

**BENSALEM TOWNSHIP COUNCIL  
COUNCIL MEETING MINUTES**

**Monday  
July 22<sup>nd</sup>, 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:**

Mayor Joseph DiGirolamo  
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.

**Council President Kisselback** asked Solicitor Pizzo if there were any changes to the agenda. Solicitor Pizzo indicated Agenda Item #7, Ken Fleck – Fol Pen2, 2975 Galloway Road, the applicant is requesting that the matter be tabled from this evening’s meeting to the Council Meeting of October 28<sup>th</sup>, 2024, and have granted the Township an Extension of Time for the consideration and action on that application. Consistent with the comments that the applicant has received from Council from the meeting in June, they are making changes to the application and are possibly seeking a rezoning of the property. This process will take several months to effectuate due to going to the County Planning Commission.

A representative from Foley and their Counsel are here this evening if anyone from Council has any questions. Otherwise they have asked for the matter to be tabled to a date certain of October 2<sup>th</sup>, 2024.

**Council Vice President Knowles** motioned to table Agenda Item #7, Ken Fleck – Fol Pen2, 2975 Galloway Road to a date certain of October 28<sup>th</sup>, 2024; per the letter received by the applicant’s attorney and Solicitor Pizzo’s advice. Councilwoman Benitez seconded and the motion carried 5-0.

**Solicitor Pizzo** indicated that Council may consider a Resolution regarding two bills that are currently pending in the Pennsylvania State House that may soon come to a vote and therefore, Council may want to act on House Bills 1976 and 2045 this evening. If Council is to consider moving that Resolution forward this evening, it will require a vote to amend the agenda.

**Councilwoman Benitez** motioned to amend the agenda to include the proposed Resolution regarding House Bill 1976 and House Bill 2045 to Agenda Item 4A. **Council Secretary Champion** seconded and the motion carried 5-0.

2. **INTRODUCTION OF COUNCIL MEMBERS, MAYOR AND STAFF:**

**Council President Kisselback** introduced the Supporting Staff and Council Members.

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:**

**Council Vice President Knowles** motioned to accept the Council Meeting Minutes from June 17<sup>th</sup>, 2024 as presented. **Councilwoman Benitez** seconded and the motion carried 4-0-1.

**Council Vice President Knowles** motioned to accept the Council Meeting Minutes from June 22<sup>nd</sup>, 2024 as presented. **Councilwoman Benitez** seconded and the motion carried 4-0-1.

4A. **CONSIDERATION OF A RESOLUTION OPPOSING PENNSYLVANIA HOUSE OF REPRESENTATIVES HOUSE BILL 1976 AND HOUSE BILL 2045:**

**Councilwoman Benitez** indicated that BCATO, Bucks County Association of Township Officials, is in conversation with Officials across the County that pertains to House Bill 1976 requiring that Municipalities allow all uses by-right for Multiple Unit Dwellings and Mixed-Use Developments that include Multiple Unit Dwellings and Commercial Zoned Districts. House Bill 2045 requires that municipalities allow in Single Family Residential Districts by-right Duplex, Triplex and Quadplex Housing effectively eliminating Single Family Housing Districts in Bensalem.

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

**Councilwoman Benitez** motioned to approve the Resolution as presented in opposition of House Bills 1976 and 2045. **Council Secretary Champion** seconded and the motion carried 5-0.

5. **CONSIDERATION AND PUBLIC HEARING ON AN ORDINANCE VACATING AND ABANDONING A TEN-FOOT ALLEY ON CLOVERNOOK AVENUE BETWEEN BUCKS COUNTY TAX MAP PARCEL 02-061-179 AND BUCKS COUNTY TAX MAP PARCEL 02-061-184:**

**Solicitor Pizzo** indicated that in order for this alley located on Clovernook to be vacated it requires a petition to the Township which was submitted by the adjacent property owner and then action by the Township to vacate the alleyway. The alleyway is considered part of the Township system of roads, avenues and streets and so to vacate it, it requires an official action of Council.

In this case, the portion that is being extinguished is shown in the plot plan which accompanies the application which is the section that is cross-hatched in red. The remaining portions of that alley would not be vacated by this action and so those would continue to exist. The property owner on either side of the alleyway is Cherry Premiere Properties and so by vacating the alleyway it will be creating one large parcel between tax parcel 2-61-179 and 2-61-184.

