



THE EXPRESS-TIMES

Grocery store showdown

Forks residents confront supervisors about zoning change. Attorney says they have no case.

Tuesday, October 24, 2006

By **COURTNEY LOMAX**
The Express-Times

FORKS TWP. | Supervisors had one developer in mind when they voted to allow a "large -box grocery store" on a tract of land not meant for a supermarket, attorney Gary Asteak argued Monday night.

Asteak represents a group of township residents who are challenging a zoning change that allows a grocery store at Sullivan Trail and Uhler Road.

Adding the supermarket to a list of other uses on that property is legal and within the rights of the supervisors, said Steven Goudsouzian, attorney for the township.

Lidia Development Company Inc. wants to build a Weis Market on the tract. Jim Preston, the attorney for the developer, said the appellants don't live close enough to the proposed supermarket to appeal the change.

Close to 50 people attended the first of at least two hearings on the appeal filed by Scott Gingold and 14 other residents against the township for changing zoning laws.

Supervisors voted in July to allow supermarkets on 9 acres in the employment center district in the southeast corner of Sullivan Trail and Uhler Road.

Pittstown-based developer SamCar requested the change to allow a 62,000-square-foot grocery store. Weis Markets has since committed to the site.

Lidia Development Company, Inc. is an affiliate of SamCar.

Appellants are calling the change spot zoning and a gateway for other unprecedented zoning changes in the township.

Asteak cited the township's comprehensive plan and zoning ordinance as reasons why the supermarket doesn't belong in the employment center.

"What we see here is a large retail store selling groceries precisely where supervisors said they didn't want it," Asteak said.

He said supervisors only had one developer in mind when considering the change.

"If there's no better example of a government body catering to (a developer), I think you have it here," Asteak said.

Goudsouzian countered by listing other stores and businesses that could be built on the land including a bus terminal, drugstore and hardware store.

"This amendment is not dramatic," Goudsouzian said.

He said spot zoning is when an industrial building is put in a residential neighborhood.

Gingold, a 15-year resident of the township and founder of several citizen groups including Residents Who Care, testified a supermarket would bring additional traffic to an already congested intersection.

"(It's) taking a bad situation and making it worse," Gingold said.

One of the reasons Gingold is fighting the change, he said, is because the board of supervisors ignores residents who raise concerns.

"We have to try," Gingold said.

Goudsouzian pointed out other businesses permitted in the area could bring additional traffic to the township.

Preston objected to the hearing saying the residents don't have standing because they each live at least three miles from the land in question.

If the residents lived near the property and had concerns about lights and glare, they would have standing, he said.

Michael Shay, solicitor for the zoning hearing board, said since the appellants are all residents of the township they have standing.

The next hearing is set for 7:30 p.m. Nov. 20 at the municipal building.

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