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Residents fight zoning change for market

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By **COURTNEY LOMAX**
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FORKS TWP. | An expert witness said the township did not follow state procedures when supervisors approved a zoning change that allows a grocery store at Sullivan Trail and Uhler Road.

J. Jerome Skrincosky, a municipal planner, quoted the state's municipal planning code and said the township's comprehensive plan should be revised before a zoning change is made.

Skrincosky testified Monday on behalf of a residents group in the second of at least three zoning hearings.

The group is challenging the supervisors' July decision to permit supermarkets on 9 acres in the employment center district, saying the change constitutes spot zoning and was designed with one developer in mind.

Lidia Development Company Inc. wants to build a Weis Market on the tract.

But another portion of the municipal planning code says a zoning change doesn't have to comply with a municipality's comprehensive plan, a guide used to help townships plan development.

Inconsistency with the comprehensive plan is just one element of spot zoning, said Jim Preston, attorney for the developer. Other components of the spot zoning claim weren't presented in the appellants' case, Preston said after the hearing.

A comprehensive plan is a guide not a law, Preston explained.

Skrincosky, called by attorney Gary Asteak as the final witness for the appellants' case, testified the change was "site specific to accommodate (one developer)."

He also testified including a grocery store in the employment center district would pave the way for other larger retail stores in the district increasing traffic. He said the law should be declared invalid, The Weis Markets plan should be withdrawn and the comprehensive plan should be amended.

On cross-examination, Skrincosky contradicted his previous testimony by saying there might be other tracts in the township that could fit the specifications of the zoning change. He admitted other businesses allowed on one tract in the district including a gas station, pharmacy and restaurant could also increase traffic.

Steven Goudsouzian, attorney for the township, said after the hearing there are seven potential tracts in the employment center that could house a grocery store meaning the zoning change was not a case of spot zoning.

Goudsouzian also pointed out residents who live in the northern portion of the township might not travel south to the grocery store in the town center decreasing traffic to the rest of the township.

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