

**BENSALEM TOWNSHIP COUNCIL
COUNCIL MEETING MINUTES**

**Monday
May 6th, 2024**

MEMBERS PRESENT:

Ed Kisselback, Council President
Joseph Knowles, Council Vice President
Stacey Champion, Council Secretary
Michelle Benitez, Council Member
Joseph Pilieri, Council Member

SUPPORTING PERSONNEL:

Debora McBreen, Council Clerk/Recording Secretary
Quinton Nearon, Senior Municipal Inspection Manager
Joseph Pizzo, Township Solicitor
Phil Wursta, Township Engineer

PLEASE NOTE:

The minutes are not verbatim but rather a synopsis of what transpired during the meeting, and while I do my best to attribute remarks and questions to the correct individual, there may be mistakes or omissions because of the “back and forth” dialogue and the lack of the use of the microphone.

1. OPENING OF THE MEETING:

Council President Kisselback opened the meeting with a moment of silence and/or prayer, followed by the Pledge of Allegiance.

2. INTRODUCTION OF COUNCIL MEMBERS, MAYOR AND STAFF:

Council President Kisselback introduced the Supporting Staff and Council Members.

Council President Kisselback asked Solicitor Pizzo if there were any changes to the Agenda. **Solicitor Pizzo** indicated Agenda Item #9, Brilla, LLC, 4034 & 411 Bristol Road, the applicant requested to table the item until May 20th, 2024, and have granted the Township and Extension of Time to the extent necessary under the Municipalities Planning Code for the consideration of that application. **Councilwoman Benitez** motioned to table Agenda Item #9 to a date certain of May 20th, 2024. **Council Vice President Knowles** seconded and the motion carried 5-0.

Solicitor Pizzo indicated Agenda Item #5, the consideration of an Ordinance regarding Mobile Food Vending. Comments were received in regards to that proposed Ordinance, and in reviewing it with the Administration and with the President of Council; they are going to make changes to the extent of which will require the Ordinance to be re-advertised and suggested to table Agenda Item #5 indefinitely. **Council Vice President Knowles** motioned to table Agenda Item #5, the consideration of Mobile Food Vending Ordinance to an indefinite date. Councilwoman Benitez seconded and the motion carried 5-0.

3. **PUBLIC COMMENT:**

Council President Kisselback indicated the Public Comment will be heard at the time the agenda item is heard. Seeing no one come forward the first of two Public Comments was closed.

4. **APPROVAL OF COUNCIL MINUTES:**

Councilwoman Benitez motioned to accept the Council Meeting Minutes from April 8th, 2024 as presented. **Council Secretary Champion** seconded and the motion carried 5-0.

5. **CONSIDERATION AND PUBLIC HEARING ON AN ORDINANCE ESTABLISHING AND CREATING Chapter 173 “MOBILE FOOD VENDING” AND AMENDING CHAPTER 232 “ZONING” TO ADD SECTION 600 “MOBILE FOOD VENDORS.”**

This item was tabled by a prior motion.

6. **CONSIDERATION OF THE 2024 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM:**

Solicitor Pizzo indicated that Administration presents to Council each year the proposals from the Director of Administration and the Mayor as to the 2024 Community Block Grant Program. This year the Township expects to receive \$388,888 through the Community Development Block Grant Program. The funding will be used for ADA accessibility improvements and ADA public services throughout the Township. The breakdown of how the money will be spent is part of the attachment of the Mayor’s memorandum from May 1st, 2024. In order for the Township to move forward, under the requirements of the Community Development Program, requires Council approval of the budget for 2024.

Council President Kisselback indicated the following distribution of funds:

ADA Curb Upgrades	
Bring curb cuts up to current ADA regulations.	\$268,888
Family Support Services Homeless Shelter	\$ 40,000
Funding of operational cost of homeless shelter.	
Program Administration	\$ 20,000

Housing Rehab

\$ 60,000

100% of the funding will be used for activities benefiting low or moderate-income persons.

