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### Forks, developer weary of litigation

#### Can Kings Mill dispute be settled out of court? Both sides want to try.

By Joe Nixon  
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Forks Township and the Kings Mill developer eyeing about 545 acres in the northeast part of the municipality -- most of it in the farmland protection zoning district -- want a timeout to see if there is a way out of the developer's zoning challenge other than litigation.

"There's been some discussion about basically temporarily putting a halt to all of the litigation for both parties to just cool off and discuss if there are other ways to address the issues other than the long and expensive litigation," township solicitor Karl Kline said.

An attorney for developer KMRD in a Sept. 19 letter to township Zoning Hearing Board Chairman John Pappas, asked that the developer's challenge of the township zoning ordinance be "continued indefinitely." The lawyer, John VanLuvanee of Doylestown, noted that the township joined in the request.

The developers also asked that no hearing be scheduled on an August procedural challenge they filed that alleged problems with the enactment of previous zoning laws. The developers, in filing the procedural challenge, cited a 2006 state Supreme Court decision in another case that allowed such challenges.

The zoners are set to meet Monday for what is scheduled to be the 15th hearing on the challenge. The first hearing was held in late August 2006. Kline said a vote likely will take place that night on whether to grant the request to suspend the hearings. He said no plans have been withdrawn and both sides have preserved their rights.

VanLuvanee could not be reached for comment Monday. KMRD is a partnership that includes builder Nic Zawarski and Sons, Doylestown-based Signature Homes, and Bethlehem attorney Dennis Benner.

"If there can be some kind of middle ground acceptable to both parties, that would in all likelihood be preferable to several more years of litigation," Kline said, adding there was no time frame set for the hearing hiatus. Zoning Hearing Board solicitor Michael Shay could not be reached for comment Monday.

Supervisor John Ackerman said the issue of taking some time off has been discussed by the supervisors.

"We have to wait until KMRD comes to us with what their proposal is," he said. Supervisor Don Miller also said he didn't know what the developers might propose.

Supervisor David Howell said there haven't been public discussions or votes that would indicate the supervisors agreed "to the suspension of litigation for the purpose of discussions."

"I'm sure in the days ahead there will be public discussions by the board on this subject," he said. "I am sure that some will look upon this olive branch favorably, but I have continually

maintained the position that litigation currently before our Zoning Hearing Board should continue unchecked until a final decision."

Supervisors David Hoff and Bonnie Nicholas could not immediately be reached for comment Monday.

KMRD, in its challenge, claims the farmland zoning district standards are too restrictive. In addition, the developers have said the township hasn't provided for a fair share of high-density uses.

A sketch plan for more than 3,000 apartments, townhouses and mobile homes on the 545 acres was submitted with the zoning challenge. The township earlier this year rejected a plan for 182 single-family homes that complied with farmland zoning, saying the developers did not do enough work on the project.

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