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Forks planners oppose 185-home development

Township is already in a legal battle with the developers over earlier plan for farmland zone.

By Joe Nixon Of The Morning Call

The Forks Planning Commission recommended Thursday that the township supervisors reject a plan for 185 homes on 2-acre lots on roughly 500 acres in the farmland protection zoning district.

The project, submitted late last year, is proposed by the same developers that recently challenged the township's zoning ordinance and have submitted a sketch plan for more than 3,000 apartments, townhouses and mobile homes on roughly the same acreage as part of that challenge.

In recommending the rejection, the commission also declined a 90-day time extension offered by the developers, Nic Zawarski and Sons and Signature Homes, through their attorney, Dennis Benner of Bethlehem. The rejection was based on an engineering review letter from township engineer Fred Hay that noted plan shortcomings.

According to Tim Weis, township zoning officer and building inspector, a municipality has 90 days to approve or deny a plan. If it takes a municipality longer to review it, the developer can offer a time extension and the township can accept or reject the extension. He said one time extension was already granted on the Signature-Zawarski plan.

Neither the developers nor Benner attended the commission meeting. Benner, who became a partner with the developers in the more dense building plan that accompanied the zoning challenge, could not be reached late Thursday.

The commission voted 6-0, with James Wideman not voting, to reject the 185-home plan. Wideman, who lives near the land on which the homes would be built, said though he considered the zoning challenge "ill-fated at best," he thought the plan that used the former 2-acre minimum lot size is what people in his area wanted.

The township early this year changed zoning in the farmland area to a 3-acre minimum. Clustering of homes on 1-acre lots is allowed in the farmland district if half of the total tract is set aside as open space.

Wideman said he believed outstanding engineering issues could be worked out as they have in other plans.

Commission member Carl Dicker said he believed that minor changes made in the 185-home plan so far don't constitute working with township.

"I think in this case, the developers are sending us mixed signals," he said. "On one hand they are submitting a set of plans that they have no intention of building. On the other hand, they go and file a lawsuit against the township for zoning issues that are completely bogus as far as I'm concerned."

Commission member Dean Turner said the 2-acre plan would not preserve the rural nature of the farmland protection zone.

"It's obvious, at least to me, that they have no intention of building this [185-home] plan," said commission Chairman Vito Tamborrino Jr., who said the zoning challenge shows the true intention. "That's the plan they are going with. That's the plan they are fighting with."

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