

**BOARD OF SUPERVISORS
OF THE TOWNSHIP OF HONEY BROOK
CHESTER COUNTY, PENNSYLVANIA**

IN RE: PUBLIC HEARING FOR A	:	BEFORE THE TOWNSHIP OF
CONDITIONAL USE; ZONING	:	HONEY BROOK BOARD OF
APPLICATION BY TROY AND	:	SUPERVISORS
TERI STACEY	:	
	:	CONDITIONAL USE HEARING
	:	
300 GOOSEBERRY LANE, HONEY	:	WRITTEN DECISION OF THE BOARD
BROOK TOWNSHIP, CHESTER	:	
COUNTY, PENNSYLVANIA	:	NO. 2017- <u>8</u>

**DECISION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF
HONEY BROOK UPON APPLICATION OF TROY STACEY AND TERI STACEY FOR
CONDITIONAL USE UNDER SECTIONS 27-502.3(C) AND 27-1604.1.E OF THE
HONEY BROOK TOWNSHIP ZONING ORDINANCE OF 2003, TO OPERATE A
CAMPGROUND**

FINDINGS OF FACT

1. The property which is the subject of this land use application is located at 300 Gooseberry Lane, known as Chester County Tax Parcel Number 22-11-35, in the Resource Conservation ("RC") zoning district of Honey Brook Township, Chester County, Pennsylvania, and contains approximately 18.87 acres of land (hereafter "Property").
2. Applicants are Troy and Teri Stacey, adult individuals who own and live on the Property, and who have a mailing address of 300 Gooseberry Lane, Honey Brook, Pennsylvania 19344 (hereafter "Applicants").
3. Applicants submitted an Application for Public Conditional Use Hearing dated September 14, 2017, which was received by the Township on October 12, 2017, to operate a campground on the Property (hereinafter "Application") (See Exhibit B-1).
4. Section 27-502.3(C) of the Honey Brook Township Zoning Ordinance of 2003, Chapter 27 of the Code of Ordinances of Honey Brook Township (hereinafter "Zoning Ordinance"), establishes that within the Resource Conservation zoning district, a camping ground or camping park is permitted as a conditional use, when in accordance with the standards set forth in Section 27-1604.1.E of the Zoning Ordinance.
5. Section 27-202 of the Zoning Ordinance defines a "camp ground (camping park)" as follows:

“A parcel of land used by campers where only temporary shelters, such as tents and camping trailers, are in use throughout various seasons of the year.”

6. In response to Applicants' Application, Michael L. Reinert, P.E., of Technicon Enterprises Inc., II, which company serves as Honey Brook Township Engineer, Zoning Officer, and Code Enforcement Officer, prepared a review letter dated October 12, 2017, in which he offered comments regarding the Application's satisfaction of the zoning requirements for a campground (See Exhibit B-6).

7. The Honey Brook Township Planning Commission reviewed the Application at its meeting on October 26, 2017, and took no position with regard to the Application (See Exhibit B-7).

8. The Honey Brook Township Board of Supervisors commenced a public hearing on the Application at the beginning of its public meeting on November 8, 2017.

9. Applicant was not represented at the hearing by legal counsel.

10. The Honey Brook Township Board of Supervisors was represented at the hearing by Beth M. Auman, Esquire.

11. Troy Stacey, Applicant, testified in support of the Application.

12. Mr. Stacey testified that the Property contains his personal residence, a trucking garage, a barn with storage units, two utility sheds, and another old barn.

13. The Property also contains a commercial storage yard used for the storage of boats, trailers and campers, which comprises approximately 12 acres enclosed by a fence.

14. A prior Zoning Hearing Board Order dated April 12, 2007, as amended by a subsequently issued Amended Order dated September 10, 2007, granted to Applicants “the right to use a portion of [the Property] as a commercial outdoor storage area as a non-conforming use pursuant to the provisions of Section 1802.3.A of the Zoning Ordinance,” subject to certain enumerated conditions, including requirements to install a fence around the storage area of the Property, and that all trailers, boats and vehicles stored and/or parked on the Property at any time be currently licensed and inspected.

