

**BENSALEM TOWNSHIP COUNCIL  
COUNCIL MEETING MINUTES**

**Monday  
March 27<sup>th</sup>, 2023**

**MEMBERS PRESENT:**

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

Director McVey, Deputy Director Race, Mayor DiGirolamo and members of Council honored the Police Officer of the Year, Officer Steve Ambs.

**2. 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.

3. **APPROVAL OF COUNCIL MINUTES:**

**Solicitor Pizzo** indicated he had some comments regarding Section 9, 1186 Byberry Road, which was emailed to Ms. McBreen but not in time to incorporate them into the Minutes and asked to approve the Minutes with the amendment to the Solicitor comments on that item.

**Council President Kisselback** asked what were the amendments to his comments.

**Solicitor Pizzo** indicated what the Township believes is the appropriate use of the property and what is not an appropriate use for the property and what can or can't be done there legally.

**Council Vice President Pilieri** motioned to approve the March 13th Minutes as amended **Council Secretary Knowles** seconded, and the motion carried 5-0.

**Council President Kisselback** asked the Solicitor if there were any changes to the agenda.

**Solicitor Pizzo** indicated agenda item 6 is for the Consideration of a Preliminary and Final Subdivision for Gibson Holdings, 1515 Gibson Road. Agenda item number 7 is for the Resolution for the Act 537 Plan amendment associated with that plan. The matter was tabled at Councils last meeting. Correspondence was received from the applicant's attorney requesting the application be tabled to the Council meeting of May 22<sup>nd</sup>, and granting the Township the applicable Extensions of Time under the MPC through and including May 31<sup>st</sup>, 2023. This will afford the applicant the opportunity to address some zoning issues that are associated with the plan.

In order to get those variances, the applicant is going to proceed with the appeal in Doylestown to secure the variances it needs for the plan. With Councils direction, the solicitor's office will participate in that appeal and will enter their appearance and work to resolve the zoning issues so that plan can be approved.

**Council Vice President Pilieri** motioned to table agenda items 6 and 7 until a date certain of May 22<sup>nd</sup>, and approve the Township's Solicitor to represent the Township in Bucks County Court. **Council Secretary Knowles** seconded and the motion carried 5-0.

4. **CONSIDERATION OF A MINOR SUBDIVISION FOR:**

<b>Applicant:</b>	<b>Jose A. Sr. &amp; Alma Nidia Rodriguez</b>
<b>Location:</b>	2469 & 2459 Forrest Avenue
<b>Proposed Use:</b>	2 Individual Residential Dwellings
<b>Zoning Classification:</b>	R-2 Residential District
<b>Tax Parcel:</b>	02-032-047

**Bryce McGuigan** with Begley, Carlin, Solicitor for the applicant. The applicant is requesting the approval of a minor subdivision and is presently improved by two single-family detached dwellings. The subdivision seeks to cut a line through the middle of the two properties and

result in two separate parcels that will be zoning compliant. TPD issued a revised review letter dated March 21<sup>st</sup>, 2023 where they confirmed all of the zoning comments and issues from the application have been satisfied.

**REQUESTED WAIVERS:**

**1. Sec. 201-41.(d).(9) – Requiring plan to show all existing features within 400 feet**

a. The applicant would submit a standard waiver, especially for a residential development of this limited size and the applicant will provide an aerial in lieu of plan showing all existing features with 400 feet.

**2. Sec. 201-104.(b).(1) – Requiring cartway widening and curbing**

**3. Sec. 201-110.(b) – Requiring curbing**

**4. Sec. 201-111.(a) – Requiring sidewalk to be constructed**

a. The next three waivers relate to all existing conditions and on the property in the neighborhood. The second waiver is not to require cartway widening and curbing. The third waiver is not to require curbing and the fourth waiver is not to require a sidewalk be constructed in a spot where there are currently no sidewalks.

**Council President Kisselback** directed his question to Solicitor Pizzo and indicated since this is only a subdivision and not a land development, would the applicant be subject to a fee in lieu of for not putting in the curbs and sidewalks?

**Solicitor Pizzo** indicated there would be a fee in lieu of for not putting in the curbs and sidewalks.

The applicant agreed to the fee in lieu of constructing the curbs and sidewalks.

**Council President Kisselback** asked if anyone from the audience would like to speak for or against this project. Seeing no one come forward the public portion was closed.

**Council Vice President Pilieri** motioned to grant approval of the minor subdivision for Jose A. Sr. & Alma Nidia Rodriguez located at 2469 & 2459 Forrest Avenue, TMP 02-032-047 and the four waivers that have been requested, and will pay a fee in lieu of the curbs and sidewalks. **Councilwoman Benitez** seconded and the motion carried 5-0.

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

<b>Applicant:</b>	<b>Iftikhar &amp; Aisha Chaudry</b>
<b>Location:</b>	1209 Crespo Lane
<b>Proposed Use:</b>	Residential
<b>Zoning Classification:</b>	RA1 Residential District
<b>Tax Parcel:</b>	02-072-478

**Councilwoman Benitez** asked for confirmation on the location of TMP as 1209 Crespo Lane. Councils worksheet indicates 1206 Crespo Lane.

