues and did not want to shut down his business, but that the Township had to be assured that the safety issues were being addressed. Hazards that pose a threat to public safety and potential for injury are very serious issues and it is the responsibility of the business owner to correct them. However, since being advised of the safety violations, the Whittakers have refused to let the Township back on their property for a safety inspection.

On September 9th, Mr. Whittaker assured the Township that all safety issues would be immediately taken care of and Three Cedars continued to stay open for the entire Halloween

Season (approximately 7 weeks). Obviously, the Township did not shut down Three Cedars Farm or it would not have been open seven weeks for Halloween activities and sales. Similarly, Three Cedars has never been told by the Township that it could not be open for the Christmas Season. However, it appears that Mr. Whittaker is trying to make the Township officials look bad by deliberately choosing to not open for business for the Christmas Season. Either that or Three Cedars has continuing safety hazards that cannot be repaired in time to open for this Christmas season. Trucks from 6K Construction have been seen coming and going from the Three Cedars Farm over the last few weeks.

Let us be perfectly clear, the Township has not told Three Cedars Farm that it must close for the Christmas Season. The Township does, however, want to make sure that the property is safe for the public. Toward that end, the Township has repeatedly asked Mr. Whittaker to allow the Township back on the property to make sure that all of the safety issues have been or are being addressed and we hope that Mr. Whittaker will cooperate and allow such an inspection.

With regard to the zoning issue for Three Cedars, it is a simple matter that Three Cedars Farm is now a large commercial business that has grown way beyond using the property as a residence and a farm on property which is zoned agricultural/residential and not commercial. Once again, the Township has not told Three Cedars that they must shut down their operation for Christmas or Halloween because of the zoning issue. Three Cedars has been advised they will need to "cease activity that exceeds (their) Agricultural Residential designation unless and until (they) have had their property rezoned or have obtained a special use permit." In other words, the Whittakers were advised that they need to either scale back their operation to what is permitted on property that is zoned agricultural/ residential or they need to ask the Township for a special use permit or to rezone their property as commercial. The Whittakers have never approached the Township with a request for a special use permit and have never requested to rezone their property as commercial property. These are requirements of the Township's Zoning Ordinances which preserve the public safety and welfare and make sure that all property owners can enjoy their property in harmony with each other.

When Mr. Whittaker wrote to the Township in 2004, explaining what activities were to take place at Three Cedars, he stated, "Three Cedars is our home, our private residence. In the fall, through the month of October we have a u-pick pumpkin farm with hayrides that we open to the public." He also said, "for the month of October, we have an old fashioned candy store and other miscellaneous items for sale in which the proceeds are donated to a non-profit organization." Mr. Whittaker went on to tell the Township, "At Christmas, although we are not open to the public, people stop by to see our Christmas display." Furthermore, when describing his plans for the future, Mr. Whittaker said, "we plan to sell Christmas trees from Thanksgiving weekend until Christmas Eve. Other future plans may include a turkey farm, greenhouse, and a fresh produce stand."

In response to Mr. Whittaker's description, on April 24, 2004, the Salem Zoning Administrator wrote to Mr. Whittaker stating, "in order to operate the accessory uses described in your letter, they must be documented as operational only for non-profit use. Any deviation or future operation not described in your letter must be reviewed by the Zoning Department for compliance and/or approval."

Some of you have asked; why is this a problem now when Three Cedars has been in business for nine years? Well, over the last nine years Three Cedars Farm has grown quickly and immensely. What was just a "farm and a home with a u-pick pumpkin farm with hayrides" and a small candy store in 2004, has now expanded into a massive commercial business visited by thousands of customers and hundreds of vehicles every day with a sit-down donut shop, a huge gift store- souvenir shop selling hundreds of non-farm related items, a children's play area, a petting farm, an ATM machine, etc., etc. What would have been permissible farm-related activity in 2004 has grown into something much more, a large commercial business operation. However, in spite of the business of Three Cedars Farm being well beyond what is permissible in an agricultural/residential zone, the Township has once again been willing to work with Mr. Whittaker and Three Cedars Farm and has not told him he must shut down for Halloween or Christmas. So any news reports or communications accusing Salem Township of closing down Three Cedars Farm for Christmas are not only unfair, they are completely untrue.