

**BENSALEM TOWNSHIP COUNCIL  
MEETING MINUTES**

**Monday  
November 28<sup>th</sup>, 2022**

**COUNCIL MEMBERS PRESENT:**

Joseph Knowles, Council President  
Edward Kisselback, Council Vice President  
Joseph Pilieri, Council Secretary  
Stacey Champion, Council Member

**SUPPORTING STAFF PRESENT:**

Mayor Joseph DiGirolamo  
Debora McBreen, Council Clerk/Recording Secretary  
Quinton Nearon, Senior Municipal Inspection Manager  
Joseph Pizzo, Township Solicitor  
Phil Wursta, Township Engineer/Traffic 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 their microphone.**

**1. PLEDGE OF ALLEGIANCE:**

**Solicitor Pizzo** indicated Council met in an Executive Session immediately prior to this evening’s meeting for approximately 30 minutes. Present for the Executive Session were the five members of Council, the Mayor, the Township Engineer, Mr. Wursta and the Township Solicitor, Mr. Pizzo. A matter of pending litigation was discussed, no official action was taken during the Executive Session. Some official action may occur this evening as a result of the Executive Session as Council moves through the agenda.

**Council President Knowles** opened the meeting with a moment of silence and/or prayer which was followed by the Pledge of Allegiance.

**2. PUBLIC COMMENT:**

**Council President Knowles** 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.

3. **APPROVAL OF COUNCIL MINUTES:**

**Council Secretary Pilieri** motioned to approve the Council Minutes dated November 14<sup>th</sup>, 2022 as presented, **Councilwoman Champion** seconded and the motion carried 4-0.

**Council President Knowles** asked Solicitor Pizzo if there were any changes to the agenda this evening.

**Solicitor Pizzo** indicated Agenda Item #6 and #7, **Consideration of a Preliminary and Final Minor Subdivision** application for **Gibson Holdings, LLC** for the property located at 1515 Gibson Road. The Township received correspondence from the attorney representing the applicant, due to a conflict with his schedule, requesting the matter be tabled to the next Council meeting date of December 12<sup>th</sup>. The applicant has granted the Township the necessary Extension of Time under the Municipalities Planning Code for consideration of the application. Agenda item #7 is if Council were to approve the Preliminary and Final Subdivision at such time as Council would do that it would also require an Act 537 Resolution approval for an Amendment of the Townships Sewage Facilities Plan. Since Council is not entertaining the application for Land Development, a motion would be in order to table both Agenda items #6 and #7 to a date certain of Monday, December 12<sup>th</sup>.

**Council Vice President Kisselback** motioned to table Agenda Items #6 and #7 until a date certain of December 12<sup>th</sup>, 2022. **Council Secretary Pilieri** seconded, and the motion carried 4-0.

**Solicitor Pizzo** indicated Agenda Item #13, **Consideration of a Preliminary Land Development** for **Johnson Development Associates, Inc.** The Township received correspondence from the attorney representing the developer, due to a conflict with his schedule, asked that the matter be tabled to the next Council meeting date of November 28<sup>th</sup>. They have granted the Township an Extension of Time to the extent one is needed.

**Council Secretary Pilieri** motioned to table Agenda item #13, **Consideration of a Preliminary Land Development** for **Johnson Development Associates, Inc.**, until a date certain of November 28<sup>th</sup>, 2022. **Councilwoman Benitez** seconded and the motion carried 4-0.

4. **CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 232 – ZONING, ARTICLE XI – INDUSTRIAL DISTRICTS, DIVISION 2 – GENERAL INDUSTRIAL DISTRICTS, SECTION 542 – USE REGULATIONS – SUBSECTION 11 AND TO ADD SECTION 601 – TOBACCO SHOPS, SMOKE SHOPS:**

**Solicitor Pizzo** indicated the Township has been receiving a number of inquiries, complaints, concerns regarding the proliferation of tobacco shops within the community, particularly in the area between Street Road and where the Township borders Philadelphia. In addition, what the Township is seeing, is that a good number of these establishments are beginning to congregate in close proximity to one another, raising concerns within the community for the health, safety and welfare of the citizens.

