

Things to keep in mind when reviewing the DiGirolamo Warehouse Application

It would be surprising to hear you live in Buckingham Township and haven't heard about the land development application for the Warehouse on the DiGirolamo tract. It is an application that has created much interest as to potential effects to the area. It also is an application that has been discussed on social media and at times has brought a lot of exaggerations and misinformation to the community. Remember when it was an "Amazon Warehouse"? (hint it never was)

Is it really a Truck Terminal?

Recent social media posts claim the application is for a Truck Terminal and people from No Warehouse have even encouraged their followers to write letters imploring the Board of Supervisors to simply reject the application without review based on the assertion the application is for a truck terminal that is not permitted on the property by the Township Zoning Ordinance. However just saying it does not make it so. Truth is – it isn't that easy.

The Township received a land development application for a G3 Warehouse Use on the DiGirolamo Tract, a 57.33 acre parcel in the Planned Industrial Zoning District that is only now, for the first time, coming for review before the Township Board of Supervisors at their July 24th Board of Supervisor's meeting.

Buckingham Township is bound to review the land development application under the use applied for, which in this case is for a warehouse. Under our system of government, individuals and property owners have rights that cannot be simply swept aside by the will of an advocacy group. The Township is bound to afford both the property owner and the project's opponents Due Process. That means the parties have the right to present testimony, documentary evidence and to cross examine witnesses. The Township will afford the parties these rights, including hearing evidence for and against whether what is proposed is a warehouse or truck terminal. Simply, the Township must do what is required of it by the Pennsylvania Municipalities Planning Code and other applicable federal and state laws when it reviews an application. All sides will be heard. Without a hearing, if the Township just says No– it means a Court will say Yes!

Why is the DiGirolamo Tract in the Industrial Zoning District?

The DiGirolamo Tract ("Tract") is a 57.3 acre property located along Cold Spring Creamery Road between Burnt House Hill Road and Stoney Lane in Buckingham Township's industrial zone. The Tract has been zoned that way since 1969. What are now the residential developments in the Cold Spring Area, such as Buckingham Square, Hearthstone, Fireside, Buckingham Place, Buckingham Estates, Dalton Glen, the Ridings and Cold Spring Hunt were all zoned Agricultural in 1969.

In 1978, a group of landowners/developers that owned the properties that are now the Cold Spring residential developments sued Buckingham Township claiming that the Zoning Ordinance was unconstitutionally exclusionary because it prevented the construction of apartments and townhouses proposed by the landowners. The Commonwealth Court of Pennsylvania agreed with the landowner/developers and these court orders led to the development of the residential subdivisions now surrounding the Township's preexisting industrial zoning district.

The case that established the surrounding residential developments is based on the principal that the Buckingham Zoning Ordinance was unconstitutionally exclusionary because it prohibited legitimate uses (apartments, townhouses). That lesson also applies to the Township's Industrial districts. So, even though the Township's Industrial districts allow for uses many find undesirable, if they were not allowed in the industrial districts, what could result might be far worse. For example, in a law case named *Toms v. Board of Sup'rs of Washington Tp.*, 553 A.2d 507, 123 Pa. Cmwlth. 165 (1989), the Pennsylvania Commonwealth Court

found that a zoning ordinance that did not allow for a trash transfer station was impermissibly exclusionary and therefore allowed a developer to build a trash transfer station in the middle of a residential neighborhood. This is based on the principal that someone who successfully proves a zoning ordinance is exclusionary, is entitled to establish the excluded use anywhere in the township they wish. In other words, if a warehouse use were not allowed in the Township industrial district, someone challenging the township zoning ordinance could put a warehouse at any location in the Township they desired.

Recent Development Proposals on the DiGirolamo Tract

In 2019, Mr. DiGirolamo proposed an Auto Auction Facility for the Tract, citing the like proposed facility in Wytheville, Virginia as a model. The Township indicated its unwillingness to change its Ordinance to accommodate such a facility, and the proposal seems to have faded. Here is a picture of what was proposed:



In 2021 Mr. DiGirolamo filed a Zoning Hearing Board Application seeking variances from the 15% building coverage limitation on the Tract to 35%, from the 35%, impervious coverage limitation on the Tract and asking 60% instead, and from the one parking space for each 500 square feet of building area requirement. Mr. DiGirolamo claims (the Application is still pending) that the Zoning Ordinance does not allow “reasonable” development of the property. Specifically, Mr. DiGirolamo was proposing to Develop the site similarly to the Keystone Business Park in Bristol; a 1,000,000 square foot warehouse facility on 100 acres. This too was discouraged by the Township as inconsistent with Township Ordinances. Mr. DiGirolamo’s zoning application, if successful, would allow 60% of the property to be covered in impervious surfaces and would allow 35%, or, 880,761 square feet of buildings. The Township entered into discussions with Mr. DiGirolamo looking for more modest development and continues to defend its Zoning Ordinance and seek less intense development.

In early 2022 the current developer expressed an interest in the property for a single warehouse and advised later that year that Mr. DiGirolamo had entered into an agreement of sale. It is the plans of that developer to build a 150,000 square foot structure that are presently pending before the Township.