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Developer appeals Forks Twp. zoning

KMRD says the township illegally bans plan for 3,000 apartments, townhouses and mobile homes.

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A development company that claims Forks Township discriminates against low-income housing has filed an appeal in Northampton County Court against the township's zoning board.

In October, zoners unanimously rejected a zoning challenge by KMRD LP, and this week's lawsuit seeks to reverse the decision.

In the 31-page filing, KMRD attorney John VanLuvanee lists 76 points in which he says the Zoning Hearing Board erred when it denied a claim that Forks' farmland preservation district unfairly hinders multifamily units and affordable housing by restricting development to 3-acre lots at minimum.

The suit was expected, but it represents the latest in a lengthy and costly fight between the township and the company.

KMRD wants to build Kings Mill, a development of 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.

In 2008, the township spent more than \$160,000 in legal fees in the ongoing struggle.

More than two dozen hearings have been held on the challenge since the developer filed it in 2006.

Supervisor Chairman C. David Howell said Forks is prepared to pay a similar amount defending itself this year, if need be.

"What's at stake is the sanctity of our zoning ordinance, which has as its goal farmland preservation, but does allow development," Howell said.

"We have budgeted aggressively to defend this lawsuit, wherever it takes us."

In the suit, VanLuvanee repeatedly says the zoning board over-relied on testimony from township witnesses, while discounting that offered by experts for the company.

VanLuvanee asks the court to rule that the township's regulations on mobile home parks, multifamily housing and its farmland preservation district are "arbitrary, capricious, unreasonable and unconstitutional."

He seeks an order allowing KMRD to develop its eight tracts, as proposed.

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