Councilwoman Benitez motioned to approve the 2024 Community Development Block Grant Program. **Council Vice President Knowles** seconded and the motion carried 5-0.

7. CONSIDERATION OF A MINOR LAND DEVELOPMENT FOR:

Applicant:	McDonald’s USA, LLC
Location:	1240 Bristol Pike
Proposed Use:	McDonald’s Restaurant w/Drive-Thru
Zoning Classification:	GC – General Commercial District
Tax Parcel:	02-030-009-002

Leonard Altieri, Solicitor for the applicant, presented Solicitor Pizzo with the Proofs of Mailing to the adjacent property owners. The applicant is proposing to upgrade the existing restaurant’s drive-thru to a two-lane side by side drive thru.

The applicant is seeking three waivers:

Section 201-106. – Environmental protection and open space preservation.

1. No proposed gradings shall be permitted within three (3) feet of any site property line. The proposed curb at the western end of the site is three feet from the property line. *A waiver is required; the Township’s Engineer supports this waiver.*

2. Landscaping plan should be provided illustrating the existing and proposed conditions.

- i. A total of thirteen (13) trees should be provided; ten (10) trees per acre of gross site area plus one (1) tree for every five (5) parking spaces; *applicant is requesting a waiver, a fee in lieu should be provided.*
- ii. The existing landscaping area surrounding the trash enclosure is proposed to be modified; details of the proposed area should be provided. *Applicant states the Owner/Operator will be supplying this element of the proposed design.*

3. Sec. 201-112. – Motor vehicle parking facilities.

- b. Applicant shall provide a lighting plan with isolumin footprints for each fixture. *Applicant is requesting a waiver for this design standard; the Township Engineer would support this action since it is an existing facility with lighting.*

The applicant is in receipt of the Township’s Engineer Review Letters. Everything, with the exception of the waivers, is a will comply. The applicant will comply with anything put forward by the Township Fire Marshal.

A conversation pursued regarding the conversation the applicant had with the Fire Marshal. Solicitor Altieri indicated that there was no official letter from the Township Fire Marshall, but an email on how the applicant is revising the plan to satisfy the Township Fire Marshal’s comments.

Justin Klee, applicants Engineer associated with Bohler Engineering, indicated that the Township Fire Marshal's concern was the drive-thru being adjacent to the Fire Department connection. Engineer Klee is working with McDonald's to relocate the Fire Department connection to the front of the building, and where that is located will replace the current location of the fire lane. It was the Fire Marshal's suggestion to relocate the Fire Department connection to the front of the building.

Council President Kisselback asked if the applicant had a verbal agreement with the Township's Fire Marshal. The applicant replied yes.

Solicitor Pizzo indicated if Council approved the application at the conclusion of this hearing. One of the conditions would be that the applicant would comply in all respects with the requirements of the Township's Fire Marshal, which Mr. Alteiri has already said they will do.

Once again, a conversation pursued in regards to the Township Fire Marshal, the applicant and the applicant complying to the Fire Marshals request to relocate the Fire Department connection.

Councilman Pilieri indicated that this was contingent upon making the necessary changes wanted by the Fire Marshal and asked if the applicant would be willing to do so.

Solicitor Alterie indicated that is exactly what he previously said.

Councilman Pilieri indicated that the applicant could not do anything until the Fire Marshal approves what the applicant wants to do. If Council were to approve the Minor Land Development this evening the applicant does not have a problem with making it a contingency; on the approval that if the applicant does not get the Township Fire Marshal's approval, then the approval, if given this evening, would be worthless.

Councilman Pilieri directed his question to the Township Solicitor and asked if he would agree that if this was contingent upon the applicant meeting all of the specifications from the Township Fire Marshal, then Council can proceed with the application.

Solicitor Pizzo indicated if that is what Council wishes to do then there is no problem proceeding that way.

