



THE EXPRESS-TIMES

Residents oppose change in zoning

Forks citizens group's appeal alleges "spot zoning" for supermarket.

Thursday, September 07, 2006

By **SARAH MAUSOLF**
The Express-Times

FORKS TWP. | A group of residents wants to strike down a recent zoning amendment that would allow construction of a proposed supermarket.

Fifteen township residents Tuesday filed an appeal contesting the change with the township's zoning hearing board.

In July, township supervisors voted 3-1 vote to allow supermarkets in the employment center district. Pittston-based developer SamCar requested the change to allow a proposed 69,000-square-foot supermarket on about 9 acres in the southeast corner of Sullivan Trail and Uhler Road.

The change came over strong objections from Residents Who Care, a local citizens group whose members are now appealing the decision.

Their attorney, Gary Asteak, argues the change constituted "spot zoning" or a special accommodation for a single property owner.

Group member Scott Gingold, 48, of the 1800 block of Clarendon Drive, said the residents want to avoid setting a precedent of adjusting township laws to accommodate developers.

"We are not against a grocery store," he said Wednesday. "This has nothing to do with a grocery store. What this has to do with is spot zoning changes that we feel will start an avalanche of other spot zoning changes in the township."

Group members have donated their own money to cover legal costs and plan to ask residents in the township to contribute, Gingold said.

The residents' tactic is unusual. No citizens group has appealed a township supervisors decision in at least 25 years, township Solicitor Karl Kline said.

Kline argues the supervisors acted within their legal rights. They added supermarkets to a list of permitted uses in a zoning district where a drug store, convenience store and many other uses are already allowed, he said.

Supervisors allowed supermarkets in the district as a conditional use. Supervisors David Hoff, Donald Miller and C. David Howell voted for the zoning amendment. Bonnie Nicholas cast the "no" vote. John Ackerman was absent.

Hoff said he was made aware of the residents' appeal Wednesday but had not yet read it. Hoff said he expects supervisors to defend their decision.

Hoff said he supported the supermarket because it would yield more tax revenue than the developers' proposed alternative: A CVS drugstore on about 3 acres.

Howell and Miller could not be reached for comment.

SamCar has submitted preliminary plans for the supermarket but has not gained approval from the township for the project.

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