15. Mr. Stacey testified that he was amending the Application, with regard to the proposed locations of campground sites on the Property as shown on the site plan included with the Application and attached hereto as Exhibit A. Specifically, Mr. Stacey requested to amend the Application to eliminate the campground sites shown as purple dashes along the southern fenceline, closest to Gooseberry Lane, and to only seek a conditional use to operate a campground with 12 campsites located as shown on the site plan north of two concrete block buildings (said 12 northern campsites and area between such campsites and the concrete block

buildings to be referred to herein as the "Campground Area"), the said Campground Area to be located entirely within the fenced area of the Property.

16. All proposed campsites in the Campground Area are located at least sixty feet (60') from all property lines.

17. Mr. Stacey testified that he would be willing to keep the vehicle/trailer/boat storage areas and Campground Area of the Property separate, with no overlap between such uses.

18. The Applicants intend to install restrooms and related storage to serve the campground in the concrete block building shown in the northwest corner of the fenced area, immediately south of the 12 proposed campsites.

19. Mr. Stacey testified that electric services, water services from a well, and sewer service connections to on-lot sanitary sewer systems, are all in existence or proposed to be installed for each campsite and the restrooms, and that he would obtain all necessary approvals and permits for each such utility connection from the applicable local, county, or state agency, and bring all systems into compliance with all applicable regulations.

20. Mr. Stacey testified that his proposed use of the campground is for out-of-town people coming to work in the area or attend conventions, not for recreational camping or families with children or pets.

21. Mr. Stacey testified that he intends to only allow mobile camper vehicles to use the proposed campground, and that no tents would be permitted.

22. Mr. Stacey testified that one parking space in addition to the space for the camper vehicle to park would be provided on each campsite.

23. Mr. Stacey testified that any trash produced from the campground would be stored in a dumpster near the primary residence on the Property.

24. Applicants intend to operate the campground year-round, and Mr. Stacey testified that he would not allow campground tenants or camper vehicles to remain in the Campground Area for more than ninety (90) days at a time.

25. Mr. Stacey testified he would keep a log of all campground tenants, with license plate numbers, tenant names, and dates of arrival and departure, and that the Township can inspect the campground and log book.

26. Mr. Stacey testified that he would maintain rules and regulations for the campground.

27. Mr. Stacey testified that he would require that all campground tenants must stay within the fenced area of the Property.

28. Mr. Stacey testified that he would limit the times in which camper vehicles can be brought onto the Property to daylight hours only.

29. Mr. Stacey testified that there is a camera system installed on the Property for security purposes.

30. Mr. Stacey also testified that he would have either a family member or manager living on the Property to oversee campground registration and operations.

31. The Property does not have any frontage on a public road due to its position along a private roadway, and therefore has zero feet (0') of lot width along a street line.

32. Bruce Horwath, an adult individual residing at 474 Icedale Road in Honey Brook Township, was granted party status at the hearing, asked questions of Mr. Stacey, and testified in opposition to the Application, specifically as to concerns about security, crime, hours of access to the campground, the safety of children in the neighborhood, how the 90-day limit would be enforced, and how to ensure people other than registered individuals are not on the Property. Mr. Horwath also testified that the campground would diminish surrounding property values.

33. Jessie Fisher, an adult individual residing at 425 Gooseberry Lane in Honey Brook Township, was granted party status at the hearing, asked questions of Mr. Stacey, and testified in opposition to the Application, specifically as to concerns about crime, emergency personnel access, the safety of children in the neighborhood, and enforcement of the 90-day occupancy limit.

34. Elam King, an adult individual residing at 400 Gooseberry Lane in Honey Brook Township, was granted party status at the hearing, asked questions of Mr. Stacey, and testified in opposition to the Application, specifically as to concerns about people not being able to find the correct property along the private road.

35. Greg Shanahan, an adult individual residing at 111 Logging Road in Honey Brook Township, was granted party status at the hearing, asked questions of Mr. Stacey, and testified in opposition to the Application, specifically as to concerns about the types of people that could live in the campground, and into what the proposed campground use may evolve over time.

36. James Miller, an adult individual residing at 900 Birdell Road in Honey Brook Township, was granted party status at the hearing, but asked no questions and presented no testimony. Mr. Miller did comment about concerns regarding existing noise and thefts, and whether those things are in line with the Township's mission of having a tranquil and rural way of life.

