



2nd Violation to Bonsall Farms from Luzerne County

From Brittany Bonsall <bonsallfarms@gmail.com>

Date Tue 3/17/2026 11:52 AM

To Willig, Robert A. <rwillig@attorneygeneral.gov>

Cc Rob Willig <rwillig51@gmail.com>; Mozdziock, Jeffrey <jmozdziock@attorneygeneral.gov>; Matt
<mbons471@gmail.com>

📎 3 attachments (4 MB)

LC Notice of Violation 3-11-26.pdf BFL Letter to County Mar 2026.pdf BFL appeal letter to county 3-16-26.pdf;

Rob,

Following up from the voicemail we left over the weekend (sat 3/14).

On March 11 Luzerne county issued us a second Notice of Violation. This one claims the farm is operating things like a commercial campground, entertainment facility, food processing establishment, food truck, and convenience store.

We've attached the notice and the response letter we mailed to the County today. Our response explains why the activities they're referencing fall within their own ordinance definitions of Agriculture and Agri-Tourism. Additionally it explains how and why they are not permitted to restrict or manage marketing or direct sales of our farm products.

Since this came right after the AG's office asked the County for clarification on the earlier poultry violation, we wanted to make sure you had the documents for reference as soon as possible.

I think this could be considered part of our existing open case with ACRE because it appears to be related in the sense that the county is attempting to change their enforcement approach. I could also see it being its own separate case on the premise that the county is trying to prohibit sales of our farm products. Either way I would like to submit this for review by the Attorney General's office under ACRE.

Let me know what you think.

Thanks,

Brittany and Matthew Bonsall
Bonsall Farms, Owner/Operator



LUZERNE COUNTY
Planning and Zoning Department
Daniel G. Reese,
Executive Director
Email: daniel.reese@luzernecounty.org
Phone: 570-825-1566 Fax: 570-825-6362

LUZERNE COUNTY
COUNTY MANAGER
ROMILDA P. CROCAMO, ESQ.

COUNTY of LUZERNE
P E N N S Y L V A N I A
E S T A B L I S H E D 1 7 8 6

NOTICE OF VIOLATION

March 11, 2026

RE: Property [REDACTED]

Zoning Designation: AG, Agricultural District

Dear [REDACTED]

Your property, located at [REDACTED] is in violation of the Luzerne County Zoning Ordinance. The property is currently advertised online as a commercial campground, entertainment facility, food processing establishment, food truck and convenience retail store. Per your previous Luzerne County Zoning Hearing Board Case, File Number [REDACTED] held on August 2, 2022, at 7:00 PM in the 2nd Floor Jury Meeting Room of the County Courthouse. You were DENIED a Special Exception to operate a Bed & Breakfast, Use Variance to operate a Commercial Campground, and a Business Sign Variance for this same property.

Per Article 2 of the Luzerne County Zoning Ordinance the aforementioned violations are defined as follows:

Entertainment Facilities "Commercial establishments engaged in providing indoor and/or outdoor entertainment for a fee or an admission charge, including but not necessarily limited to a movie theater, live theater performances, an arcade, bowling alley, billiard or pool hall, roller skating rink, miniature golf, golf driving range, or similar facilities."

Food Processing Establishment "Manufacturing establishments producing or processing foods for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oils products; (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing and by-product processing (not including facilities that also slaughter animals); (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants."

Convenience Store "Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same, including beer/wine sales as permitted."

Luzerne County Planning & Zoning
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Campground “A use with two or more camping unit sites, accessible by vehicular traffic where sites are substantially developed and table, refuse containers, flush toilets, bathing facilities, and water are provided.”

Camping Unit “Any tent, trailer, recreational vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation or vacation purposes.”

Campsite “Any plot of land within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.”

Per Section 574.3 “Trailer or Campground Parks” of the Ordinance, campgrounds shall meet the following requirements

- A. No trailer park or campground shall have an area less than five (5) acres, nor an average gross area per unit less than three thousand (3,000) square feet.
- B. Every unit shall be supplied with a potable water service.
- C. Trailers shall be provided with a common sewage disposal system in order that the removal and disposing of sewage from trailer holding tanks is accomplished in a sanitary manner. Toilet facilities for the public, which are separate for each gender, shall be provided on the premises. Sewage systems shall be approved by the PA DEP.
- D. A safe, usable recreation area shall be conveniently located in every trailer park or campground and shall contain a total area of a minimum of three hundred (300) square feet per unit and shall not be less than ten (10) percent of the gross area of the trailer park or campground.
- E. No trailer park or campground shall be located less than fifty (50) feet from an abutting property in a CO, AG, Residence, or MI District.
- F. The trailer park or campground shall be permanently landscaped and maintained in good condition.

