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Supervisors vow to fight to save land

Open space at stake. Builder challenges Forks zoning, wants high -density project.

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FORKS TWP. | Supervisors vow to "vigorously oppose" a zoning challenge from developers who propose 3,000 to 4,000 homes in the farmland protection district.

"The board stands firm in its position that it will not allow several greedy developers to dictate the future of land development within Forks Township," supervisors said Monday in a written statement.

Supervisors announced their plans to fight the challenge through a Monday news conference with solicitor Karl Kline.

Hearings before the zoning hearing board are set to begin in August. Both sides expect the zoning challenge to escalate into a court battle.

"We'll be slugging this out for a long time and it will be very expensive for both parties," predicted Dennis Benner, a spokesman for the developers.

Farmland feud

The challenge hails from a group of developers that controls roughly 545 acres in the farmland protection district.

Concept plans show 1,952 apartments, 731 mobile homes and 359 townhouses on the land.

The dispute arose because the property's zoning forbids apartments, mobile homes, townhouses and the level of density proposed.

Designed to keep farms intact, the district allows single -family homes on 3-acre lots. A cluster option allows single-family homes on 1 acre but demands half the land remain open space.

Those regulations are arbitrary, unreasonable and unconstitutional, developers argue in their zoning challenge application.

Carving entire tracts into 3-acre housing lots "will preserve no agricultural lands and will create no open space," the application continues.

Kline debated that reasoning.

"As far as the relief that they seek, it's kind of interesting in that they're critical of the farmland protection provisions and that they don't protect farmland -- and their way of protecting farmland is then by having 4,000 units in that district," he said.

The developer views the laws as an attempt to block affordable housing.

"Governmental regulation prevents people from being able to afford decent, safe housing," Benner said.

Forks zoning lacks enough space for apartments, townhomes and mobile home parks, developers argue.

Yet Kline points out other districts allow those types of homes. The employment center district has been a magnet for mobile home projects.

At what price housing?

Both sides are bracing for a prolonged fight.

Developers and the township will present their cases before the township's zoning hearing board, Kline said. If either side takes issue with the decision, they can appeal it. Potentially the battle could ascend to county and Commonwealth courts -- a process likely to span three to five years, Kline said.

Farmland preservation is a sizzling issue in Forks, where a housing boom has gobbled up open space.

Several residents are already fuming over the zoning challenge.

Last August, residents blasted a proposal for 837 homes and a zoning overlay in the farmland protection district. But township officials refused to budge and the planning commission slapped it with a negative recommendation.

Developers have since bought more land in the district, knowing the zoning forbids the projects they envision, Kline said.

"Since there was not going to be any negotiation, you can read between the lines, by filing a lawsuit against the township, that may be a way to apply more pressure to get the township to change its rules," Kline said.

Benner said the developers expected public opposition when they filed the zoning challenge. They also expect the zoning hearing board to cave to that opposition, he said.

The roughly 2,000-acre farmland protection district contains most of the last rural strongholds in the township. Swaths the developers control comprise roughly one-third of the 1,500 undeveloped acres in the district.

"If you put all those houses in there on what are, in many instances, some of the largest tracts in that area, then you're basically wiping out any possibility of preserving any farms within the township," Kline said.

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