**Council President Kisselback** inquired if the property owners on either side would have to be notified of the request to vacate.

**Solicitor Pizzo** indicated that they would have had to been notified to have the opportunity to come to the meeting to either share their concurrence and approval or to share with you their objection.

**Solicitor Pizzo** indicated that he did not have copies of the notices that would have gone to the adjacent property owners and could not represent to Council if those notices were properly provided.

**Jeffrey Guevara**, owner of Cherry Premiere Properties, LLC, indicated that the reason to vacate is that he will be constructing a home and would be able to meet the setbacks for the home's footprint. Mr. Guevara indicated that the adjacent property owners were notified by his solicitor and was told they never responded.

**Council President Kisselback** asked Mr. Guevara if the adjacent property owners were recently notified of this evenings meeting.

**Mr. Guevara** indicated they were not notified of this evenings meeting.

**Mr. Guevara** was instructed by Solicitor Pizzo to contact the Bensalem Township Building and Planning Department and ask them to provide a list of the adjacent property owners that need to be contacted. Once Mr. Guevara receives the list of the property owners he can give them the notice by mail. Since this hearing was advertised in the newspaper, the item can be tabled to a certain time to avoid the expense of a second advertisement.

**Councilwoman Benitez** motioned to table agenda item #5 regarding tax map parcel 02-061-179 and 02-061-184 to a date certain of August 12<sup>th</sup>, 2024. **Council Secretary Champion** seconded and the motion carried 5-0.

6. **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:** G-I General Industrial & L-I Light Industrial  
**Tax Parcel:** 02-017-068-001 & 02-017-090-001

Bryce McGuigan, Solicitor on behalf of the applicant indicated that this application relates to two separate parcels. In 2022 when they had first received zoning relief to have storage use on the larger parcel as well as to have a private garage on the smaller parcel. The applicant, Anton Poteryahin, has his own business which is called Sprinter Supply which is essentially a smaller version of the Auto Parts Warehouse vehicle that you see locally. They receive shipments once per quarter of automotive supplies and parts.

Sprinter Supply employs three dedicated employees who deliver auto parts throughout the day to local automotive shops. Mr. Poteryahin is currently located in Philadelphia and had purchased these two properties because his goal is to bring his business to Bensalem Township.

The smaller property is only 1 acre and is zoned the same as the larger property, GI – General Commercial. What the applicant is proposing is a private, personal use only, garage that Mr. Poteryahin, his Father and friend will use to restore old Land Rovers. This is strictly personal use, no public participation or access to the property.

Mr. McGuigan indicated that everything in the Traffic Planning and Design letter dated April 3<sup>rd</sup>, 2024 is a Will Comply, apart from the Waivers.

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMMENTS**

The following are comments related to the Township’s Subdivision and Land Development ordinances:

1. Sec. 201-104. – Street design standards.
  - a. Bristol Road is classified as a Minor Arterial and has a right of way width of 80-feet. Bristol Road currently has a ROW of 60 feet. Therefore, the applicant should dedicate ten (10) feet of ROW to Bensalem Township for the purposes for future roadway improvements. *The applicant is offering a 10-foot strip of land along Bristol Road for future sidewalk. Applicant will comply*
2. Sec. 201-106. – Environmental protection and open space preservation.
  - a. The updated proposed grading divert water to Pine Street at the SW corner. Grading shall not take place within three (3) feet of a property line. *Applicant is requesting a waiver.*
3. Sec. 201-110. – Curbs.
  - a. Curbs should be provided by the developer. Approximately 489 feet along E Bristol Road, 61 feet along Grove Avenue, and 130 feet along Pine Street. Applicant proposes to curb entrance to lot 1 only. *The applicant requests a waiver to pay a fee in lieu of installing the curb.*

**Council Secretary Champion** had concerns regarding the waiver of the curb due to a water perspective to keep it moving.

