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Forks zoning change that allows grocery store challenged

Consultant testifies supermarket would be inconsistent with plan.

By Joe Nixon Of The Morning Call

A planning consultant testified Monday that a recent change to the Forks zoning ordinance that allows a grocery store in the township's north end was inconsistent with Forks' comprehensive plan and should be declared invalid.

J. Jerome Skrincosky of Hawk Valley Associates of Mohnton, Berks County, testified before the township Zoning Hearing Board on behalf of Residents Who Care, a group that has challenged a township decision to allow a large grocery store among permitted uses in the employment center zoning district. The group contends the township action was for the sole benefit of the SamCar Ltd., of Pittston, Luzerne County, the developer of the proposed store at the southeast corner of Sullivan Trail and Uhler Road.

Township representatives and a lawyer representing the developer of a proposed 69,000-square-foot Weis Markets store that asked for the zoning change said the same state planning code cited by Skrincosky, also said comprehensive plans can't be used to attack zoning ordinances.

Skrincosky was the sole witness for the group, represented by Easton attorney Gary Asteak. The township will present its side of the case on Jan. 8 before the zoners.

The zoning change should have prompted the township, under the state's Municipalities Planning Code, to amend its 1997 comprehensive plan, and that wasn't done, according to Skrincosky. After the hearing, Bethlehem attorney James Preston, representing the developer, said an alleged inconsistency between a zoning law and a comprehensive plan can't be the sole basis for an appeal.

Allowing the grocery use presents future problems and a possible imbalance in areas such as land use and traffic, among others, Skrincosky said.

He said a large grocery would be a "magnet" for other heavier commercial-type uses. "Basically, you're inviting a land use that wasn't proposed by Forks Township and installing it in a certain area where the vision was for it to be elsewhere," he said.

Skrincosky said the existing comprehensive plan's vision for traffic planning basically "goes out the window" with the allowance of a heavy commercial use like a grocery store.

Township officials voted earlier this year to amend zoning to allow the grocery store use after a request from SamCar. Before the change, a grocery store was only allowed in the town center zoning district in the township's southern end. The developer had already submitted a plan for a CVS drugstore on 3 acres in a business park at the southeast corner of Sullivan Trail and Uhler Road, but came back to the township after receiving interest from grocery store chains.

Plans were filed for the grocery store on about 9 acres in the business park, land that includes the acreage originally slated for the drugstore. The Weis Market proposal includes gas pumps located away from the store, near the future Braden Boulevard. Weis currently operates a store on S. 25th Street in Wilson, but plans to relocate that operation in spring to the former Giant supermarket location in the William Penn Plaza at William Penn Highway and Greenwood Avenue in Palmer Township.

Under questioning from assistant township solicitor Steven Goudsouzian, Skrincosky agreed it was a possibility that the proposed Forks store, under certain conditions, could have the same traffic impact as three or four uses on the same land, uses that were permitted before the zoning change. He also agreed with Goudsouzian that there were three properties at the intersection where a grocery store could potentially be built. Only one of the others, in addition to the proposed grocery store parcel, is vacant.

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