Councilman Pilieri asked if the Township Engineer had any issues with what was being heard.

Engineer Wursta indicated he had no problem as long as they comply with the review letters and that they will comply with the Fire Marshal's request. The Township Engineer will make sure that those are accommodated for signatures by Council and final land approval.

Council President Kisselback requested that the applicant proceed with the Review letters from TPD and the Township Fire Marshal letter.

Council President Kisselback stated the following:

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMMENTS

The following are comments related to the Township's SALDO ordinances:

1. Sec. 201-62. – Submission.
 - a. The applicant is required to submit the final plans and make application to the following agencies:
 - i. Bucks County Conservation District – Erosion and Sedimentation Control Plan. – *The applicant will comply and indicated that it has been submitted.*
2. Sec. 201-106. – Environmental protection and open space preservation.
 - a. No proposed gradings shall be permitted within three (3) feet of any site property line. The proposed curb at the western end of the site is three feet from the property line. *A waiver is required; the Township Engineer's office supports this waiver.*
 - b. A landscaping plan should be provided illustrating the existing and proposed conditions.
 - i. A total of thirteen (13) trees should be provided; ten (10) trees per acre of gross site area plus one (1) tree for every five (5) parking spaces; *applicant is requesting a waiver, a fee in lieu should be provided. The applicant has complied with the fee.*
 - ii. The existing landscaping area surrounding the trash enclosure is proposed to be modified; details of the proposed area should be provided. *Applicant states the Owner/Operator will be supplying this element of the proposed design. In other words, the applicant indicated that the current store owner will be planting the plant species that they would like around the trash enclosure.*
3. Sec. 201-111. – Sidewalks.
 - c. All sidewalks shall meet all applicable standards for access by handicapped persons. *The applicant will comply.*
4. Sec. 201-112. – Motor vehicle parking facilities.
 - d. Applicant shall provide a lighting plan with isolumin footprints for each fixture. *Applicant is requesting a waiver for this design standard; the Township Engineer's office would support this action since it is an existing facility with lighting.*
5. Sec. 201-114. – Nonresidential developments.
 - a. The trash collection area shall be screened and landscaped on three (3) sides; A wall is proposed with a double swing gate. *Applicant states the Owner/Operator will be supplying this element of the proposed design.*

A discussion regarding Stormwater Management and how the proposed change will reduce any run-off that may exist on the site by reducing the amount of impervious.

STORMWATER MANAGEMENT ORDINANCE COMMENTS

1. Sec. 196-33. – Erosion and sedimentation control during regulated earth disturbance activities.
 - a. Please submit Erosion & Control Plans to Bucks County Conservation District for review and approval. *The applicant will comply.*
 - b. Regulated activities with earth disturbance over 5,000 square feet are subject to permit requirement by DEP; provide a copy of the approved permit. *The applicant will comply.*

- c. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office or the Bucks County Conservation District must be provided to the Township. The issuance of an NPDES stormwater permit for construction activities or permit under the Statewide General Permit (PAG-2) satisfies the requirements of subsection (a). *The applicant will comply.*
2. Sec.196-35. – Stormwater peak rate control and management districts.
- a. Proposed conditions rates of runoff from any regulated activity shall not exceed the peak release rates of runoff from existing conditions for the design storms specified on the stormwater management district watershed map (Ordinance Appendix D) and in this section of the chapter. *Applicant has satisfied this requirement for the site.*

Council President Kisselback asked if anyone in the audience would like to comment for or against this project. Seeing no one come forward the Public Comment was closed.

Council Vice President Knowles motioned to approve the Preliminary and Final Land Development for McDonald’s located at 1240 Bristol Pike. It is required that they receive approval from the Township Fire Marshal’s office and that the applicant adhere to all of the conditions requested by the Township Fire Department. Regarding the subdivision a waiver will be granted for #2a. Regarding the 3 ft. of the site property line a waiver shall be granted. Regarding 2bi the applicant will pay a fee in lieu of the additional trees that are not provided on the property. Regarding the lighting that exist a waiver shall be granted since it is an existing facility with lighting. The Township Engineer would have to approve the shrubbery that will be placed around the trash receptacle area. Contingent upon approval from the Township Engineer and the Township Fire Marshal.

