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# Forks supervisors conditionally OK plans for supermarket

**Vote was split, 3-2. Citizens group still challenging zoning change.**

By Joe Nixon Of The Morning Call

In a split vote Thursday, Forks supervisors decided to give conditional use approval and preliminary plan approval to a proposed Weis supermarket in the township's north end.

Supervisors David Hoff, David Howell and Donald Miller supported granting both approvals, while John Ackerman and Bonnie Nicholas cast the dissenting ballots. Ackerman had concerns with some of the traffic aspects of the project, particularly a right-in, right-out entrance and exit to the proposed store off Sullivan Trail. Nicholas took issue with parts of the conditional use approval stating the project had met standards in areas such as traffic and safety.

A zoning change last summer that allowed a grocery store use in the employment center zoning district where the store would be located is being challenged before the township Zoning Hearing Board by a citizens group, Residents Who Care. Bethlehem attorney James Preston, representing the developer, SamCar Ltd. of Pittston, Luzerne County, said it was understood the project is proceeding at its own risk, given the zoning appeal.

A letter from Gary Asteak, the attorney for Residents Who Care, suggested granting approvals Thursday was premature because of the zoning challenge.

Before the zoning was changed, a large grocery store would have only been allowed in the Town Center district in the southern part of the township. The only grocery store in the township, a Giant store, opened there in 2002. Residents Who Care has claimed the change amounted to illegal spot zoning.

The 62,000-square-foot store proposed by SamCar is being eyed for 9 acres in a business park at the southeast corner of Sullivan Trail and Uhler Road. A potential 8,000-square-foot store expansion is also shown on the plans.

While the approvals were granted, one of the conditions imposed by the supervisors was that the state Department of Transportation also consider a traffic study from a consultant hired by the citizens group. PennDOT owns both Sullivan Trail and Uhler Road and will rule on any required traffic improvements. The developers plan a left-turn lane for both northbound and southbound traffic on Sullivan Trail. No traffic light is planned for the Braden Boulevard entrance to the business park, but the developers will lay the wiring conduit in the event a light is warranted in the future.

The developers have said the road and signal improvements will cover the impact of the store. The citizens group, however, contended that plan did not fully consider traffic impacts outside of peak morning and evening hours. The group's consultant also said the proposed road improvements would still result in an intersection with a failing grade, but the developer's consultant said that is not true in all cases and maintained road and signal work will improve the area.

SamCar originally submitted plans for a CVS drugstore on one of three 3-acre lots in the same business park, but approached the township about a possible zoning amendment after it received interest from several supermarket chains. The zoning change set conditions on a large grocery use in the employment center district, including a limit of 100,000 square feet and a 5-acre minimum lot size. The use must also be next to two arterial roads, or an arterial and a collector road, realistically limiting it to the Sullivan-Uhler intersection.

Three of the four corners of the intersection are in the employment center district. Two of the corners, including the proposed supermarket site, are vacant land. A Wachovia Bank branch is on the northwest corner and Braden Airpark is on

the southwest corner.

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