

From The Morning Call

September 7, 2006

Forks group protests grocery store plans

In appeal, band of 15 residents claim zoning change is illegal.

By Joe Nixon Of The Morning Call

A citizens group has appealed a recent zoning change in Forks Township that added a grocery store as a development option in an area in the municipality's north end.

The group, Residents Who Care, filed the appeal Tuesday, alleging the July 20 approval by township supervisors to allow a large grocery store as a permitted use in the employment center zoning district amounted to unlawful "spot zoning." Fifteen township residents in the group are appealing the zoning change, though the group itself isn't listed separately.

The change was approved in a 3-1 vote, with Supervisors David Hoff, David Howell and Donald Miller voting in favor. Supervisor Bonnie Nicholas voted against the change. Supervisor John Ackerman was absent from the meeting.

The zoning change was proposed earlier this year by SamCar Group Ltd., a Pittston, Luzerne County developer who originally proposed a CVS drugstore on one of three 3-acre lots it has in the Sullivan Trail Business Park at the southeast corner of Sullivan Trail and Uhler Road.

There was no immediate comment Wednesday from SamCar.

Based on interest from grocery chains, the developer asked the township to consider a zoning change that would allow a large grocery store on the entire 9 acres. It pledged to revert to the pharmacy plan if the township wasn't interested.

Preliminary grocery store plans were submitted to the township last month. The zoning change made by the township effectively limits a grocery use in the employment center area to the Sullivan-Uhler intersection.

Forks solicitor Karl Kline said the zoning change decision wasn't hasty, and he was confident in its legality.

"There was plenty of opportunity for input from the public, and the board voted to adopt this ordinance," he said. "I would certainly expect that the board is going to direct me to vigorously oppose this [appeal]."

Kline said a variety of uses, including food-processing plants, day care centers, medical office buildings and warehouses, are already permitted in the employment center district.

An appeal wasn't unexpected. At the meeting when the zoning was changed, Timothy Prendergast, an attorney in the firm of Easton attorney Gary Asteak, told supervisors the citizens group was prepared to exhaust its legal options.

Asteak said Wednesday that the zoning change was inconsistent with the township's comprehensive plan and a recently revised zoning ordinance. The appeal said supervisors failed to consider the traffic impacts of the change and said it was inconsistent with actions taken regarding other nearby developments.

Clarendon Drive resident Scott Gingold, a Residents Who Care member, said the group was not opposed to another grocery store, but it should be in the town center district in the township's southern end.

Before the zoning change, the town center district was the only place for a large grocery store. The only other grocery store in Forks, a Giant supermarket, is there.

Gingold said the group, which he estimated at about 75 to 100 strong, was concerned about long-term ramifications,

including traffic.

"We don't think a lot of thought was put into this," he said.

The appeal will be the second for the township zoning hearing board. The panel is already considering a challenge from a development partnership that questioned restrictions in the farmland-protection district and charged the township doesn't provide enough land for apartments, townhomes and mobile homes.

Copyright © 2006, [The Morning Call](#)