The Ordinance before Council would amend the Township's Zoning Ordinance in order to create a specific definition for tobacco shops and smoke shops. They would be establishments whose primary and principle product offered for sale would be tobacco, smokeless tobacco, tobacco products, vape pens, vape refills, smoking products, etc. This would be distinguished from convenience stores where only a small portion of the store is devoted to the sale of tobacco products. They would be shops that only offer the primary and principle product as what has been just described.

Following similar guidelines that are in the community already for facilities that are involved in the sale of alcohol, the Township has come up with locational restrictions for such facilities and also created a need for such facilities to now come in front of the Zoning Hearing Board as a special exception.

The Ordinance has been properly advertised in the Bucks County Courier Times. It has been duly advertised in the Bucks County Law Library, reviewed by the Township Planning Commission and by the Bucks County Planning Commission and is in a form acceptable for Council's consideration and approval.

**Council President Knowles** asked if there was anyone in the audience who was for or against this Ordinance. Seeing no one come forward, the Public Comment portion was closed.

**Council Vice President Kisselback** motioned to approve Article XI Industrial Districts, Section 542 Use Regulations, Subsection 11 to add Section 601 Tobacco Shops, Smoke Shops. **Councilwoman Champion** seconded and the motion carried 4-0.

5. **CONSIDERATION AND PUBLIC HEARING OF AN ORDINANCE AMENDING THE TOWNSHIP ZONING ORDINANCE PART II, CHAPTER 232 OF THE TOWNSHIP CODE, TO AMEND ARTICLE V, RESIDENTIAL DISTRICT, TO CREATE A NEW DIVISION 12.5 R-55A RIVERFRONT REVITALIZATION DISTRICT:**

**Solicitor Pizzo** indicated that back in September, Council adopted Ordinance 2022-06 which was a text amendment to the Townships R-55 Zoning Ordinance. During the consideration and the public hearing on the Ordinance, which stretched over two meetings, there was considerable input from the owners and tenants of various businesses located within the R-55 District; who had concerns regarding the effect that various aspects of that text amendment might have on their business operations.

The Mayor met with many of the business owners, heard their input and it was proposed at the September meeting when Ordinance 2022-06 was adopted that the Township would take steps to adopt the Ordinance that is before Council this evening which creates a new Zoning District, R-55A. The goal of R-55A is to reverse the text amendment that was made to R-55 as it pertained to certain businesses that are located within the R-55A District. Namely those that are north of Street Road and those that bordered on Samuel Drive, a number of which were south of Imperial Drive.

In the intervening period of time, the Township has been served with a Land Use Appel that was brought by a number of the business owners in the area, challenging Ordinance 2022-06. It is both a substantive challenge to the text of the ordinance itself as well as a procedural challenge to the various aspects of how the ordinance was adopted.

The lawsuit was presented to Council at the Executive Session that preceded the prior weeks Council meeting. Since then, there have been discussions with Council representing the businesses involved in that suit. The Mayor has had discussions with some of the businesses down there and some have reached out to Council.

This evenings Executive Session was to discuss both how the Township is going to proceed with the R-55 Ordinance as well as with the litigation. It is the recommendation of the Administration that Council table the R55-A Ordinance that is before Council this evening. To do so in connection with proceeding with a repeal of Ordinance 2022-06. The recommendation to the Township is that the Ordinance that was adopted in September, that created the text amendment that started the litigation and started the flurry of activity that necessitated the creation of R-55A, the Township now repeal that Ordinance and essentially go back to the drawing board.

There is one of two ways that this can be accomplished. Dispose of it and accomplish a repeal, assuming Council votes to authorize the repeal. Then the Township can try to effectuate it through the lawsuit. If not, start the process tomorrow of advertising an ordinance that would repeal Ordinance 2022-06. As any Zoning Ordinance does, it has to go back through the process of public review, review by the Planning Commission. It would be a little bit of time before it would come back to Council. One way or another, in the span of the next 60 days, either through the courts or by bringing it back to Council; it is the recommendation of the Administration that you repeal Ordinance 2022-06, that Council refrains from adopting R-55A because it will be a nullity assuming that Ordinance 2022-06 is in fact repealed within the next 60 days.