Solicitor Pizzo indicated that the only other addition to compliance with the items that were referred to the May 1st, 2024 Review Letter of TPD the Township Engineer addressed to the Township Director of Building and Planning regarding this project. All of the items that were not waved as indicated are all will comply items. The applicant will also comply with all of the conditions set forth in the May 1st, 2024 Traffic Review #2 from TPD. That letter also addressed to the Township Director of Building and Planning and it should be specifically noted that item 1 of that letter indicates a Traffic Impact Fee and the applicant agrees will pay the amount indicated. The applicant agreed to pay the Traffic Impact Fee. Item 7 in the letter it should be noted that that should be a note added to the plan if it is not already there.

Council Vice President Knowles amended his motion to include the Impact Fee that has agreed to be paid. Also, the May 1, 2024 TPD Review Letter these approvals and acceptance of all the other things on the letter. **Council Secretary Champion** seconded and the motion carried 5-0.

8. CONSIDERATION OF A PRELIMINARY AND FINAL LAND DEVELOPMENT FOR:

Applicant:	Ed DeAngelis, President – EDA Contractors
Location:	633 Dunksferry Road
Proposed Use:	Warehouse & Storage
Zoning Classification:	GI– General Industrial
Tax Parcel:	02-075-081

Mike Meginniss, Solicitor on behalf of the applicant EDA Contractors, introduced Stephen Michalczyk, applicant Engineer with Pennoni Associates who has prepared the Site Plan before Council for consideration and Ed DeAngelis, President of EDA Contractors.

The subject property is located at 633 Dunksferry Road. The property is approximately 11.85 acres, it presently improved with a 98,135 square foot structure with an accessory parking area. The existing use primarily consists of warehousing and manufacturing. The property is located in the General Industrial District and is located within an existing Industrial Park. It is bounded by Marshal Lane to the North and then industrial properties both to the East and to the South and Dunksferry Road to the West.

EDA specializes in exterior building services, including roofing and water proofing. The company started in 1999, but the subject property was acquired by EDA in 2016. The company has grown to over 300 employees between this location and New Jersey. Some of the projects that EDA have worked on and completed successfully is LaGuardia, the New York airport. UPENN and Live Casino and Hotel in the city. EDA does a wide range of projects, some high-end projects; and are very proud of both their overall work product, and their involvement in Bensalem Township.

The applicant has a number of waivers for the Preliminary and Final Land Development Project.

Ed DeAngelis, CEO of EDA Contractors. The company is growing as an organization. Most of the company's growth has been along the East Coast. EDA's previous location at 600 Center Avenue was thought that the building would suffice to handle their growth. Their growth has been exponential in the manufacturing standpoint. They have a Unionized shop and have signed with the Carpenter's Union and those individuals are used to doing their fabrication. They are excited by this opportunity to keep growing their operation in Bensalem. This type of addition will allow them to maintain their place here in Bensalem without separating both of their operations in this area, and in Elizabeth, New Jersey.

Council Vice President Knowles asked how many jobs did Mr. DeAngelis think this additional space is going to create and will the be Carpenter Union jobs or other jobs.

Mr. DeAngelis indicated that they will be Carpenter Union jobs, and as they get additional projects, most of the fabrication will be done in the Bensalem facility instead of changing it to a different location.

Stephen Michalczyk, applicant Engineer with Pennoni Associates will be reviewing the existing proposed conditions before Council.