**Mr. McGuigan**, solicitor for the applicant, confirmed the address to be 1206 Crespo Lane.

**Council President Kisselback** indicated this is actually a lot line change.

**Mr. McGuigan** indicated that is correct, it is a lot line change request. The applicant had an addition built onto the property, and unfortunately the addition was not built correctly. Not only was it not where it was permitted but went over the property line of neighbor. Fortunately, the neighbor is a relative. The plan is to remove the rear ten feet of the addition in order to be compliant with the rear yard. This plan was so incorrectly done that there was a rear yard side setback issue, a side yard setback issue and impervious surface issue.

**Council Vice President Pilieri** asked if there were permits to add the addition or did the applicant choose to do the addition on their own.

**Mr. McGuigan** indicated there was a permit, however, the contractor pulled from the wrong pin and made the addition rather larger than it was initially intended and initially permitted. It was not requested by the applicant for the Township to come out and do an inspection of the staking out of the property. During the construction phase, that is when the Township realized there was an issue to cease and desist. An exemption from the Township was received to finish the exterior of the structure to make sure it was weather safe and weather tight.

The applicant went to the Zoning Hearing Board and did not receive the relief at zoning. What the applicant decided was to remove the back ten feet of the addition, which will bring the applicant into rear yard compliance. The applicant is now proposing a small lot line change with their neighbor, who is the co-applicant, to allow the side yard to become compliant.

**Council Vice President Pilieri** indicated he found it hard to believe the Township would not have checked on the construction of the addition, which led Mr. Pilieri to believe the construction was done without going by the plans given to the Township.

**Mr. McGuigan** indicated there was an issue at Zoning and the hearing had to be continued because of the boards concerns. Mr. Farrall looked into the issue and believes what the issue was is that the applicant was permitted, however, the Township did not automatically go out to inspect when the applicant laid the footers.

**Council Vice President Pilieri** indicated the contractor has to set up the appointment with the Township when he is ready to lay the footers.

**Mr. McGuigan** indicated he is aware the applicant and the contractor made mistakes. The plans submitted by the contractor were hand-drawn.

**Council Vice President Pilieri** asked Mr. McGuigan if he was indicating that the Township's Building and Planning Department accepted those plans and approved it, upon hand-drawn plans that made no sense?

**Mr. McGuigan** indicated the contractor did not do his job and the plans submitted looked unprofessional. However, they were compliant and ultimately the contractor did not follow through with those plans.

**Quinton Nearon**, Senior Municipal Inspection Manager, indicated in this case the applicant is not required to have an engineered site plan. Applicants can draw their own plans with the proper information. Permits were obtained but the dimensions that were provided by the contractor were inaccurate.

**Mr. Nearon** did the first review because he is familiar with the area and rejected it because the setbacks that the applicant was providing were not accurate; and the applicant may be crossing the property line. A resubmission was received with new dimensions where it was reviewed by another party, Russ Benner, from T and M Associates, and it did comply. Mr. Nearon spoke to Mr. Farrall, reviewed the new plans and all of the revisions, went back out to the site, re-measured the property and confirmed it was over the line; and it was definitely causing zoning issues and a stop workorder was posted.

**Mr. McGuigan** indicated the only waiver the applicant is requesting is a plan waiver to not require all existing features within 400 ft. and the applicant would submit an aerial instead. TPD's review observed that the applicant would be required to plant additional street trees within each of the lots. The applicant will pay a fee in lieu of not being required to plant additional trees.

**Council Vice President Pilieri** asked Solicitor Pizzo if the surrounding neighbors were notified of this hearing.

**Solicitor Pizzo** indicated the clarification of the addresses at issue, coupled with his review of the notices to the adjacent property owners which are in order, but among the individuals being notified, is 1204 Crespo Lane. There is nothing in front of the Solicitor that indicates 1204 Crespo Lane is a part of this application. The application itself is only for 1206 Crespo Lane. It obviously references both lots, but the adjacent owners are not named on the application as being part of the application.

**Councilwoman Benitez** would like to see the agreement in writing from the owner at 1204 Crespo Lane, or a joint application, either seems to be sufficient. Would like to see the demolition completed, then come to Council to ask for the property line change with the proper agreement in place.

**Mr. McGuigan** indicated he would comply with amending the application and having something signed by the owner of 1204 Crespo Lane. With regard to doing the actual demolition work the problem is that doing the demolition work is fine, but if the applicant is reforming the side of the addition with the understanding that this is what is going

to be here, then if the applicant's permit is denied and if the application is denied then that whole addition probably needs to get torn down. Obviously, the demolition would have to get done not matter what but they would have to incur additional costs to do the demolition and refinish the rear side. If this application is approved they do get to save a portion of the addition. If the application is denied then the applicant would not be able to save the addition.