Solicitor Pizzo recommended tabling Agenda Item #5 for 90 days. Once 2022-06 is repealed, there is no need to do anything with R-55A.

**Council Secretary Pilieri** motioned to table Agenda Item #5 for a period of ninety days and authorized the repeal process of Ordinance 2022-06 beginning tomorrow. **Council Vice President Kisselback** seconded, and the motion carried 4-0.

**Council Secretary Pilieri** thanked the Administration for looking over the ordinances and making the decision in the best interests of the businesses.

**Council Vice President Kisselback** stated Council had an intricate part in this decision.

No one came forward for Public Comment regarding Agenda Item #5.

6. **CONSIDERATION OF A PRELIMINARY AND FINAL SUBDIVISION FOR:**

<b>Applicant:</b>	<b>Gibson Holdings, LLC</b>
<b>Location:</b>	1515 Gibson Road
<b>Proposed Use:</b>	6 Residential Lots
<b>Zoning Classification:</b>	R2 Residential District
<b>Tax Parcel:</b>	2-54-5

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

7. **CONSIDERATION OF A RESOLUTION FOR ACT NO. 537, PA SEWAGE FACILITIES ACT, PLAN REVISION FOR NEW LAND DEVELOPMENT OF A PARCEL OF LAND IDENTIFIED AS 1515 GIBSON ROAD SUBDIVISION:**

This matter was tabled by a prior motion.

8. **CONSIDERATION OF A PRELIMINARY AND FINAL MINOR SUBDIVISION:**

<b>Applicant:</b>	<b>Chase Bank</b>
<b>Location:</b>	1729 Street Road
<b>Proposed Use:</b>	Commercial
<b>Zoning Classification:</b>	G-C Commercial
<b>Tax Parcel:</b>	2-43-305

**Michael Meginniss**, Solicitor for the applicant, Bensalem MZL, who is the owner of the subject parcel in front of Council for consideration. This is part of the Brookwood Shopping Center the client owns a portion of the shopping center. The applicant undertook the process to subdivide and go through minor subdivision to create the Chase Bank as its own parcel.

The plan in front of Council basically carves off about a  $\frac{3}{4}$  acre of parcel so that Chase Bank will be its own parcel moving forward. The applicant went to the Zoning Hearing Board in the summer for one variance relating to parking proximity to a property line and secured the variance at that time. There is no Land Development that is proposed with this application, there is no modifications, there are no parking changes. This is just a line on a page to create an out parcel for Chase Bank which is becoming the industries standard for shopping centers.

The applicant received a review letter form Traffic, Planning and Design on May 9<sup>th</sup> which was subsequently updated on June 30<sup>th</sup>. There are zero waivers and there are almost no comments. There is one single SLDO comment which is a will comply and has been acknowledged as such.

Council President Knowles 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.

**Councilwoman Champion** motioned to approve, **Council Secretary Pilieri** seconded and the motion carried 4-0.

**Solicitor Pizzo** indicated the motion should include the Deed for the newly created lot should be submitted to the Township Engineer for its review and approval as well as to the Township Solicitor and the Deed should be recorded contemporaneously with the Plan of the minor Subdivision.

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

**Applicant:** Johnson Development Associates, Inc.  
**Location:** 2600 State Road  
**Proposed Use:** Warehouse/Distribution  
**Zoning Classification:** R-55 - Riverfront Revitalization District  
**Tax Parcel:** 2-65-21

**Mike Meginniss** with Begley Carlin on behalf of Johnson Development. Johnson Development has been the equitable owner of this property for a couple of years. The plan proposes the construction of an approximate 252,000 sq. ft. warehouse with associated green space and significant stormwater management improvements for this property.

The applicant appeared in front of council a couple of months ago the same night the ordinance for the condemnation of land was on the agenda to facilitate the construction of Renaissance Boulevard. Renaissance Boulevard, as it is depicted on the map, essentially bisects the property as well as a couple of properties to the north between 2600 State Road and Street Road. The applicant can't secure approval for the construction of a warehouse over land that has been condemned for a road. The applicant has tried to work out a solution that is premised upon relocating the road elsewhere on the property in order to make the plan feasible.