**Vincent Fioravanti**, PE, Engineer on behalf of the applicant, indicated they do have curb where it would be beneficial for drainage. There is drainage from the bottom of the property to the top intercepted by the swale. The area will be undisturbed by their development in terms of drainage and there will be less water reaching the road because they are cutting it off and piping it under the stream into the culvert.

b. The cartway width shall be widened by an additional 10 feet to meet the requirement of the widening of East Bristol Road. *The applicant requests a waiver and indicates a 10-foot sidewalk easement for future use.*

4. Sec. 201-111. – Sidewalks.

a. Sidewalks should be provided; approximately 489 feet along East Bristol Road and 61 feet along Grove Avenue, and 130 feet along Pine Street. *The applicant requests a waiver to pay a fee in lieu of installing the sidewalk.*

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

b. The proposed dead-end parking area for Lot 1 does not provide sufficient back-up area for the end stalls and should be redesigned. A vehicle turning plan illustrates that a large SUV can make the maneuvers for lot 1. *The applicant seeks a waiver for this condition for lot 2.*

i. *TPD supports this action, and the applicant has added a sign for Lot 2 indicating that the parking is private parking.*

**STORMWATER MANAGEMENT ORDINANCE COMMENTS**

b. The site discharges to Neshaminy Creek District B and as such the post-development runoff must be controlled to the pre-development runoff for the 2-year, 5-year, 10-year, 25-year, 50-year and 100-year design storms. Based on the Stormwater Management Report provided, the pre and post-development runoff peak runoff rates are as follows:

Design Storm Frequency (Yr.)	Pre-Development Flow (cfs)	Post-Development Flow (cfs)	Change in Flow (cfs)
100	11.62	7.55	-4.07
50	10.91	7.07	-3.84
25	10.15	6.56	-3.59
10	9.08	3.50	-5.58
5	8.19	5.27	-2.92
2	6.92	4.44	-2.48
1	5.82	3.72	-2.10

**Council President Kisselback** asked Mr. McGuigan to go over the waivers that were not already discussed.

**Mr. McGuigan** indicated the following waiver requests:

1. Sec. 196-31(k) – Drainage of storage facilities; volume and control rate.

This request relates to the proposed drainage on site specifically to allow drain time to hold for 24 hours which deals mainly with smaller storms. With larger storms there will be substantial modification to the area.

2. Sec. 196-61(b)(1) and (12) – Material waiver and minimum cover for storm pipes.

This involves the material they will be using with the pipes on site and the minimum cover is supposed to be 2 feet, they are proposing one to two feet. Mr. Fioravanti indicated that the Ordinance is written to require reinforced concrete pipe for all stormwater pipes and in current times there are other materials such as high-density polyethylene pipe that is typically used.

3. Sec. 201-104(b)(6) – Dedication of additional ROW

The applicant is working with PennDOT in regards to needing this waiver in order to not dedicate that additional Right-Of-Way.

4. Sec. 201-41(d)(9) – Manmade features within 400'

This is a plans detail request to not show certain plan details within 400 feet of the property.

5. Sec. 201-62(a) – Preliminary and final land development plan

This is a waiver for preliminary and final together.

Waiver 6,7 and 8 have already been discussed.

9. Sec. 201-112(d) – Planting strip, between parking area and building

This waiver request is in regards to having a planting strip between the parking area and the building due to a significant grade and because of the existing topography there, it limits the applicant as to what they can do in terms of buffering.

**Mr. Fioravanti** indicated that the detailed requirements mentioned in the ordinance that the Township was requesting is that this will be accepted as a waiver as it quantified the exact planting that would be required versus what the applicant can fit.

**Mr. McGuigan** indicated that because the area is so narrow there is no way the applicant can provide the buffers required by the ordinance.

A discussion ensued regarding the number of plantings.

10. Sec. 201-112(e) – Sufficient backup area, dead-end parking area, Lot 2

This waiver has been previously discussed.

11. Sec. 201-112(h) – Parking areas to be set back minimum of 15' from Ultimate ROW and property lines.

The applicant is asking for a waiver because due to the narrowness of the lot there is no way they can possibly accommodate that. However, they are doing their best to provide buffering between the property lines, roadway and the parking area as well.

12. Sec. 201-112(i) – to curb only for drainage purposes and the entrance for Lot 1

This waiver has been previously discussed.

13. Sec. 201-112(p) – Off-street commercial parking to be screened according to standards

This waiver is to allow off street commercial parking to be screened according to different standards. These parking lots will not be publicly accessible. The larger lot has 18 parking spaces, but the applicant only has three or four employees. The applicant is asking for a waiver regarding certain parking lot requirements.

14. Sec. 201-114(e) – Bufferyard and planting strip

This waiver has been previously discussed.

**Council Vice President Knowles** asked for the aesthetics of the building.

**Mr. McGuigan** indicated that the applicant is very cognizant of and when Mr. Poteryahin moves forward with the construction phase he will be looking into facial structure.

