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Forks rejects Kings Farm; lawyer says appeal coming

How to develop 400 acres has been center of battle for years.

By Joe Nixon Of The Morning Call

Forks supervisors have unanimously rejected a plan for a housing development in the farmland protection zoning district, following repeated recommendations in recent months that not enough work had been done on the plan.

The issue now appears headed for the courtroom.

Doylestown attorney John VanLuvanee, representing a development partnership that includes Signature Homes, Nic Zawarski and Sons, and Bethlehem attorneys Dennis Benner and Joseph Piperato, said outside the meeting that the rejection of the plan for 182 single-family homes on more than 400 acres was an "abuse of discretion" by the township.

He said the township issued a plan review letter in July and not again until Wednesday, and added the denial will be appealed to Northampton County Court.

Supervisor Chairman David Hoff said before Thursday's vote, "I think the township has been more than fair in trying to work with the developer."

VanLuvanee disputed contentions by township engineer Fred Hay that the preliminary plan submission for Kings Farm was still incomplete. Key among the things still required by the township is a sewage plan for the development for on-lot septic systems. The developers have maintained that the requirement to have had the soil tests done by Jan. 31 was unrealistic. The deadline was imposed during the last time extension granted for the project late last year.

Each side has accused the other of being the reason for delay. Back-and-forth letters between attorneys and engineers provide a glimpse into the increasingly contentious atmosphere around the project, aspects of which date back nearly two years.

In a Feb. 2 letter, Hay accused the developers and their representatives of continually trying to delay the plan approval process "through deliberate obtuseness and obfuscation." VanLuvanee rejected that and cast his own stone, saying the township still hasn't responded to a January 2006 request to consider public water and sewer in the farmland zone.

The township said the developers were told last summer that they had to proceed under the current sewage plan, which does not envision public water or sewer in that area.

The developers originally approached the township with an idea for an overlay district that would have provided for about 800 homes on roughly 400 acres in the farmland protection zone, including an active-adult community. As part of the process, the developers offered roughly \$10 million in incentives to the township, including completed recreation fields and a possible new public works garage.

The proposal, which also would have brought public water and sewer into the farmland district, was rejected in August 2005 by the township Planning Commission and not pursued further.

A sketch plan was also submitted earlier that year for more than 160 homes on about 380 acres, which complied with the 2-acre minimum lot size in effect at the time. A formal preliminary plan for the current 182 single-family home Kings Mill concept was filed in late December 2005, ahead of a zoning change in the farmland district in February 2006 that increased

the minimum lot size to 3 acres.

The developers have simultaneously challenged the zoning ordinance, claiming farmland standards are too restrictive. They also charged the township hasn't provided for its fair share of high-density uses, including mobile homes and townhouses.

Along with the zoning challenge came a sketch plan for more than 3,000 apartments, townhouses and mobile homes on essentially the same land as the single-family home proposal. The challenge is being heard by the township zoning board.

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