

**BENSALEM TOWNSHIP COUNCIL
COUNCIL MEETING MINUTES**

**Monday
September 23rd, 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
Philip 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 AND STAFF:

Council President Kisselback introduced the Mayor, Supporting Staff and Council Members.

DRUG AND ALCOHOL BOARD - **D.A.R.E. PRESENTATION:**

Mary Ann Griffin, Chairman of the Drug and Alcohol Board, along with the Board Members and Detective Brian Oliverio the liaison for the D.A.R.E. program for Rush Elementary and School Lane Charter were in attendance for the D.A.R.E. presentation. Each year the students are asked to design a poster that illustrates an important message that they have learned in the D.A.R.E. program. This year’s Poster Contest winners are:

1 st Place	Kylie Cupps	Faust Elementary	\$175 Gift Card
2 nd Place	Michaela Negro	Valley Elementary	\$125 Gift Card
3 rd Place	Caleigh Dager	Faust Elementary	\$100 Gift Card
4 th Place	Lia Nicoletti	Struble Elementary	\$ 75 Gift Card
5 th Place	Peyton Thomas	Cornwells Elementary	\$ 50 Gift Card

D.A.R.E. Officers and their assigned schools:

Detective Oliverio	Rush and School Lane Charter – BPD Liaison for D.A.R.E. Board
Detective Yasmin	Belmont and Cornwells
Officer Petrine	Faust
Detective Palmer	Valley and St. Charles
Officer Crozier	Struble

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 August 26th, 2024 as presented. **Council Vice President Knowles** 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:**

Jeffrey Guevara, indicated that Council was given a revised plan showing the consolidation of the two lots and was hoping that it would be enough for Council consideration.

Council Vice President Knowles asked if the Ordinance was rewritten.

Solicitor Pizzo indicated the legal description and the plot plan showing that the premises being consolidated into a single lot, that is all the Township requires. As long as the Township has been given the Deed to record than the Township is good. Mr. Guevara cannot record the Deed until Council approves the vacation of the alleyway.

Council President Kisselback asked if there was anyone in the audience who was for or against this project. The following came forward:

Cynthia Cowdrick, 845 Williams Avenue, indicated that once the lot is consolidated, where would be his entryway to his property.

Mr. Guevara indicated that the plans that were submitted to the Building and Planning Department shows entryway is off of Traylor Avenue off of Clovernook.

Council Vice President Knowles motioned to approve the Ordinance abandoning a ten-foot alley on Clovernook Tax Parcel 02-061-179 and Tax Parcel 02-061-184 contingent upon those two lots being combined into one lot and the new Deed is recorded with Bucks County.

Solicitor Pizzo indicated the Township will record the legal description and the Plot Plan and incorporate it into the Ordinance and ask the applicant to deliver the Deed to the Township within the next 5 business days. If the Township does not have the Deed within the next 5 business days the Mayor can veto the Ordinance.

Council Vice President Knowles amended his motion to include Mr. Pizzo's requirement that the Deed be presented to the Township within 5 business days. **Council Secretary Champion** seconded and the motion carried 5-0.

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

Applicant:	Bristol Road Commons Associates, LLC
Location:	700 Bristol Pike
Proposed Use:	Retail Commercial
Zoning Classification:	GC - General Commercial
Tax Parcel:	02-023-001

Bryce McGuigan, Begley, Carlin & Mandio, LLP, on behalf of the applicant, Bristol Road Commons Associates, LLC. Mr. McGuigan introduced Mr. Larry Young, P.E., the Project Engineer from Tri-State Engineers, Charles Calvanese and John Parsons with Bristol Road Commons Associates, LLC and Nick and Eric Petrowski from Petrowski Physio who will be provided a space. If the project is approved, they will be the first tenant at this site.

The property is presently vacant which sits in-between a storage facility and a smoke shop. Zoning relief was received back in April as related to this project specifically with regard to front-yard setback and with regard to setback for parking spaces as well as the total number of parking spaces. After several conversations with the Township, the applicant modified their plans in order to move the building a little bit closer to the property line.

In review of some of the renderings that the applicant has of the site, it was determined to move the building up more closely to Bristol Pike so that it would be more athletically pleasing than just a sea of parking.

The applicant went to a Planning Commission meeting where they received recommended approval for the project. In reviewing the application, the building is 2,200 sq. ft, there are over 100 parking spaces and is designed to be a neighborhood commercial type use that would fit very well on this property. The applicant's intent is to make this facility a first-class establishment.

At present, the applicant has 10,000 sq. ft. of space that will be rented out. There is currently 12,000 sq. ft. of space currently unleased. The applicant is currently in discussion with local businesses that could benefit being in this part of Bensalem.