The project is located at the corner of Dunksferry Road and marshal Lane. The lot is about 11 acres and is zoned in the General Industrial District. The site currently contains 98,000 sq. ft. building and has roughly 98 parking stalls. The existing access is shown as a two-way in the Northeast portion of the site. The applicant is proposing a 38,000 sq. ft. building addition. The existing use will remain and the additional parking to the East has been designed in that area for a total of 146 parking stalls. The loading docks have been designed for a two-way access. Stormwater Management is shown with a 9,400 sq. ft. basin just south of the proposed addition.

The applicant is significantly reducing stormwater from the existing proposed condition. They have managed not only the proposed building but have also managed the top portion of the site.

Mr. Meginniss noted that the Traffic Review letter dated May 1st, 2024 that they received from the Township's Engineer office is a will comply with the 3 comments that are tendered therein. The TPD May 1st, 2024 civil review letter, everything in the letter is a will comply, other than the waivers which are stated at the conclusion of the review letter on page 5 and 6.

WAIVERS

The following is a list of requested waivers from the applicant:

1. Sec. 196-47.(2)b.1.B. – To not provide locations of existing and proposed features within 100 feet of the property.

2. Sec. 201-41.(d).(9) – To not provide existing features with 400 feet of proposed land development.

Mr. Meginniss indicated they are existing features waivers as part of the development. **Mr. Michalczyk** indicated they have provided an aerial to show in excess of 400 ft. to comply partially with this waiver. Typically, with a survey you get the property boundary, so it is a little difficult to go in excess of 400 ft.

Engineer Wursta indicated it is typically what would be waived.

3. Sec. 201-41.(d).(10) – To allow Pennsylvania State Plane Coordinate system, zone south, NAD 83 and the vertical datum to be NAVD 88.

Mr. Michalczyk indicated it is a survey used for the control point they use for both horizontal and vertical dimensioning for the survey.

4. Sec. 201-42.(a) – To permit Preliminary / Final Land Development Plans

5. Sec. 201-106(a)(2)a(6) – To permit grading within 3 feet of the site property line

Mr. Meginniss indicated that it relates to the location of the Stormwater Management basin that **Mr. Michalczyk** is referencing. It is to be designed particularly to capture the run-off that would result from the building, because of where it is located, and to maximize the square footage of the basin to make it as large as possible.

6. Sec. 201-106(c)(2)– Street trees plantings no more than 20 feet or greater

7. Sec. 201-106.(c).(10) – To not provide lot trees. – fee in lieu

The applicant will pay a fee in lieu of and are proposing 9 trees. The applicant was required to place 142 trees. Unfortunately, it is not feasible. The applicant is maximizing the green space next to the addition for the stormwater facilities. They have the building addition and the associated parking areas and is located within the industrial park; and the applicant is asking consideration to provide a fee in lieu of with respect to eliminating the rather large requirement for additional street trees.

8. Sec. 201-109.(c) – Easement area to remain as lawn.

9. Sec. 201-111.(a) – To not provide sidewalks along Dunksferry Rd & Marshall Lane, fee in lieu of.

Mr. Meginniss indicated that they are partially installing sidewalk, and working with TPD from an interior access standpoint, which has transpired over the last few months. There are locations on the site where they are not installing sidewalks.

10. Sec. 201-137- To not provide metal pole streetlights.

Mr. Michalczyk indicated in certain locations around the upper portion of the parking lot where there are regular street poles, but they don't match that Ordinance section. The applicant indicated the poles are aluminum.

1. Sec. 201-109. – Easements and underground utilities.

a. There is a note that regarding a sanitary sewer easement. Nothing shall be permitted to be placed, planted, set, or put within the area of an easement and shall be kept as lawn. *Applicant to submit the written easement agreement with contact information as part of this review.*

Mr. Meginniss indicated that this is fairly a standard matter, where there is a sanitary sewer easement that Bucks County Water and Sewer Authority has where the applicant is not proposing a structure. There is just a nit of paving and the Water and Sewer Authority is aware of this, and are fine with it, and will have it confirmed however Mr. Pizzo deems fit. Whether the applicant is complying or not, they wanted to state that they are aware, confirmation has been received and will coordinate with Mr. Pizzo.

