



## THE EXPRESS-TIMES

### Developers challenge preservation zoning

They want to build many dwellings that zoning law prevents.

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By **SARAH MAUSOLF**  
The Express-Times

FORKS TWP. | Developers want to build 1,952 apartments, 731 mobile homes and 359 townhomes on separate swaths in the farmland preservation district, according to concept plans.

The drawback: Zoning on the land forbids apartments, mobile homes, townhomes -- and the level of density proposed.

Thus, developers who own 545 acres in the township are challenging the zoning regulations, including density limitations in the farmland preservation district, according to a zoning hearing board application filed Tuesday with the township.

Supervisor Bonnie Nicholas said the developments would overburden the roads and have a detrimental impact on residents.

"I think it's pretty disgusting that they want to ruin people's lives, but they don't live here," she said.

Applicants include Bethlehem-based Nic Zawarski and Sons Developers Inc., Nic Zawarski and Sons Development Corp., Bucks-Lehigh Land Co., LLC and KMRD, L.P., according to the application.

John A. VanLuvanee, the attorney listed for the developers, did not return two messages left at his office Friday afternoon.

The township has 45 days to schedule a hearing before the zoning hearing board, township solicitor Karl Kline said Thursday. Several hearings could be necessary to present the case, the developers' attorney predicts in the application.

If the developers are dissatisfied with the outcome of the hearings, they could appeal to the courts, sparking a legal battle that could span years, Kline said earlier.

According to concept drawings, Kings Mill Mobile Home Park includes 731 mobile homes on 166 acres east of Richmond Road and north of Newlins Road East. On an adjacent property to the north, Kings Mill Townhome Association includes 359 townhomes on 56 acres east of Richmond Road, south of Frutchey Hill Road.

Concept drawings of Kings Mill Condominium Apartments show 1,952 apartments on 219 acres west of Richmond Road, south of Uhler Road, north of Padula Road and east of Glover Road.

None of the drawings are formal plans.

Most of the land identified in the challenge stands in the farmland preservation district. The zoning in the district allows single-family homes on three acres. A "cluster" options allows developers to build on one-acre lots if half the property remains open space. The density restrictions are "arbitrary and unreasonable," developers argue in the challenge.

Township laws also fail to allocate enough land for mobile home parks, townhouses or apartments, the application argues.

Nicholas disputed the argument about the mobile home parks, pointing to a manufactured home development off Kesslersville Road.

Although mobile homes, townhomes and apartments are taboo in the farmland preservation district, zoning permits them elsewhere in the township.

Zoning hearing board Chairman John Pappas said he can't comment on specifics about the challenge because he hasn't seen it. But he said the system gives appellants the opportunity to state their cases.

"I think everybody has a right to exercise that option, including Zawarski, and the last thing I would ever want to do is pre-judge his case," he said.

Supervisor C. David Howell said his colleagues plan to discuss the matter this week.

"I wish to defer comment until I and all the other supervisors are briefed on the litigation, which will occur in executive session at the next board of supervisors meeting on June 15," he said. "I urge all Forks Township residents to attend these forthcoming hearings before the zoning board and express their opinions on the matter."

In August, an attorney for Kings Mill Development LLC -- a partnership between Nic Zawarski and Sons and Signature Homes -- presented a concept plans for 800 homes in the farmland preservation district. But the planning commission gave it a thumbs down, and developers abandoned the plan.

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