

Tinicum in epic battle with developer

By: AMANDA CREGAN The Intelligencer

It's been five years since developers began their fight to build an apartment complex, townhomes, residential neighborhoods and a shopping center across 240 acres in Tinicum.

Scores of township hearings later, neither Main Street Development nor township supervisors nor members of ECO-Bucks, a grassroots citizens group fighting to preserve the rural character of Tinicum, are backing down from the fight.

Main Street Development asked a Bucks County judge last week to overturn a township ruling against Ottsville Square, a proposed 192-unit "garden apartment" complex on 25 acres of farmland at the intersection of Durham Road and Route 611.

Also called the Carr tract, the 12, four-story building project is considered the jumping-off point for several planned developments in the largely rural Upper Bucks community scenically bordered by the Delaware River.

"None of them are allowed under Tinicum Township's zoning," said Jordan Yeager, a Doylestown attorney who represents ECO-Bucks. "They (developers) want to disrupt more than they are allowed in terms of prime agricultural soil and prime agricultural farmland."

Although the proposed building projects fall within Tinicum's own commercial and residential zoning districts, supervisors have maintained that overlay ordinances protecting soils limit development to 25 percent - no matter the size, location or zoning of the property.

Drafted by Main Street's attorney Robert Gundlach and filed March 25, the appeal states that Tinicum's zoning does not adhere to state law "which requires that zoning ordinances be designed to accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses."

ECO-Bucks board member Bill Ballantine says Tinicum's strained aquifer can't support the kind of high density development planned.

"Eco-Bucks was formed three years ago because the developer put forward several developments that were very intensive, and that would involve changes in our ordinances," he said, of the 300 member group. "The people felt that our community could not sustain that - mostly from the standpoint of water availability, infrastructure, and just the fact that it's totally out of step with our community."

Gundlach says Tinicum supervisors are too restrictive in zoning the entire township with soil-protection limits.

"They (developers) fundamentally believe that a requirement to preserve 75 percent of your classified 1, 2 and 3 soils in every zoning district in the township is unreasonable," said Warrington-based attorney Gundlach. He added that high-quality soil protection should fall with Tinicum's natural resources protection zoning district and not along Route 611, the commercial development zoning district.

Yeager of ECO-Bucks maintains the township has a responsibility to protect its resources wherever they may be.

"We've got an obligation under state law to protect important agricultural soils, and we've got to do that wherever we find that to be."

The development group is reportedly working to secure the Ottsville Square project before pursuing several others in Tinicum, including Tohickon Village: 268 units on 28 acres at Route 611 and Tohickon Valley Road; Tohickon Valley Farm: 60 units on 12 acres at Route 611 and Tohickon Valley Road; Durham Village: 52 units on 21 acres at Route 611 and Tohickon Valley Road; and Oak Grove Estates and Oak Grove II: 35 units on 153 acres at Gruver and Randt's Mill Road.

Plans also call for the first community sewer and water facility in Upper Bucks.

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Main Street Development has challenged the township's zoning ordinances in court after a garden apartment complex was rejected. It is one of many projects the firm wants to build across the rural community.

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