37. Brian Olear, an adult individual residing at 875 Birdell Road in Honey Brook Township, was granted party status at the hearing, asked questions of Mr. Stacey, and testified in opposition to the Application, specifically as to increases in pedestrian traffic, and his belief that

there are too many businesses already operating on the Property, allegedly in violation of Township rules.

38. Lloyd King, an adult individual residing at 450 Gooseberry Lane in Honey Brook Township, was granted party status at the hearing, but asked no questions and presented no testimony.

39. Lori McLaughlin, an adult individual residing at 840 Birdell Road in Honey Brook Township, was granted party status at the hearing, asked questions of Mr. Stacey, and testified in opposition to the Application, specifically as to whether rules and regulations in the campground would actually be enforced, and her opinion that any approval of the proposed use should be narrowly limited to the types of customers described by Mr. Stacey.

40. Robert McDonald, an adult individual residing at 840 Birdell Road in Honey Brook Township, was granted party status at the hearing, asked questions of Mr. Stacey, and testified in opposition to the Application, specifically as to the increases in traffic from businesses on the Property, including the campground, and how those businesses have changed the nature of life in the area.

41. The Board provided opportunity for public comments from the audience, and received comments in support of the Application.

42. After closing the testimony at the November 8, 2017 hearing, the Honey Brook Township Board of Supervisors announced the continuance of the hearing to the beginning of its public meeting on December 13, 2017.

43. The Honey Brook Township Board of Supervisors continued the hearing at the beginning of its public meeting on December 13, 2017, at which time the Board announced its decision on the Application.

44. Public notice of the hearing was timely advertised in Daily Local News, a newspaper of general circulation within Honey Brook Township, on October 24, 2017 and October 31, 2017; adjacent property owners were notified of the hearing by mail on October 23, 2017; and the Property was posted with notice of the hearing on October 26, 2017 (See Exhibits B-2 through B-5).

CONCLUSIONS OF LAW

1. The Board of Supervisors has jurisdiction to decide this land use application pursuant to Section 27-502.3 of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101, *et seq.*

2. The Property is located in the Resource Conservation (RC) Zoning District.

3. Section 27-502.3(C) of the Zoning Ordinance permits camping grounds within the Resource Conservation (RC) Zoning District by conditional use, in accordance with the standards of Section 27-1604.1.E of the Zoning Ordinance.

4. The Board of Supervisors has determined that the Applicants, through the Application and testimony at the Conditional Use Hearing, have established compliance with the relevant subsections of Section 27-1604.1.E of the Zoning Ordinance for the operation of a camping ground, with the exception of meeting the requirement to have a lot width of 250 feet at the street line.

5. Section 27-1910.4.B of the Zoning Ordinance provides that in granting an application for conditional use approval, the Board of Supervisors may waive or modify applicable area and bulk regulations and design standards when said waiver or modification is deemed by the Board of Supervisors to be in the public interest and in furtherance of the goals as set forth in the Zoning Ordinance.

6. The Board of Supervisors has determined that the Applicants, through the Application and testimony at the Conditional Use Hearing, have established that the proposed use of the Property as a campground, will not pose any threat to the health, safety and general welfare of the community.

DECISION

AND NOW, this 13th day of December, 2017, the Board of Supervisors of the Township of Honey Brook, Chester County, Pennsylvania, upon review and consideration of the evidence as presented at the conditional use hearing, and in light of existing laws and regulations, hereby APPROVES and GRANTS the application of Troy and Teri Stacey, for a conditional use under Sections 27-502.3.C and 27-1604.1.E of the Honey Brook Township Zoning Ordinance of 2003, to operate a transient construction/utility worker or convention attendee campground on the Property, subject to the following conditions:

1. Campground capacity shall be limited to twelve (12) campsites, to be located generally as shown on the drawing attached hereto and incorporated herein as Exhibit A, said 12 campsites being the northwesternmost campsites shown on such drawing.
2. A zoning permit for the campground shall not be issued until:
 - a. The campground, as proposed, has had all electric connections, water services, and sewer services permitted, approved, and inspected by the Township or applicable agencies; and
 - b. The Applicant has provided a plan to the Township delineating separate areas on the Property in which the campground use, and only the campground use,

will be permitted, and in which the vehicle/trailer/boat storage use, and only the vehicle/trailer/boat storage use, will be permitted.