**Council President Kisselback** indicated that based on the applicant's presentation and the egregious building, the back 10-foot part of the addition was done prior to any consideration whatsoever on a lot line change. The request for a lot line change should be resolved first. Whether it is the demolition of the building or an agreement by the Township Solicitor in terms of making sure that is going to be done. After that is resolved then Council can look at the lot line change to be considered. This should be a two-phase process to be done before there is any consideration for this request from the applicant.

**Council President Kisselback** indicated he would like to table this item and asked the Solicitor for his comments.

**Solicitor Pizzo** indicated tabling the item will afford Mr. McGuigan the opportunity to establish standing or co-application status for either standing for Mr. & Mrs. Chaudry; who applied for the lot line change on behalf of the neighboring property owner, or otherwise make it a co-application. This will give the applicant the opportunity to come up with a plan or a timeline for demolition of whatever is going to be demolished.

Early in Mr. McGuigan's presentation the Township, upon discovering what was happening, was certainly in its right to require the immediate removal of the offending structure from the neighboring property owner's property line and out of the setback area. The Township didn't do that, the Township allowed it to remain and further allowed the applicant to enclose and seal the work that had been done so as to maintain the status quo, until the applicant and the Township were able to figure out what was going to happen next.

To the extent the Township is now asking for some sort of a timeline and a process for the removal of some or all of the offending structure as part of this approval, or at least the consideration of the approval. The Solicitor believes Mr. McGuigan will concede that this is more than reasonable and something the Township can accomplish before the application comes back in front of Council.

**Mr. McGuigan** indicated the applicant does waive any timelines within the MPC and would require Council to hold a hearing upon the instant application.

**Councilwoman Champion** motioned to table this item to a date certain of April 24<sup>th</sup>, 2023. **Council Secretary Knowles** seconded and the motion carried 5-0.

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

**Applicant:** Gibson Holdings, LLC  
**Location:** 1515 Gibson Road  
**Proposed Use:** 6 Residential Lots  
**Zoning Classification:** R-2 Residential District  
**Tax Parcel:** 02-054-005

This matter was tabled by a prior motion.

7. **CONSIDERATION OF A RESOLUTION FOR ACT 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 AND SIGNING OF AGREEMENTS FOR:**

**Applicant:** Costa Homes  
**Location:** 4946 Neshaminy Boulevard  
**Proposed Use:** 4 Lots – 3 Singles  
**Zoning Classification:** RA1 – Residential District  
**Tax Parcel:** 02-019-197

A. Land Development Improvements Agreement

(4) Executed copies to be signed by Council upon consideration.

B. Stormwater Best Management Practices Operations & Maintenance Agreement

(4) Executed copies to be signed by Council upon consideration.

**Solicitor Pizzo** indicated that before Council this evening are the Land Development and Stormwater Management Agreements for 4946 Neshaminy Boulevard. The agreements have been prepared by the solicitor's office and have been signed by the developer and returned; together with all of the required fees and escrows, and they are in a form acceptable for Councils consideration and approval.

**Council Secretary Knowles** motioned to approve as presented. **Councilwoman Benitez** seconded and the motion carried 5-0.

9. **PUBLIC COMMENT:**

Seeing no one come forward, the second Public Comment portion was closed.

10. **OTHER BUSINESS:**

**The Mayor** spoke about the tragedy that occurred in Tennessee where three young children and three adults were killed by an active shooter and asked that everyone keep them in their prayers. Also, prayers for the people who were struck by a deadly EF-4 tornado in the small town of Soso, Mississippi that devastated the area. The Mayor advised everyone that our drinking water is fine. The Mayor announced that March 27<sup>th</sup> is “National Joe Day” and indicated 4 members on the board with the first name of Joseph to celebrate and enjoy their evening.

**Solicitor Pizzo** indicated that the drinking water in Bensalem is provided by Aqua and that Bensalem’s water does not come from the city of Philadelphia, and does not come from the Baxter Water Treatment Plant. If anyone should have any questions or concerns regarding the drinking water to go on line to Aqua or call the phone number that is on their water bill from Aqua.

**Councilwoman Benitez** reiterated the Mayor’s remarks regarding the tragedies of the victims from an active shooter in Tennessee, and the horrific tornado in Mississippi. Congratulated Officer Ambs on being honored as the Officer of the Year and wished everyone a Happy Easter.

**Council Secretary Knowles** wished everyone a Happy Easter. Reiterated everyone’s concerns regarding the tragedy in Tennessee. Thanked the police officers here in Bensalem for the job they do.

**Councilwoman Champion’s** thoughts and prayers go out to all the families affected by the tornadoes, the things happening in Nashville, Tennessee and all around the country. Happy Easter to everyone, Happy Passover and Ramadan.

**Council President Kisselback** indicated maybe we should go back to prayer as far as being a solution to some of our problems. Easter is the most important holiday to the Christian religion

11. **ADJOURNMENT:**

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

The Bensalem Township Council Meeting of March 27<sup>th</sup>, 2023 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/Clerk of Council