**Council Vice President Knowles** asked Mr. McGuigan if he knew what the exterior was going to be structured of.

**Mr. Pizzo** indicated that the notes on the plan specifies one of the conditions of the zoning variance must be generally consistent with the Exhibit dated July 26<sup>th</sup>, 2021. Mr. Pizzo asked the applicant if that was a building elevation on the plan.

**Mr. McGuigan** indicated that the applicant has not gotten to the architectural part at this point partly because over the past couple of years this project has gone through a number of iterations.

**Mr. Pizzo** indicated if Council would rather not bring the applicant back for another presentation, the approval would be conditioned upon Township approval of the building elevations and that those elevations can be submitted to the Building and Planning Department. The Building and Planning Department will make sure that those plans are properly distributed.

**Council President Kisselback** indicated that on the Fire and Rescue memo dated July 3<sup>rd</sup>, 2024 there are four items that he was assuming were addressed. They are as follows:

1. Sprinkler permit and plans
2. Underground fire main and fire hydrant permits and plans
3. Fire alarm permit and plans
4. Hot works/welding permits (if applicable)

**Mr. McGuigan** indicated that they are all a will comply.

**Council President Kisselback** asked if there was anyone in the audience who would like to speak for or against this application.

**Anthony Zampirri**, 4348 and 4338 Grove Avenue, indicated that his concerns were with the 411 Bristol Road address are with the landscaping and is concerned because you can't see out onto Bristol Road coming down Grove Avenue. Wanted to know the exact use for the personal garage.

**Mr. McGuigan** indicated part of the approvals that they had received at Zoning was no exterior storage. This will not be done for either parcel. Once the applicant gets moving on development and is actively there every day the grounds will be landscaped and kept proper.

**Mr. Poteryahin** indicated that he understood the concerns with maintaining the landscape in the aesthetic as was mentioned with the building. This year there has not been a single notice sent to Mr. Poteryahin regarding the property as he has hired a landscaper to mow the lawn.

**Mr. McGuigan** stated that the issue is when you are an absentee owner and if there is a stretch of weather where it rains for a few days and the grass gets a little higher, you really don't see that as often as if they were on the property.

**Council President Kisselback** asked if there would be welding or painting done in the garage.

**Mr. Poteryahin** indicated that it is just a garage for him and his Father to spend time in tinkering with their classic Land Rover cars. No welding or painting will be done in the garage.

**Mr. Fioravanti** indicated when they develop the property and do the grading and the retaining walls, the site line will be opened up.

Seeing no one else come forward the Public Comment was closed.

**Council Vice President Knowles** motioned to approve Brilla, LLC – Anton Poteryahin, 4034 & 411 Bristol Road, auto parts warehouse with garage, tax parcel 02-017-068-001 and 02-017-090-001. Under Subdivision Land Development a waiver for #2, #1 and #3 are a will comply, waiver for #4 regarding sidewalks and paying a fee in lieu of, same with curbs a fee in lieu of. Per the Township Engineer any plantings that are short the applicant will pay a fee in lieu of. An Impact Fee will be required to be paid by the applicant, and will accept the variances that are being requested on page 4 of the TPD letter variances 1 through 14 that were reviewed. Also, there will be a Deed restriction indicating it will not be an apartment or residential housing on the smaller lot, for private use only and not open to the public.

Prior to approval the applicant will present the exterior to the Building and Planning Department along with the Township Engineer who will in turn have it reviewed by Council and the Township would have to approve the exterior.

**Solicitor Pizzo** indicated that under the TPD letter dated April 3<sup>rd</sup>, 2024, which is Plan Review #3, under the Subdivision Land Development ordinance section it was Vice President Knowles intention to Grant that item #1 would be a will comply, item 2 would be a waiver, item 3 would be a partial waiver with a fee in lieu of where the required curbs are otherwise not provided, item 4 would be a waiver with a fee in lieu of, and item 5 would be a waiver.

Moving forward to the waiver section Mr. Knowles would be granting waivers of items 1 through 14. As to item 3 on that list, which is the additional Right-Of-Way Council is approving the waiver request with the acknowledgement that that waiver would ultimately will be subject to approval by PennDOT and the applicant will comply to whatever conditions

PennDOT imposes. Items 7 and 8 were discussed earlier regarding the fees in lieu of, the same with item 9, and item 12, again the same thing, it's a partial waiver and a fee in lieu of for those parts of curbing that can't be complied with.

