

**BENSALEM TOWNSHIP COUNCIL
COUNCIL MEETING MINUTES**

**Monday
April 24th, 2023**

MEMBERS PRESENT:

Ed Kisselback, Council President
Joseph Pilieri, Council Vice President
Joseph Knowles, Council Secretary

SUPPORTING PERSONNEL:

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

PLEASE NOTE:

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

1. OPENING OF THE MEETING:

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

Council President Kisselback, Council Vice President Pilieri and Council Secretary Knowles honored Bensalem’s own, John Carpineta, who is the recipient of the PGA Patriot Award.

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.

Solicitor Pizzo indicated agenda item 5 which is a continuation of a hearing for Iftikhar and Aisha Chaudry. Mr. Pizzo received correspondence from their attorney asking if Council would please continue the application to a date certain of May 22nd and granting the Township all applicable waivers under the Municipalities Planning Code or local Ordinance in order to allow Council to consider the Lot Line at a future meeting.

Council Vice President Pilieri motioned to table agenda items 5 until a date certain of May 22nd. **Council Secretary Knowles** seconded and the motion carried 3-0.

Council President Kisselback indicated that the Bucks County Tour of Honor was making its way to Parx Casino, but unfortunately got held up on I-95 due to an accident. The Mayor will be the speaker for this evenings event welcoming home the Vietnam Veterans.

3. **APPROVAL OF COUNCIL MINUTES:**

Council Secretary Knowles motioned to approve the Minutes from the March 27th Council meeting as presented. **Council Vice President Pilieri** seconded and the motion carried 3-0.

4. **CONSIDERATION OF THE 2023 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM:**

Solicitor Pizzo indicated that the Township receives money from the Department of Housing and Urban Development for the Community Development Block Grant Program that is administered by the Township on an annual basis. This year the Township anticipates receiving \$388,888 of Community Development funds for the year beginning July 1st, 2023. The Administration is proposing a continuation of the ADA Curb Cut Upgrade Program that Council has been engaged in for the last several years throughout the Township.

This program does qualify under the guidelines for the Community Development Block Grant Program as it is providing ADA accessibility improvements and public services throughout the Township. The balance of the Community Development funds are being recommended for support of the Family Services Homeless Shelter in Bristol Township. The balance of the funds for Program Administration costs. 100% of the funding will be used for activities benefiting low- or moderate-income purposes as is required under the program.

The Administration is asking that Council approve the budget and the projected use of funds for the 2023 Community Development Program year beginning July 1st, 2023 as presented.

Council Vice President Pilieri motioned to approve as presented. **Council Secretary Knowles** seconded and the motion carried 3-0.

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

Applicant: Iftikhar & Aisha Chaudry
Location: 1209 Crespo Lane
Proposed Use: Residential
Zoning Classification: RA1 Residential District
Tax Parcel: 02-072-478

This matter was tabled by a prior motion.

6. **CONSIDERATION OF A MINOR SUBDIVISION LOT LINE CHANGE FOR:**

Applicant: Stephen & Josephine Bielecki
Location: 6329 & 6341 Fulton Avenue
Proposed Use: Residential
Zoning Classification: R-1 Residential District
Tax Parcel: 02-056-022 & 02-056-023

Mr. Nicholas Rose, P.E. with Protract Engineering appeared on behalf of the applicant. Mr. Rose presented the Proof of Notices to the solicitor.

Mr. Rose indicated the two adjacent owners had a mutual agreement that they wanted to move the lot line over to get some accessory buildings to match better with the one building.

Solicitor Pizzo indicated both property owners are on the application.

Mr. Rose indicated that both lots are compliant with Zoning. The review for Traffic, Planning and Design noted consisting non-conformities some of which are documented on the plan.

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 Pilieri motioned to approve Stephen & Josephine Bielecki located at 6329 & 6341 Fulton Avenue, TMP 02-056-022 & 02-056-023 as presented. Council Secretary Knowles seconded and the motion carried 3-0.

Solicitor Pizzo indicated that the one condition would be that the Deeds for the newly created lots would be submitted to the Township for review and approval by the Township Solicitor and the Township Engineer and those Deeds would be recorded before or at the time of the recording of the Lot Line change.

Council Vice President Pilieri amended his motion. Council Secretary Knowles seconded the amended motion and the amended motion carried 3-0.

Solicitor Pizzo indicated the notices to the adjacent property owners appear to be in order.