Mr. Michalczyk indicated the Fire Marshal's last comment had to do with the fire lane striping and have met with an agreement. All of the items in the Fire Marshal's letter have been addressed and will comply.

Council President Kisselback asked if anyone in the audience would like to comment for or against this project. Seeing no one come forward the Public Comment was closed.

Council Vice President Knowles motioned to approve the Preliminary and Final Land Development for Ed DeAngelis, EDA Contractors, 633 Dunksferry Road, General Industrial, TMP 02-075-081 based on the waivers accepted. One would be the easement with the sewer which is on page 3, number 5 of the TPD review letter dated May 1st, 2024. Also, the waivers that were listed and reviewed on page 5, 1 through 8 of the TPD letter dated May 1st, 2024. Also, will be conditioned upon approval from the Fire Marshal that he has final approval and have met all of the Fire Marshal's conditions. The trees will be paid in lieu of. The sidewalks will be paid in lieu of that are not installed as determined by the Township Engineer. The applicant also agrees to pay the Traffic Impact fee.

Solicitor Pizzo indicated that the notices to the adjacent property owners were provided to him at the start of the hearing by Mr. Meginniss and they do appear to be in order.

Council Secretary Champion seconded and the motion carried 5-0.

9. **CONSIDERATION OF A PRELIMINARY AND FINAL LAND DEVELOPMENT FOR:**

Applicant:	Brilla, LLC – Anton Poteryahin
Location:	4034 & 411 Bristol Road
Proposed Use:	Auto Parts Warehouse and Garage
Zoning Classification:	GC – General Commercial District
Tax Parcel:	02-017-068-001 & 02-017-090-001

This was tabled by a prior motion.

10. **CONSIDERATION OF ESCROW RELEASES:**

Developers Request:	Gibson Holdings, LLC – Release #3
Location:	1515 Gibson Road
Tax Parcel:	2-54-5
Amount:	\$33,069.50

Quinton Nearon, Senior Municipal Inspection Manager indicated that the Developer is requesting \$33,069.50 to be released.

Council Vice President Knowles motioned to approve the Escrow Release of \$33,069.50 for Gibson Holdings, LLC 1515 Gibson Road, TMP 2-45-5 subject to an audit by the Finance Department. **Councilwoman Benitez** seconded and the motion carried 5-0.

Mr. Nearon indicated that PECO does their own Traffic Control so the only thing they have Traffic Control would be for their sanitary lines and their widening. The sanitary main has been done, as well as Aqua, so those taps are completed. There are additional funds to take care of the Traffic Control.

11. **PUBLIC COMMENT:**

Council President Kisselback asked if there was anyone in the audience who would like to come forward. Seeing no one come forward, the second Public Comment Portion was closed.

12. **OTHER BUSINESS:**

Councilwoman Benitez – Check out the Township website, we have a great Recreation Program, PEE-Wee Soccer, and it is affordable. May 20th is the Police Memorial here at the Municipal Complex commencing at 10:00 am. Attended PSATS and received good information and contacts regarding Emergency Management. **GO PHILLIES!!!!**

Council Vice President Knowles wished all the mothers a Happy Mother’s Day.

Council Secretary Champion Happy Mother’s Day to everyone celebrating. Looking forward to the Bensalem Township Concert Series. **GO PHILLIES!!!!**

Council President Kisselback indicated the Phillies are in first place. May 18th is Armed Forces Day. May 20th is a Council Meeting as well as the Bensalem Township Police Memorial, and May 27th is Memorial Day...come out for the Parade! Happy Mother’s Day!

13. **ADJOURNMENT:**

With no other business to conduct, the meeting was adjourned.

The Bensalem Township Council Meeting of May 6th, 2024 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully submitted,

Debra F. McBreen
Recording Secretary/Council Clerk