The applicant has had the opportunity to review the various Review Letters. The applicant has made some changes regarding the Fire Marshalls Review Letter. Those changes included a specific sprinkler hook-up to the rear of the proposed structure. A fire hydrant in the parking area as well as the installation of a meter pit towards the front of the building.

It is an L-shaped building that is going to be closer to Bristol Pike. There is a parking area to the side and rear. The stormwater facility consists of basins to the rear and are actually providing some services with respect to stormwater flowing from the right-of-way as well.

The TPD Review Letters are all will comply, with one exception. With respect to the Traffic Review Letter there is a comment in that letter regarding potentially switching the orientation of the building which is something that unfortunately, the applicant cannot comply with due to the fact that this project has gone through multiple iterations to date. According to the layout, they have access coming in through the top.

There is a neighboring smoke shop and there was a comment to switch the orientation of the building to maybe assist an issue they are having with regard to entry and exit from the site. This is something that the applicant cannot accommodate due to the design to maintain certain stormwater that is currently accessing to the bottom of the site which would be an issue if somehow the applicant, down the line, were able to combine with the neighboring property in some fashion.

Township Engineer Wursta indicated that the review letter had asked the applicant to check it out just in case there was an opportunity or issue to make a little bit better circulation and deal with PennDOT as well. The applicant has satisfied that comment and the Township Engineer is supportive of what they have now.

Mr. McGuigan indicated that after reviewing TPD's Review Letter six of the waiver's are supported by the Township, but there is one that is not.

REQUESTED WAIVERS

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

1. Sec. 201-43.(c)(5) – To permit the simultaneous submission of a preliminary and final land development plan – *Supported by the Township*
2. Sec. 201-106.(a)(2)(a)(6) – To permit grading within 3 ft. of the property line – *Supported by the Township Engineer.*
3. Sec. 201-106.(c)(2) – To permit less than the required street trees due to there being existing street trees and utility poles along the frontage – *Thew applicant is amenable to a fee-in-lieu of.*
4. Sec. 201-106.(c)(10)(b) – To permit less than the required shade trees due to the proposed site layout and conditions – *The applicant will pay a fee-in-lieu of.*
5. Sec. 201-109.(c) – To permit a paved parking lot within the easement area – *Not supported; applicant shall provide information on easement and show location on plan.*

Engineer Young indicated there is an existing inlet on Bristol Pike and it empties out into a swale through the lot and it drains down this pole portion of the flag lot and goes to the Poquessing Creek.

There is an existing pipe, which the applicant researched, and could not find an easement or who it belongs to but it is taking water from PennDOT right-of-way through this lot. In a

proposed condition it would have went right through the building footprint. What the applicant did as part of their HOP application is that they are going to move the inlet further to the bottom of the page and the pipe is going to run along the open space just below the building. It is going to actually go into their basin. The applicant is going to manage the stormwater through their basins. Both basins handle all of the water and 90% of the water will infiltrate into the soil. The remaining small amount is going into is a couple of pipes leading back to a basin behind a storage facility and that is where the rest of it will go. The applicant is greatly reducing the run-off from this site because 90% of it is going into the ground and not leaving the site.

Solicitor Pizzo indicated that the discussion seems to be about an easement that does not exist. Looking at the plan there is no existing easement. There is an outfall that comes from PennDOT's right-of-way that drains onto the property it is not currently within an easement. The applicant's intention is to re-pipe it as shown on the plan along the property line. It will be located within the 21 ft. side property line.

Mr. Young thought that an easement should go around that portion of the property just in case somebody in the future has an issue.

The property owner is responsible for the pipe. However, considering that it is essentially piping out from Bristol Pike, down the line if there is an issue and PennDOT wants to make a change the applicant feels it appropriate to have an easement in place so it is just not all on the applicant.

Solicitor Pizzo indicated that essentially what the applicant is saying is that if someone, basically PennDOT, comes along in the future they will have access.

Township Engineer Wursta indicated as a point of comment, maybe that is something that can be explained as part of the HOP process with regard to that because they are going to be looking at the drainage. Whatever PennDOT says will be done, and if something needs to be modified as far as the plan or the easement or anything else, will be done at final plan.

Solicitor Pizzo indicated that whatever PennDOT requires for the pipe that is going to take the existing outfall into the basin. Whatever PennDOT requires for the HOP the applicant will comply with.

6. Sec. 201-112.(h) – To permit parking within 6.50 feet from the right-of-way and/or property lines versus the required 15 feet – *Supported by the Township*
7. Sec. 201-112.(j) – To permit a lot to have less than the required parking generated by the proposed uses. The proposed retail use requires 122 parking spaces and 108 spaces are proposed – *Supported by the Township*

Council President Kisselback asked the applicant if they received a Wetlands Certification on the property.