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

Applicant: Shax Express Cargo, Inc – Mr. Sheroz Vafaev
Location: Winks and Marshall Lane
Proposed Use: Truck Parking
Zoning Classification: G-I – General Industrial District
Tax Parcel: 02-075-079

Vladimir Tinovsky, Esquire, on behalf of the applicant provided Solicitor Pizzo with the proof of notices to the adjacent properties.

Mr. Tinovsky indicated that Shax Express Cargo is a logistics and transportation company. They currently have 30 tractors and 35 trailers. They run loads in the continental 48 states and have been in business since 2018. Mr. Vafaev who is the principal of the business, has been in trucking and logistics for over a decade, has extensive experience and has done a good job growing the business.

Currently they have a facility located at 1000 Franklin Mills Circle in Philadelphia, PA which is situated behind Sam’s Club. They sublease about 15 spaces and office space. Their business has grown and they are looking to develop this land that is currently a vacant lot located at the corner of Winks and Marshall Lane which is zoned GI – General Industrial.

Mr. Vafaev is looking to construct a parking lot for their own fleet of vehicles, but does not plan to build any buildings on the property. This is a 2.76-acre lot. The neighboring parcels are lots with similar uses.

Council President Kisselback asked the solicitor if they plan to store the trailers on the proposed lot.

Mr. Tinovsky indicated the applicant proposes to fence in the lot and pave it with 48 tractor and trailer spots along with 2 non-standard truck spots that will be handicap accessible.

The plan is to have the employees park their vehicles, get in their trucks, take care of business and when they are ready to return. They will park their rigs, pick up their cars and go home.

Council President Kisselback asked for verification regarding the 48 trucks and the 2 parking spaces for the employees to park their cars and asked how does this calculate.

Mr. Tinovsky indicated, typically once the employee moves his rig out he will then park his private vehicle in that spot until his return from delivering his load.

Council Secretary Knowles asked if the truckers go on long trips.

Mr. Tinovsky indicated the truckers do not come back the same day, they run their loads across country or even regionally. There would be a good mix of trucks coming and going. This is relatively a low flow type of business operation.

Council Vice President Pilieri indicated the applicant's business is not in Bensalem. The applicant is just using Bensalem as a parking lot for this company. It's not bringing any extra jobs to Bensalem, there is no extra income to Bensalem. The only thing this company will be paying is real estate taxes and is really not doing anything beneficial for Bensalem except for having more traffic in the Street Road, I-95 area.

Mr. Tinovsky indicated the applicant will pave the parking but currently is not erecting any buildings. These types of trucking businesses are relatively light in administrative type of facilities.

Council Vice President Pilieri indicated Bensalem deserves better than a parking lot for tractor trailers and understands the applicant has the ability to do just that but it is not giving any jobs to Bensalem. It is not creating anything other than a parking lot. It is more work for our Police Department when there is a lot of traffic in the vicinity. The applicant is not opening a business in the location, they are just storing tractors and trailers.

Mr. Tinovsky indicated his client's business is growing to a point where they will need a facility and moving out of Philadelphia into Bensalem would be beneficial.

Council Vice President Pilieri indicated Bensalem is about creating jobs, not about creating a parking lot and does not believe this is a good use for this property. If the applicant was opening his business there and supplying jobs to the community it would be beneficial, but the applicant is not supplying jobs.

Council President Kisselback asked if there was a time restriction for the trucks coming in and out of the lot.

Mr. Vafaev, principal owner, indicated he does not know when the trucks would be coming in and out of the lot. When the trailer is empty they will arrive back to the parking lot, park the truck and return to their homes to rest before the next haul.

Council Secretary Knowles asked where does the cargo come from for the truckers to haul.

Mr. Vafaev indicated they get their truck loads from the New Jersey Ports, transport the cargo to its destination, unload, then return to the parking lot.

Mr. Vincent Fioravanti, applicant's Engineer, indicated the original plans for the project did have a temporary building on there, it did not have any utilities, it was more like a shed. When considering the zoning and the industrial park, this request is a permitted use. It will be well designed, landscaped, storm water management, fencing, it will have the proper amenities.

Solicitor Pizzo asked Council President Kisselback if he could take a minute recess to speak to the applicant's solicitor, Mr. Tinovsky.

Mr. Tinovsky thanked Council for the constructed feedback regarding this project. The applicant was contemplating some of the actions that Council has raised and requested an adjournment at this time.

