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Judge rules Forks ordinance properly advertised

Developer loses battle to have zoning law tossed

By Christopher Baxter

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Forks Township officials properly advertised a new zoning ordinance in 2006 and made copies available to the public, a Northampton County judge ruled Thursday, rebuffing an appeal by a major development company.

Attorneys for KMRD LP in February claimed the entire ordinance should be tossed because the advertisement in the newspaper did not have enough detail to meet the state's requirement for public notice.

The township boiled down roughly 200 pages into a single paragraph, published the notice in the newspaper and provided copies of the full ordinance to the public, all in compliance with the municipal code, Judge Emil Giordano ruled.

"This court fails to see how notice was insufficient," Giordano wrote in his opinion.

Forks officials rejected plans by KMRD to build more than 3,000 apartments, townhouses and mobile homes on 545 acres of farmland east and west of Richmond Road and north of Newlins Road. Zoning for the land restricts building there to one unit per 3 acres.

The company appealed a March 2008 decision by the Forks Zoning Hearing Board that upheld the township's zoning as properly enacted. Pennsylvania courts have ruled that a zoning ordinance can be voided in its entirety if procedural problems took place as it was approved.

But in this case, the process was sound, Giordano wrote.

KMRD is also pursuing a lawsuit that says Forks zoning discriminates against multiple units and affordable housing. KMRD is seeking a court order allowing it to develop its eight tracts as proposed.

John VanLuvanee, attorney for KMRD, could not be reached for comment.

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