Mr. Young indicated that they had VW go out and delineate the wetlands, which is the blueish, purplish area on the plan. https://youtu.be/pkh_BKy7pAY at 50:37. The applicant has to add the 50 ft. buffer, but that comes nowhere near their disturbance.

Mr. Young indicated that per the recommendations from the Fire Marshall's office they added a fire hydrant, a 6-inch fire line and a 2-inch domestic waterline.

Council President Kisselback questioned the Stormwater Management Report in regards to the 100-year storm figures.

Mr. Young indicated that they are adding a small amount and will revise the plan so that they make the opening where it goes out a little bit smaller and it will bring it below the 100-year.

Township Engineer agreed with the applicant and indicated it was a de minimis change.

Solicitor McGuigan pasted around a rendering of the building.

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 Bristol Road Commons Associates, LLC for their property located at 700 Bristol Pike, retail commercial, Tax Parcel 02-023-001. The requested waivers, 1 through 7, of the TPD Review Letter dated August 5th, 2024 are approved. The Traffic Study page from Ken Farrall, Director of Building and Planning and the Zoning Officer. The applicant has agreed to pay a fee-in-lieu of for trees and shade trees that are not provided on the property. Also, the applicant will get PennDOT approval and follow their instructions on whether there should be an easement on the applicants piping situation coming off of Bristol Pike. The applicant agreed to follow through with that request.

Solicitor Pizzo indicated the Traffic Review letter dated August 5th, 2024 indicates that the Impact Fee is \$54,401.62. The applicant agreed that would be a will comply item. The applicant will otherwise comply with all of the requirements of the August 5th, 2024 Review Letter from TPD and the August 5th, 2024 Traffic Review Letter as well as any requirements form the Fire Marshall that remain. The applicant presented to Council a copy of the building elevation for BSI proposed building, 700 Bristol Pike prepared by Matthew V. Petroski Architect of Warminster, drawing 20-22312. The streetscape, or the side of the building facing Bristol Pike, will substantially match the building elevation that was presented to Council, and for any reason it does not, it will require the applicant to come back to Council. The applicant agreed.

Solicitor Pizzo indicated that the applicant provided to him prior to the hearing the Proof of Notice to the adjacent property owners and those Notices all appear to be in order.

Council Vice President Knowles amended his motion to include Solicitor Pizzo's addition comments. **Council Secretary Champion** seconded and the motion carried 5-0.

7. **CONSIDERATION OF A RESOLUTION FOR ACT NO. 537, PA SEWAGE FACILITIES ACT, PLAN REVISION FOR A PARCEL OF LAND IDENTIFIED AS 2224 LINCOLN HIGHWAY:**

8. **CONSIDERATION OF AMENDING RESOLUTION 2024-12 FOR ACT NO. 537, PA SEWAGE FACILITIES ACT, PLAN REVISION FOR A PARCEL OF LAND IDENTIFIED AS 1000 IMPERIAL COURT INDUSTRIAL FACILITY AS SEPCIFIED BY THE DEP:**

Solicitor Pizzo indicated that Agenda Items 7 and 8, where 8 being previously approved by Council. Council conditions of approval routinely require the property owner to comply with the requirements of a variety of governmental agencies including the Pennsylvania Department of Environmental Protection for sewage facilities that serve the properties. In this case both properties require the Council to, at this time, approve a Resolution for the amendment of the Township Act 537 Plan which is the Townships Sewage Facilities Plan for the entirety of the Township. These Resolutions will incorporate and otherwise approve the changes to the sewer facilities that have been submitted to DEP, have been reviewed by the Township Engineer, and reviewed by the DEP and as well by the Bucks County Water and Sewer Authority and the Philadelphia Water Department and have been deemed to be acceptable. It is recommended that the Council give their consideration and approval to the Act 537 Resolution first for 2224 Lincoln Highway which as Council will recall is Tommy's Car Wash on Route 1 just outside of the Neshaminy Interplex. The second one is for an industrial building located on 1000 Imperial Court off of State Road

Council Vice President Knowles motioned to approve the Resolutions for Act 537 for two parcels of land identified as 2224 Lincoln Highway and 1000 Imperial Court as presented. **Council Secretary Champion** seconded and the motion carried 5-0.

Council Secretary Champion motioned to approve the land identified as 633 Dunksferry Road, Tax Parcel 02-075-08. **Council Vice President Knowles** seconded and the motion carried 5-0.

9. **CONSIDERATION OF A LAND DEVELOPMENT EXTENSION AGREEMENT:**

Applicant: TIC Associates, LLC
Site Information: 4636 Somerton Road
Tax Parcel: 02-003-002

Solicitor Pizzo indicated that this was the project at 4636 Somerton Road, 70-80% of the site work has already been done but they are not obviously going to get everything in place before the expiration of the current agreement. They are therefore asking for the 1-year extension. If Council is inclined to grant the request it would be the recommendation of the Administration that Council do so, subject to an audit by the Township Finance Department and the Township Engineer of the various escrows associated with the project to make sure that efficient monies in place for the satisfactory completion of the public facilities.