The review letter that T and M provided many months ago has no waiver requests. The applicant has no variances and no waiver requests with their land development plan. Everything in the review letter and all of the review letters are a will comply.

The applicant's proposal to the Township, in order to move forward with this, is hopefully to secure preliminary plan approval with the following conditions that the applicant can volunteer, and certainly go back and forth with Mr. Pizzo on the phrasing of these conditions.

**Conditions:**

Johnson Development, as the applicant, will fund the engineering that is necessary for what the applicant's proposal would be for the relocation of Renaissance Boulevard. The applicant stated that Renaissance Boulevard is a benefit not only to the Township, but is a benefit to Johnson Development and would be a benefit to any tenants who would be located in this building and other landowners along this stretch of State Road.

In addition to funding the engineering for the location of Renaissance Boulevard, the applicant will also construct Renaissance Boulevard from their property north out to Street Road. This would be another condition or preliminary plan approval the applicant would agree to.

Because the applicant does not control all of the land between their property and Street Road, they would agree to broker or foster a Resolution regarding the acquisition of the land north of their property to facilitate the construction of the road. If there is not a Resolution where the land is provided to construct the road, then the applicant hasn't fulfilled their condition of the preliminary plan approval and can't move forward.

The three things in addition to the approval of the preliminary plan:

1. Engineering for the road design.
2. Constructing the road.
3. Facilitating the Resolution of the acquisition over parcels the applicant does not control that would allow the applicant to move forward.

The applicant believes the proposal of this building is that it is going to look beautiful, they have been very mindful with their design from a stormwater standpoint and from the green space standpoint. They want to be the company that makes Renaissance Boulevard a reality for the Township and for the residents of Bensalem in regards to the truck trafficking running from their property, and other properties, out to Street Road rather than onto State Road. The applicant would like to be the solution on a number of fronts and believes the time and investment they have put forth illustrates their seriousness to being partners with the Township.

**Solicitor Pizzo** indicated consistent as to what Mr. Meginniss has represented, that the Township has the official map which depicts Renaissance Boulevard crossing this property. The plans before Council this evening for their consideration do not depict Renaissance Boulevard anywhere on the plans. They do however, depict the proposed building being constructed on that road. The appropriate action would be for Council to deny this plan because you can't build a building on top of a Township road that is depicted on the official map.

Consistent with everything that Mr. Meginniss has said, what the applicant is asking for so that it can move forward with its agreement of sale is that Council grant the applicant preliminary approval only this evening. That the preliminary approval would contain the various conditions that would be included as part of the motion regarding the need to redesign and relocate Renaissance Boulevard from it where it is currently depicted on the Township map and to include it on the land development plans for Johnsons. This would be the first thing that would have to happen.

The applicant, as part of the condition, will be required to fund the acquisition for the additional right-of-way that is outside of the area where it is currently shown on the Township map in order to help effectuate the relocation of Renaissance Boulevard. They would be taking on the responsibility because relocating the road from where it is shown on the official map would otherwise have economic consequences to the Township in terms of what property owners might or might not be entitled; due to the fact to what is being discussed this evening, and that is, you can't build a building on top of a road.

The property owner, as a condition, is agreeing they would be the ones responsible for the costs of acquisition of the different right-of-way and the changed right-of-way for Renaissance Boulevard. In August, Council authorized the Administration to proceed with the condemnation of the right-of-way both on this property and on the adjacent property. The Administration has held off on proceeding with that because there have been efforts to, and on-going discussion with both the owners of this property, and the adjacent JJD property; who also has an application in for land development approval to see if a mutually agreeable relocation of road can be accomplished. To date, the Township has not been able to make such an agreement.

If Council agrees to grant approval, it contains those conditions, that it is wholly on this applicant to come up with the new design, to incorporate it on the plan, to fund the right-of-way acquisition and to construct the road.

**Council Secretary Pizzo** suggested Mr. Pizzo draft these conditions.

**The Mayor** asked if the video would be a record of this evening.

**Solicitor Pizzo** indicated it would and indicated the Minutes are always the official record. The video tape and audio tape of this evenings meeting certainly would be the equivalent of a court reporter transcript.