As to the plantings, Mr. Pizzo believes that Mr. Knowles motion is that the applicant will comply with all of the Township's requirements for planting to the extent that the plan does not, the applicant will provide a fee in lieu of those plantings that aren't provided as determined by the Township Engineer.

The applicant will comply with the Fire Marshals review letter dated July 3<sup>rd</sup>, 2024. The applicant will comply with the TPD Traffic Review letter #3 dated April 3<sup>rd</sup>, 2024 and that will include Mr. Knowles' reference to the Impact Fee and will be paid by the applicant prior to the application for any building permits for the site. As to the building elevations the condition of approval is that the applicant will submit building elevations to the Building and Planning Department and the Township has to approve those building elevations.

It was a condition of the Zoning approval that there would be no exterior storage on either parcel. Mr. Pizzo indicated that Mr. Knowles may want that included as a note on the plan as part of his approval as well.

**Council Vice President Knowles** amended his motion for that to be included.

The applicant also mentioned there would be no heavy equipment or machinery on site in the small garage or on the small lot. Again, Mr. Pizzo indicated that Mr. Knowles may want that added to the plan.

**Council Vice President Knowles** amended his motion for that to be included.

The private garage would not be able to be used as a residential property either as an ownership or a rental property and similarly that would be Deed restricted so that it would only be for private use and that there would be no commercial use notwithstanding the commercial zoning. That is also a note that Mr. Knowles would want to be added to the plan.

**Council Vice President Knowles** amended his motion for that to be included.

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

7. **CONSIDERATION OF A LOT LINE CHANGE FOR:**

<b>Applicant:</b>	<b>Ken Fleck – Fol Pen2</b>
<b>Location:</b>	2975 Galloway Road
<b>Proposed Use:</b>	Foley Cat Lot Modification
<b>Zoning Classification:</b>	G-I General Industrial & L-I Light Industrial
<b>Tax Parcel:</b>	02-033-066-007, 02-033-006, 02-033-066-004, 02-033-066-033

**This item was tabled by a prior motion.**

**8. CONSIDERAITON OF A PRELIMINARY AND FINAL LAND DEVELOPMENT FOR:**

**Applicant:** Chick-Fil-A  
**Location:** 1525 Street Road  
**Proposed Use:** Restaurant W/Drive-Thru  
**Zoning Classification:** R-44 - Residential/Commercial  
**Tax Parcel:** 02-071-242-001

**Michael Meginniss**, Solicitor for the applicant, indicated that the property is located in the R-44 District. It is approximately 1.5 acres and the Chick-Fil-A team has been working in concert with the Township and the Township Consultants for a bit over a year to try and come up with some improvements for this site understanding that they are dealing with some site restraints that they were unable to surpass but they do have a plan for Council consideration.

The applicant is proposing the addition of a canopy which is an amenity for Chick-Fil-A employees to shield them from the elements depending upon the season. As you traverse through the double lanes and get to the rear of the building, which presently has a dumpster back there and is being relocated. This will allow the applicant to extend the drive isle which is going to provide some benefits in terms of additional queuing and stacking on site.

The applicant has worked with the Township Engineer in which they are adding another point of egress. What the applicant has come up with is to create a point of egress to the closer section of Street Road. There is no building addition and they are not adding anything that would generate additional traffic. The applicant is proposing to improve site conditions.

**Santiago Uribe**, P.E., Bohler Engineering indicated, the entrance into the site from Street Road that there is a lot of congestion at the intersection south of the building. They propose to relieve some stress at the main intersection. There has been some additional signage that has been proposed as it will guide guests for Chick-Fil-A to come out of the drive-thru keep going through the parking, make a left, then come out of that right only egress point onto Street Road.

The applicant is adding flexible bollards along the Street Road access which will prevent people from changing their mind and deciding instead of coming out of Street Road they will want to go back into the shopping center and there will be delineators there to prevent them from doing so and making sure people are continuing right out onto Street Road. The location between Chick-Fil-A and the Texas Roadhouse, right now, there are some curb islands that are there. The applicant is proposing to supply removable bollards, and what that will do is to allow the Chick-Fil-A operator, when the queuing is piling up too much they can safely allow cars to exit out of the drive-thru onto that two-way between Texas Roadhouse and Chick-Fil-A.

