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Zoning challenges will continue in Forks

Supervisors vote down measure aimed at suspending litigation.

By Tom De Martini
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Forks supervisors, by a 3-2 margin Thursday night, voted down a resolution aimed at halting zoning challenge lawsuits from the Kings Mill developer.

The resolution called for the supervisors to suspend litigation of four suits brought by KMRD, which is challenging the township zoning law.

Supervisors Bonnie Nicholas, Donald Miller and David Howell voted against the resolution.

Supervisor Chairman David Hoff and Supervisor John Ackerman -- who will both vacate their seats at the end of the year -- voted in favor the resolution.

Miller hesitated for several moments, stating he was "on the fence," before casting the deciding vote, which drew applause from most in the audience.

A hearing on one of the developer's challenges -- that standards in the farmland protection zone are too restrictive -- is scheduled to resume Oct. 15 before the Zoning Hearing Board.

KMRD is a partnership between builder Nic Zawarski and Sons, Doylestown's Signature Homes and Bethlehem attorney Dennis Benner, who are proposing Kings Mill -- more than 3,000 apartments, townhouses and mobile homes on 545 acres in the northeastern part of the township. Most of the land is in the farmland protection zone.

About 100 residents gathered Thursday night to listen and provide input.

The four candidates for two open supervisor seats -- Planning Commission member Erik Chuss, zoning board member Robert Egolf, James Wideman and David Billings -- implored board members to reject the resolution.

The supervisors and solicitor Karl Kline said the resolution reserved all rights of the township to restart legal proceedings at any time. The board also said there have been no discussions with KMRD and that no compromise plans have been made public.

Yet, discourse between board members and the public became contentious at times.

"If you bow down to these developers, you'll need a militia to keep developers from hammering into this township," said resident Louis Moyer, who is a zoning board member.

Contentious remarks also were made among board members.

Howell said Hoff and Ackerman should recuse themselves or abstain from voting on the resolution because their terms expire in 88 days.

"I think this should be determined by the future board," Howell said. "Abstaining allows you to bring this to a simple end."

Hoff said Howell's request was a single-handed attempt to control the board's vote.

"I was elected for a six-year term, not five years and nine months," Hoff said.

Ackerman had his own response: "I'm saddened that you would even mention that."

Howell called the developers "intimidators" and urged the supervisors to reject the resolution and allow the zoning board to continue the litigation process.

The three remaining lawsuits involve an appeal of the denial of KMRD's subdivision and land development plans. The suits will be heard in Northampton County Court, Kline said.

A separate procedural challenge will be addressed by the zoning board, and the supervisors must decide a request for a conditional use permit for multifamily housing.

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