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NOTICE OF VIOLATION

Per Section 307 "Uses Not Addressed Within Ordinance" of the Ordinance

"Whenever, in any zoning district established under this Ordinance, a use is neither specifically permitted nor denied and/or the Zoning Officer is unable to classify a subject use and an application is made by a landowner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The Board shall have the authority to permit or deny the proposed use in accordance with the standards governing special exception applications if the Board makes an initial determination that the proposed use is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that:

1. The proposed use is similar to and compatible with permitted uses in the district.
2. The proposed use would not be detrimental to the public health, safety and welfare of the neighborhood.
3. The proposed use meets the standards and criteria for special exceptions as contained this Ordinance."

Per the table in Appendix 1.2 of the Luzerne County Zoning Ordinance, none of the aforementioned violations are permitted in the Agricultural Zoning District (AG). The violations at the aforementioned property must be corrected within thirty (30) days of the date of this correspondence.

Corrective Action Required: All activates associated with the aforementioned violations must end IMMEDIATELY. An application to the Luzerne County Zoning Hearing Board, to authorize a USE VARIANCE to operate a commercial campground, entertainment facility, food processing establishment, convenience retail store and SPECIAL EXCEPTION to operate a food truck from the property must be completed within thirty (30) days of the date of this correspondence. Please contact this office to begin the application process.

Right of Appeal: Please note that you may appeal this notice of violation to the Luzerne County Zoning Office within thirty (30) days of receipt of this notice. Per section 803.3 of the Ordinance "Such appeal shall be taken within 30 days after said decision, by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall arrange for the proper notices and shall bring the appeal before the Board at its next meeting."

Such appeal begins once the application fee (\$200.00), cash or check only, and a complete Zoning Hearing Board application accompanied by any such data or information deemed necessary by this department has been completed in office.

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COUNTY of LUZERNE
P E N N S Y L V A N I A
ESTABLISHED 1786

NOTICE OF VIOLATION

Failure to Comply: Failure to comply with this notice or to make a timely appeal to the Luzerne County Zoning Department within the time specified will subject you to legal action which can result in possible fines of \$500 per day.

Your prompt cooperation in addressing this notice will be appreciated. If questions or concerns arise, please contact the Luzerne County Zoning Department at (570)-825-1589/1567.

Sincerely,

**Daniel G. Reese,
Executive Director**

Luzerne County GIS/Planning & Zoning Department

CC: Hunlock Township

[REDACTED]
[REDACTED]
[REDACTED]
March 16, 2026

Daniel G. Reese
Executive Director
Luzerne County Planning & Zoning
20 N. Pennsylvania Avenue
Wilkes-Barre, PA 18701

Re: Notice of Violation – March 11, 2026

Property: [REDACTED]

Mr. Reese,

This letter responds to the Notice of Violation issued March 11, 2026 concerning the property located at [REDACTED] in Hunlock Creek, Pennsylvania. The property is zoned Agricultural (AG) and operates as [REDACTED], a farm that has participated in agricultural commerce since 2022.

The Notice of Violation sent on March 11th incorrectly classifies activities described on the [REDACTED] website as commercial uses when they are in fact Agri-tourism. The 2021 Luzerne County (LC) Zoning Ordinance itself recognizes Agriculture and Agri-tourism as lawful, permitted uses of property in the AG district.

It is not unheard of for municipalities to improperly classify agricultural activities as commercial. Pennsylvania law recognizes "Agri-Tourism" as legitimate farm based activity and does not consider those activities commercial. To prevent restrictions being placed on farms by municipalities who attempt to label agricultural activities as commercial ones, acts have been passed by the state such as the Right-to-Farm (RTF) act (Act 133, 1982) or ACRE act (Act 38, 2005).

This letter will demonstrate that [REDACTED] meets the county's definitions of Agriculture, Agri-Tourism, and Farm, and also complies with state laws and definitions. It will also demonstrate that the

county cannot restrict or prohibit the participation of a farm in agricultural activities, direct marketing, or sale of their agricultural commodities.

██████████ is a Farm Participating in Normal Agricultural Activities

The 2021 LC Zoning Ordinance makes the following definitions:

Agriculture: "The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for farm homes, and packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agriculture...."

Agri-Tourism: "an agriculturally based activity that brings visitors to a farm, including activities such as purchasing produce from a farm stand, interacting with animals, or staying on a farm property."

Farm: "An area of land not less than five (5) acres in size, and used for agricultural purposes, as defined under "Agriculture"."

██████████ raises poultry, livestock, and crops and participates in agricultural commerce through the sale of agricultural products and services on 24.79 acres of property. The sale of these products and services allows visitors to observe and interact with the agricultural operations occurring on the property.