**Council Secretary Champion** asked about signage.

**Mr. Meginniss** indicated that they would make sure that it is adequately signed.

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMMENTS**

**REQUESTED WAIVERS**

The following are waivers are required for the proposed design:

1. Sec. 201-41. –To not show existing monument elevations for the boundary line.
2. Sec. 201-41. –To allow all existing utilities to be shown within 100 feet of the site boundary.

3. Sec. 201-62. –To submit preliminary and final concurrently.
4. Sec. 201-112.- To allow excess lighting to cross the property line.
5. Sec. 201-112. –To not have to provide a planting strip to the end of parking and the outside wall of building.
6. Sec. 196-34. and 196-35. – To not provide volume and peak rate calculations.

The following are comments related to the Township’s Subdivision and Land Development ordinances:

1. Sec. 201-41. – Preliminary plan requirements.
  - a. The location and elevation of all boundary line (perimeter) monuments shall be indicated. *The applicant is requesting a waiver, Township Engineer supports the request.*

**Mr. Meginniss** indicated the above request and the one listed below under Requested Waivers they are both existing features waivers one is to not show existing monument elevations for the boundary line. The second waiver is to allow all existing utilities to be shown within 100 feet if the site boundary.

Sec. 201-41. –To allow all existing utilities to be shown within 100 feet of the site boundary. *The applicant is requesting a waiver, Township Engineer supports the request.*

2. Sec. 201-62. – Submission.
  - a. The applicant is submitting preliminary/final plans to be reviewed concurrently. *Township Engineer supports the request.*

**Mr. Meginniss** indicated this is an intandem submission for Preliminary and Final Review.

3. Sec. 201-112. – Motor vehicle parking facilities.
  - a. All public parking areas shall be illuminated to a minimum of one foot-candle during after-dark operating hours. In no case shall there be more than one-half foot-candle of light falling upon any neighboring property or street.
    - i. There is greater than one-half foot-candle of light falling upon the northwest property. *A waiver has been requested; Township Engineer supports the request.*

Sec. 201-112. – To not have to provide a planting strip to the end of parking and the outside wall of building.

**Mr. Meginniss** indicated one is to allow excess lighting across the property line. There is no light spillage off the property to the immediate right. There is an existing condition where there is light spillage on to the property immediately North, which is minor and an existing condition which will remain but there is no impact on any non-commercial property.

The second waiver request is to provide a planting strip to the end of parking and the outside wall of the building. This is an existing condition which the applicant is not modifying as part of the development.

Both waiver requests from 201-112 relate to existing conditions that the applicant is not modifying with the development.

**Mr. Meginniss** indicated waiver request number 6 to not provide volume and peak rate calculations. Because of the limited nature of the project, which is again, covered in the one Stormwater Management comment but will happily note it as such.

**Council President Kisselback** indicated that even though this is minor in nature, however, it should increase the amount of activity on that property and asked the Township Engineer if there would be an Impact Fee.

**Mr. Meginniss** indicated that the Impact Fee was specified in the TPD Traffic Review letter. The 4 comments in the Traffic Review Letter are will complies and that is inclusive of the applicant's acknowledgement as to the Impact Fee.

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

**Council Vice President Knowles** motioned to approve the plan as presented for Chick-Fil-A located at 1525 Street Road, drive-thru, Tax Parcel 02-071-242-001 as per Traffic Planning letter dated July 15<sup>th</sup>, 2024. Granting the waivers that are listed on page 2, number 1,2,3,4,5 and 6. For the volume peak rate calculations that were not included but the applicant agrees to pay the stated Impact Fee of \$14,805.12.

**Solicitor Pizzo** indicated that the Traffic Impact Fee is actually a part of TPD's Traffic Review letter number 3 dated July 15<sup>th</sup>, 2024. Inasmuch as there are four comments in there all of which are a will comply item per the applicant, one is the Impact Fee that was just mentioned.

**Solicitor Pizzo** indicated that all notices to the adjacent property owners were provided by the applicant and they do appear to be in order.

**Councilwoman Benitez** seconded and the motion carried 5-0.

9. **CONSIDERATION OF ESCROW RELEASE:**

<b>Developers Request:</b>	<b>Chick-Fil-A Release #1</b>
<b>Location:</b>	3621 Horizon Boulevard
<b>Tax Parcel:</b>	001-018-026
<b>Amount:</b>	<b>\$316,890.20</b>

**Quinton Nearon, Senior Municipal Inspection Manager**, indicated this is for the modifications that were done for a Minor Land Development. The project has been completed for some time but has not been formally requested.