Council Vice President Knowles motioned to approve TIC Associates 1-year extension for lot 02-003-002, 4636 Somerton Road contingent upon auditing from the Township Engineer and the Finance Department, and that there are proper escrows for the project to be completed. **Council Secretary Champion** seconded and the motion carried 5-0.

10. **REQUEST FOR A WAIVER OF CURBS AND SIDEWALK INSTALLATION SUBJECT TO PAYMNET OF A FEE IN LIEU OF:**

Applicant: Tom Snyder
Site Information: 3390 First Avenue
Tax Parcel: 02-019-132-001

Quinton Nearon, Senior Municipal Inspection Manager is recommending approval for a fee-in-lieu of, there are no curbs and sidewalks in the area and frontage of this property is very narrow.

Council Vice President Knowles motioned to approve the waiver of curbs and sidewalks for Tom Snyder, 3390 First Avenue, Tax Parcel 02-019-132-00, and will pay a fee in-lieu-of as determined by the Township Engineer. **Council Secretary Champion** seconded and the motion carried 5-0.

11. CONSIDERATION OF ESCROW RELEASES FOR:

Quinton Nearon, Senior Municipal Inspection Manager presented the following Escrow Releases:

A. Developers Request: Faith Unity – Release #3
Location: Richlieu Road
Tax Parcel: 2-1-55-002
Amount: \$113,207.75

Council Secretary Champion motioned to accept the request of the release for Faith Unity, Release #3 for \$113,207.75 Tax Parcel 2-1-55-002 subject to an audit by the Finance Department. **Councilwoman Benitez** seconded and the motion carried 5-0.

B. Developers Request: PA Steel - Release #2
Location: 1717 Woodhaven Drive
Tax Parcel: 060-013-001 & 02-060-013-017
Amount: \$34,038.96.

Council Secretary motioned to accept the request of the release for PA Steel, Release #2 Tax Map Parcel 06-013-001 & 02-060-013-017 for \$34,038.96 subject to an audit by the Finance Department. **Council Vice President Knowles** seconded and the motion carried 5-0.

C. Developers Request: Federation Housing - Release #2
Location: 4695 Somerton Road
Tax Parcel: 02-003-006-003
Amount: \$692,444.45

Council Vice President Knowles motioned to approve Federation Housing, Release #2, 4695 Somerton Road, Tax Parcel 02-003-006-003 in the amount of \$692,444.45 subject to an audit by the Finance Department. **Councilwoman Benitez** seconded and the motion carried 5-0.

12. CONSIDERATION OF A REDUCED PERMIT FEE FOR HOLY GHOST PREPARATORY SCHOOL ANNUAL MOTHER’S GUILD CRAFT SHOW LOCATED AT 2429 BRISTOL PIKE, BENSLEM, PA:

Council Vice President Knowles motioned to approve the reduced permit fee request for Holy Ghost Preparatory for the Mother’s Guild Craft Show located at 2429 Bristol Pike, the events fee reduced 50% to \$300 and the Bond reduced to \$2,500 per the worksheet presented. **Councilwoman Benitez** seconded and the motion carried 5-0.

13. **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 was closed.

14. **OTHER BUSINESS:**

Township Engineer, Phil Wursta, *GO PHILS!!!! GO BIRDS!!!!*

Solicitor Pizzo, *GO PHILS!!!! GO BIRDS!!!!*

The Mayor, indicated that a big day was coming up, October 5th is the Townships Fall Festival starting at 2:00pm. Hoping for good weather. There will be fireworks and a free concert. A lot of fun, Bensalem at its best!

Councilwoman Benitez congratulated the **D.A.R.E.** winners, thanked everyone that is involved with the program.

Council Vice President Knowles expressed his congratulations to the Phillies for a spectacular season and making so many Firsts for the team. Congratulated the **D.A.R.E.** winners and what a wonderful program which makes them aware of the dangers of drugs and alcohol. Looking forward to the Fall Festival, fireworks and the free concert, food trucks and all in all a very nice day for the community.

Council Secretary Champion *GO PHILLIES!!!! GO BIRDS!!!!* Coming up on the end of Childhood Cancer Month, many have been affected by it or knowing somebody or a family member who has had cancer. Come out to the Fall Festival. Thanked all of the **D.A.R.E.** recipients and the members of the Drug and Alcohol Board.

Council President Kisselback indicated that the Pitcher tonight for the Phillies is Aaron Nola who deserves this win for a great season.

15. **ADJOURNMENT:**

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

The Bensalem Township Council Meeting of September 23rd, 2024 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully submitted,

Debora F. McBreen
Recording Secretary/Council Clerk