**Councilwoman Champion** asked the applicant, with the preliminary land development, if they are able to relocate the road, will the applicant address any potential zoning variance issues.

**Mr. Meginniss** stated they would address any potential zoning variance issues.

**Solicitor Pizzo** indicated, if the revisions were a result in the need of a zoning variance that would fall on the applicant.

**Council President Knowles** asked if there was anyone in the audience who was for or against this project. Seeing no one come forward, the Public Comment portion was closed.

**Solicitor Pizzo** indicated the condition of approval for the preliminary land development only would be that the applicant and/or the property owner shall amend and revise the plan so as to provide a 50 ft. right-of-way extending through the property from the northern property line to the southern property line to serve as the right-of-way for the road depicted on the official Township map adopted by Ordinances 2015-10 and 2015-13 and commonly referred to as Renaissance Boulevard. That right-of way will be at a location or locations as approved by the Township in its sole discretion. Once a location has been proposed and approved by the Township, that proposal coming from the applicant, the applicant will design, engineer Renaissance Boulevard from the subject property out to its intersection with Street Road so that Renaissance terminates in an intersection with Street Road at the location currently depicted on the aforementioned official map. The applicant and/or owner will be solely responsible for all costs of construction of Phase 1 of Renaissance Boulevard which Phase 1 extends from the intersection of Renaissance Boulevard with Street Road and continuing south to the southern property line of the subject property which is its common proper line with Grossi Steel and terminating on that property line at a location that either aligns with the existing depiction of Renaissance Boulevard on the Grossi Steel property or at such other location as may be approved by the Township in its sole discretion. Upon completion of the construction of Renaissance Boulevard the road and the right-of-way to the extent not already dedicated to the Township will be dedicated to the Township for one dollar. Finally, the comments by the Township Solicitor and the attorney for the applicant are integrated into and made a part of this motion and to the extent that they are inconsistent with this motion shall prevail.

**Mr. Meginniss** indicated that the other condition Councilmen Kisselback is probably referencing, is that the applicant will facilitate the Resolution to the acquisition of the necessary land between the applicant's property and Street Road.



**Solicitor Pizzo** indicated Mr. Meginniss was correct and stated the applicant or owner will be solely responsible for the cost of acquisition of any right-of-way necessary for the construction of Phase 1 of Renaissance Boulevard.

**Solicitor Pizzo** indicated the revised plan will be reviewed by the Township Engineer, the Township Traffic Engineer, and that the applicant will comply with any of the comments that are included in that review and will come back to Council for final approval.

**Council Secretary Pilieri** motioned to approve. **Councilwoman Champion** seconded and the motion carried 4-0.

**The Mayor** thanked Mr. Meginniss and Mr. Tripp for their cooperation and extended his appreciation.

**Solicitor Pizzo** indicated the plan should be amended to reflect that upon the completion of the construction of Renaissance Boulevard, there will be no truck access from this property onto State Road.

**Mr. Meginniss** indicated trucks will be directed to utilize Renaissance Boulevard.

**10. PUBLIC COMMENT:**

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

**11. OTHER BUSINESS:**

**The Mayor** indicated the Christmas Tree Lighting is on December 10<sup>th</sup>. The Budget Meeting is next Monday, December 5<sup>th</sup>.

**Councilwoman Champion** hoped everyone had a wonderful Thanksgiving. Tomorrow is Giving Tuesday, if you have a favorite Charity to donate to or volunteer your time. Next Tuesday, December 6<sup>th</sup>, the Police Department is having a Fraud Investigators event to explain what to look for when you are being scammed. You can register online.

**Council Secretary Pilieri** “dittoed” the previous responses and thanked the Scouts and told them to keep up the good work.

**Council Vice President Kisselback** announced he is about to become a Great-Grandfather and wished everyone a wonderful holiday season.

**Council President Knowles** indicated the next meeting is the Budget Meeting on Monday, December 5<sup>th</sup>. Complimented the holiday decorations around the Township Building.

**12. ADJOURNMENT:**

There being no other business to discuss, the meeting was adjourned.

The Bensalem Township Council Meeting of November 28<sup>th</sup>, 2022 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,**

**Debra F. McBreen  
Recording Secretary**