**Council Secretary Champion** motioned to approve the Escrow Release #1 for Chick-Fil-A located at 3621 Horizon Boulevard, Tax Parcel 001-018-026 in the amount of \$316,890.20 subject to an audit by the Township Finance Department. **Councilwoman Benitez** seconded and the motion carried 5-0.

10. **CONSIDERATION OF ESCROW RELEASE:**

**Developers Request:** Faith Unity – Release #2  
**Location:** Richlieu Road, Bensalem Township, PA  
**Tax Parcel:** 2-1-55-002  
**Amount:** \$135,554.75

**Quinton Nearon, Senior Municipal Inspection Manager**, indicated he had reviewed the request for \$135,554.75.

**Council Vice President Knowles** motioned to approve the Escrow Release for Faith Unity, Tax Map Parcel 2-1-55-002 in the amount of \$135,554.75 subject to an audit by the Finance Department. **Council Secretary Champion** seconded and the motion carried 5-0.

11. **PUBLIC COMMENT:**

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

12. **OTHER BUSINESS:**

**Solicitor Pizzo** indicated that the Mayor wanted Council to know that the concerns of the constituents that appeared before Council at the June 24<sup>th</sup> meeting have been addressed. They are as follows:

**Rebecca Colagreco**, Mayor assigned John Chaykowski, Deputy Director of Administration to look into her concerns when she asked for assistance in clearing up the Delinquent Earned Income Tax notice she received, dated 04/03/2023, in the amount of \$1,600.00, which has been paid. Mr. Chaykowski's email to Ms. Colagreco consist of the following information:

Mr. Chaykowski spoke with the Township's contact at Keystone and they have assured him that her account was marked paid after her last payment on November 15, 2023. Ms. Colagreco indicated that the notice that she provided was the last one she could find and it was from April 3, 2023. Ms. Colagreco paid/resolved the outstanding balance of \$1,685.02 on November 15, 2023 and then a final notice was sent on December 1, 2023 advising her account was paid in full and the issue was closed. In regards to Ms. Colagreco's comments about the Keystone notice affecting her credit, Keystone is not permitted, by state statue, to report this issue to the credit bureaus.

**Brandon Mattingly** regarding the golf balls on his property from the Bensalem Township Country Club. The Mayor is working closely with the Country Club to resolve this issue.

**Marasol Papon** regarding Katherine Drexel property. The Mayor contacted the solicitor representing the Katherine Drexel property and he indicated that communication has been initiated with nearby residents to address the concerns and will meet with the residents on Langstroth Street. They are analyzing the possibility of adding an additional on-site individual who would be present during certain hours in the effort to deter criminal elements.

They are receiving estimates to certain site conditions and in particular they are evaluating removing piping and other profitable materials from the existing structures to eliminate any incentive to scavengers looking to steal items of value.

They are expected to have further information to provide in the immediate future detailing with certainty what measures are being taken.

**Councilwoman Benitez** congratulated Council Vice President Knowles on being “Rotarian of the Year.” Prayers for the continued healing of David Dutch and James Copenhaver who were injured during the attempted assassination of President Trump. Prayers and condolences to the Comporatore family for their loss during the attempted assassination of Donald Trump. This was a very sad day in the history of our nation.

**Council Vice President Knowles** thanked Ms. Benitez for the recognition and indicated he has been doing Rotary for 12 years. Prayers to the injured and the heroic firefighter who lost his life during the attempted assassination of Donald Trump.

**Council Secretary Champion** thanked Solicitor Pizzo for the work he did regarding the Resolution and the hopes that the State legislation will hear them given the fact that Bensalem already has a lot of multi high-density housing in Bensalem and we should be able to dictate what is best for the residents of our community. Expressed sadness regarding the Saturday event. Congratulated Holy Ghost Prep on their State Championship regarding baseball. Enjoy the concerts and the rest of your summer.

13. **ADJOURNMENT:**

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

The Bensalem Township Council Meeting of July 22<sup>nd</sup>, 2024 can be viewed in its entirety at the following websites:

[www.bensalempa.gov](http://www.bensalempa.gov)

or

[www.youtube.com](http://www.youtube.com)

Respectfully submitted,

Debora F. McBreen  
Recording Secretary/Council Clerk