3. Campground tenants shall be limited to transient construction or utility workers, or convention attendees.
4. The campground shall not advertise itself as a recreational campground.
5. Campsites within the campground shall only be occupied by motorized or towable camper vehicles which are roadworthy, and campsites shall not be available for tent camping or other vehicle camping.
6. Each campsite shall provide space for one motorized or towable camper vehicle and one personal vehicle. No more than one personal vehicle shall be permitted per campsite.
7. All campground tenants shall stay within the fenced area of the Property except when entering and leaving the Property.
8. The campground shall not allow pets, children under the age of 18, or guests of registered tenants to be on campground property at any time.
9. The campground shall have a manager who lives on the property, reviews applications for campground tenants, and enforces the rules and regulations of the campground, as well as the conditions of this approval.
10. The Applicant or any subsequent owner shall permit the Township's zoning officer to enter upon the property, with no advance notice or consent required, to perform inspections of the campground facilities and campground records.
11. No camper vehicles shall be brought onto the Property between dusk and dawn; camper vehicles shall only arrive on the Property during daylight hours.
12. No camper vehicle shall remain in the campground in excess of ninety (90) days; if a camper vehicle has been within the campground for 90 days, such camper must physically leave the Property or disconnect and be moved across the Property to the storage yard, and shall not return to the Campground Area for at least 24 hours. No camper vehicle shall be inhabited in any manner, or connected to any utility service, when parked in the storage yard of the Property.
13. The campground shall have written rules and regulations governing the campground, which rules and regulations must be provided to every tenant of the campground upon registration, and which rules and regulations shall permanently include at least the following rules:
 - a. No pets, children under the age of 18, or guests of registered tenants to be on campground property at any time.

- b. No illegal activity shall be permitted in the campground.
- c. All tenants of the campground shall stay within the fenced area of the Property except when entering and leaving the Property.
- d. No more than one personal vehicle shall be permitted per campsite.

14. If the campground use is discontinued for twenty-four (24) consecutive months, such use shall be deemed to have been terminated, and a new conditional use approval or other then-applicable zoning approval shall be required prior to any future use of the Property as a campground.

15. The campground manager shall ensure that every campground tenant, prior to bringing a camper onto the Property or remaining on the Property overnight, completes an application which shall include provision of the following information, and which application and information shall be retained by the campground for at least two (2) years from date of tenant arrival:

- a. Tenant Name;
- b. Copy of Tenant's Driver's License;
- c. Name of registered owner of camper vehicle, and of any personal vehicle;
- d. License plate number of camper vehicle and of any personal vehicle; and
- e. A letter from the tenant's employer (or person with whom contracting if tenant is independent contractor) indicating that such individual is temporarily stationed in the area for work purposes, or copy of registration to attend convention.

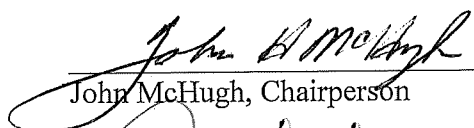
16. The campground manager shall maintain a log of all campground tenants on site, including date and time of initial arrival, and date and time of departure.

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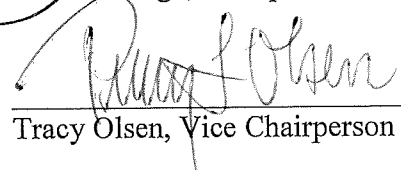
17. Pursuant to Section 27-1910(4)(D) of the Zoning Ordinance, this approval shall be deemed null and void six months from the date of such approval if, within that period, no application is made to the Township for a use and occupancy permit for the campground use.

FURTHER, pursuant to Section 27-1910.4.B of the Zoning Ordinance, the Board of Supervisors hereby waives the enforcement of the minimum lot width at the street line for a campground of 250 feet contained in Section 27-1604.1.E(1) of the Zoning Ordinance, such waiver to be granted to allow the campground to operate on the Property despite having no frontage on a public street line due to its location along a private roadway.





John McHugh, Chairperson



Tracy Olsen, Vice Chairperson

(ABSTAINED)

Travis Stacey, Member

Date of Issuance of Written Decision: January 24, 2018.

ANY AGGRIEVED PERSON MAY APPEAL THIS DECISION TO THE COURT OF COMMON PLEAS OF CHESTER COUNTY WITHIN THIRTY (30) DAYS FROM THE DATE OF ISSUANCE OF THE WRITTEN DECISION.