The 2021 LC Zoning Ordinance recognizes that agriculture includes necessary accessory uses associated with farming. Activities that allow visitors to interact with farm animals, observe agricultural operations, or enjoy agricultural products are commonly associated with farming and fall squarely within the concept of agriculturally based agritourism.

Elements of the Notice of Violation

In the March 11 Notice of Violation, the county asserts ██████████ operating the following: *"commercial campground, entertainment facility, food processing establishment, food truck, and convenience retail store."*

The activities ██████████ offers which LC is asserting meet those definitions include: farm tours, goat hikes, goat parties, trail walks, farm dinners featuring produce cultivated on-site, direct farm product sales to visitors, and overnight farm stays.

It is unclear how the Notice of Violation is categorizing ██████████ on-site activities as commercial when they do not fit those definitions but do fit the ordinance's own definitions of Agriculture and Agri-tourism.

Evidence of that is as follows:

1. The 2021 LC ordinance definition of a Commercial Campground:

"A use with two or more camping unit sites, accessible by vehicular traffic where sites are substantially developed and table, refuse containers, flush toilets, bathing facilities, and water are provided."

Camping at [REDACTED] currently contains only one campsite, which has not been rented since 2022. Normal vehicle traffic is not permitted. The site is not substantially developed. There are no flush toilets, bathing facilities, or water for drinking provided.

The property does not meet the ordinance definition of a commercial campground, but does align with the premise of an overnight stay at a farm. Camping at a farm is recognized as an accepted Agri-tourism activity throughout the state.

2. The county asserts [REDACTED] is operating an "Entertainment Facility," which per the ordinance is defined as:

"Commercial establishments engaged in providing indoor and/or outdoor entertainment for a fee or an admission charge, including but not necessarily limited to a movie theater, live theater performances, an arcade, bowling alley, billiard or pool hall, roller skating rink, miniature golf, golf driving range, or similar facilities."

[REDACTED] is not a commercial establishment that provides entertainment events and does not have or operate any of the facilities listed in the definition for an "Entertainment Facility." Activities occurring on the property are limited to agricultural products, and farm-based experiences that support those agricultural operations.

3. The county asserts [REDACTED] is operating a "Food Processing Establishment," which per the ordinance is defined as:

"Manufacturing establishments producing or processing foods for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oils products; (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing and by-product processing (not including facilities that also slaughter animals); (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants."

█ is not a food processing/manufacturing establishment. Food Processing Establishments are commercial or industrial in nature. This is demonstrated by the fact they are automatically permitted uses in the General Business (GB), Light Industrial (LI), and Heavy Industrial (HI) districts. Additionally, the definition above indicates establishments that slaughter animals or produce on-site sales are excluded from this definition, further establishing █ does not meet this criteria.

4. The county asserts █ operating a "Food Truck." █ does own and operate a food trailer that sells agricultural products directly to customers. Food served at █ is prepared within this Pennsylvania Department of Agriculture (PDA) licensed and inspected mobile food facility (food trailer). The 2021 LC Zoning Ordinance contains no provisions regulating food trucks, trailers, or mobile food facilities. █ complies with all PDA laws and regulations. This use is secondary and accessory to the primary use of the property, which is Agricultural.

5. The county asserts █ operating a "Convenience Retail Store," which per the ordinance is defined as:
"Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same, including beer/wine sales as permitted."

█ does not sell any prepackaged foods, household items, or other goods commonly associated with convenience stores. We do not sell alcohol of any kind. We have not had and do not have a physical store of any kind.

6. The farm has not yet hosted any of the on-site activities listed on the website except direct sales of agricultural products & agricultural food products. The 2021 LC Zoning ordinance permits the preparation and sale of agricultural products per their definition of Agriculture. The right to prepare and sell agricultural products on and by a farm is also protected at the state level by Pennsylvania RTF Law.

Previously Denied Special Exception

The farm previously appeared before the Zoning Hearing Board in August 2022 regarding a special exception request. At that time the property was already operating as a farm, as it continues to do today. A special exception request was not required because agriculture and agritourism are permitted uses within the AG district. As a result, [REDACTED] requests reimbursement of the \$700 application fee associated with that hearing.

Previously Issued Notice of Violation

The Notice of Violation issued on March 11 is preceded by a separate violation initiated by LC in 2025 regarding the number of chickens located on [REDACTED] property. In that matter the County asserted that [REDACTED] was not permitted to keep a certain amount of poultry. That position conflicts with protections provided by Pennsylvania's RTF act. That matter is still under review by the Pennsylvania Office of Attorney General via the ACRE act.

Conclusion

The activities offered at [REDACTED] clearly meet the ordinance definitions of both Agriculture and Agri-Tourism; not commercial activities. The interpretation reflected in the March 11 Notice of Violation appears inconsistent with both the 2021 LC Zoning Ordinance definitions and state law under the Pennsylvania RTF act.

In reviewing the Notice of Violation and the relevant provisions of the 2021 LC Zoning Ordinance, several issues remain unclear:

- The Notice of Violation incorrectly classifies normal agricultural activities as commercial uses even though the 2021 LC Zoning ordinance expressly permits both agriculture and agritourism within AG districts.
- The County's interpretation of [REDACTED] activities appears inconsistent with their own ordinance definitions of Agriculture, Agri-Tourism, and Farm.
- The Notice of Violation references activities that have not occurred on the property, raising questions about how the alleged land use determinations were made.

Interfaces with PA RTF

Municipalities cannot limit or prevent in any way normal agricultural operations conducted by a farm, including the direct sales or marketing of “any products raised or produced on farms intended for human consumption and the processed or manufactured products of such products intended for human consumption.” The term “normal agricultural operation” includes “new activities, practices, equipment, and procedures consistent with technological development within the agricultural industry.” Agritourism activities are directly connected to normal agricultural operations which may evolve over time.

Furthermore, RTF states “Every municipality shall encourage the continuity, development and viability of agricultural operations.” A municipality attempting to shut down farm activities that directly support a farm’s economic viability, is inconsistent with following that guidance.

Next Steps

Documentation related to this Notice of Violation will be provided to the Attorney General (AG) for consideration as a new ACRE case.

It will also be provided to the AG as a reference in connection with the ongoing ACRE review concerning the amount of chickens on [REDACTED] property.

[REDACTED] requests the county cease penalty collection on this violation until the Attorney General has reviewed the facts of the matter. Nothing in this letter should be construed as an acceptance of this violation by [REDACTED]

[REDACTED] remains committed to operating as a responsible agricultural enterprise that contributes to the local community through agricultural production, education, and lawful agritourism activities recognized under the LC Zoning Ordinance and the Pennsylvania RTF Act.

Thank you for your time and consideration.

Sincerely,

[REDACTED]

Owner/Operators

[REDACTED]

Cc:

Robert Willig, Senior Deputy Attorney General (ACRE Program)

PA Office of Attorney General

Attn: ACRE

15th Floor, Strawberry Square

Harrisburg, PA 17120

[REDACTED]
[REDACTED]
[REDACTED]

March 16, 2026

To:

Luzerne County GIS/Planning & Zoning Department

Attn: Daniel G. Reese, Executive Director

200 North River Street

Wilkes-Barre, PA 18711

Re: Formal Appeal of Notice of Violation Dated March 11, 2026

Mr. Reese,

This correspondence serves as a formal appeal of the Notice of Violation issued on March 11, 2026 concerning our property at [REDACTED]. This letter constitutes our official written appeal within the required timeframe.

At the same time, we reiterate—and incorporate by reference—the entirety of our previous position expressed in our other letter dated 3/16/26, that [REDACTED] disputes the validity of the Notice of Violation. The assertions made in the Notice of Violation sent 3/11/26 conflict with the 2021 Luzerne County Zoning Ordinance as well as state law (Pennsylvania's Right to Farm Act, Act 133 of 1982). This matter has been presented to the Pennsylvania Attorney General's ACRE Program for review pursuant to 3 Pa.C.S. §§ 311–318.

This “appeal” is submitted solely to preserve rights and avoid any procedural argument of waiver, and shall not be construed as acceptance of:

the validity of the cited ordinance,

the validity of the alleged violation,

the applicability of any special exception requirement,
or the County's authority to regulate a normal agricultural operation in a manner inconsistent with the Pennsylvania Right to Farm Act (3 P.S. § 951 et seq.).

Because the Notice is based on an ordinance that is invalid under state law, this appeal challenges the violation in its entirety, including the County's misinterpretation of its own zoning ordinance. [REDACTED] maintains that there is no lawful basis for the violation, and that the County's enforcement actions remain stayed pending review by the Attorney General's Office.

To be clear, this appeal does not constitute:

an application for a special exception,

a concession that a special exception is required,

or an acknowledgment that the County has jurisdiction to regulate poultry quantities on a protected agricultural operation.

All rights, defenses, and statutory protections under the Right to Farm Act and the ACRE statute are expressly preserved.

Sincerely,

[REDACTED]

Owners [REDACTED]

[REDACTED]

[REDACTED]

Cc:

Robert Willig, Senior Deputy Attorney General (ACRE Program)

PA Office of Attorney General

Attn: ACRE

15th Floor, Strawberry Square

Harrisburg, PA 17120