Solicitor Pizzo indicated the applicant could continue this evenings hearing to a date certain and afford them the opportunity to come up with a plan to present to Council consistent with what the applicant has described. Or the applicant can table this matter indefinitely and take as much time as they need.

Council President Kisselback suggested the applicant come up with a plan, run it by the Township Engineer, then meet with Council as a 2-2-1, make a presentation then receive feedback from Council.

Council Vice President Pilieri motioned to table Shax Express Cargo, Inc. until a date certain of June 12th, 2023. **Council Secretary Knowles** seconded and the motion carried 3-0.

8. **CONSIDERATION OF AN ORDINANCE APPROVING THE REQUEST OF TOP POT & KOREAN BBQ, INC. TO TRANSFER RESTAURANT LIQUOR LICENSE NO. R-5932 INTO THE TOWNSHIP, REPEALING ALL INCONSISTENT ORDINANCES AND ESTABLISHING AN EFFECTIVE DATE THEREFOR:**

Paul Herron, Esquire representing the applicant requesting the intermunicipal transfer of a restaurant liquor license into the location of 3340 Street Road where the Michaels Diner once operated. Mr. Herron's clients have been in the business for more than a decade and have purchased the property at 3340 Street Road. The building consists of approximately 7,500 sq. ft. Renovations have already commenced and are expected to take 3 to 4 months.

The applicant expects to have a seating capacity of 160 people, 20 of which comprise of bar seating. There is also an outside patio which will seat approximately 35 people. The hours of operation will be from 11:00am to 11:00pm Monday through Thursday, 12:00pm to 12:00am Friday and Saturday, Sunday 12:00pm to 11:30pm. The Manager on site will be one of the brothers, all the sellers and servers will take Ramp Training and Responsible Management Alcohol training. There will be very limited services of take-out beer. All the appropriate security cameras will be in place. A full-service menu will be available.

Solicitor Pizzo indicated Mr. Herron has covered all of the applicable points that need to be covered under the ordinance. The ordinance has been properly advertised in the Bucks County Courier Times. The sample menu does seem to be at a price point that would be a little higher than the Applebee's and Chili's of the world. The ordinance is in a form acceptable for Council's approval and consideration.

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

Council Secretary Knowles motioned to approve the liquor license transfer for Top Pot & Korean BBQ as presented. **Council Vice President Pilieri** seconded and the motion carried 3-0.

9. **CONSIDERATION AND PUBLIC HEARING OF AN ORDINANCE AMENDING CHAPTER 225 “VEHICLES AND TRAFFIC” ARTICLE III – PARKING” REGULATIONS”, SECTION 7, “PARKING, STANDING, STOPPING”, APPENDIX A SHALL BE AMENDED TO ADD THE FOLLOWING RESTRICTIONS:**

<u>No Parking Sign</u>	<u>Direction of Travel</u>	<u>Location</u>
Gilbert Drive	Eastbound	from Pasqualone Blvd to Glendale Drive (Tennis Court Side)
Gilbert Drive	Westbound	from Pasqualone Blvd to 3062 Glendale Drive (along the Apartment complex property)

Solicitor Pizzo indicated from time to time the Township will receive requests from either residents or from those within the Township Administration where they believe that No Parking might be required. Sometimes it has to do with site distances and sometimes it has to do with the flow of traffic. When the Township receives a request, the Township Safety Officer goes to the site and performs an inspection of the area and decides whether the request is one that the Administration move forward. In this case, the Traffic Safety Officer recommended to the Mayor’s office that the Township move forward with No Parking on Gilbert Drive both on the Eastbound and Westbound sides. Eastbound from Pasqualone Boulevard to Glendale Drive, Tennis Court side. Westbound from Pasqualone Boulevard to 3062 Glendale Drive along the apartment complex property.

The ordinance has been properly advertised in the Bucks County Courier Times and is in a form acceptable for Council’s consideration this evening.

Council Vice President Pilieri motioned to approve as presented. **Council Secretary Knowles** seconded and the motion carried 3-0.

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

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

- A. **Applicant:** Clayton Mills
- Site Information:** 2228 Camel Avenue
- Tax Parcel:** 02-052-003

Quinton Nearon, Senior Municipal Inspection Manager, indicated the immediate adjoining properties do not have curbs and sidewalks, and he recommends Council approve the waiver request regarding 2228 Camel Avenue. If Council recommends the curb and sidewalk along Hulmeville Road, Mr. Nearon recommends that it be curbed for a handicap ramp on the bend.

Council President Kisselback asked Solicitor Pizzo to write a letter to the Acme in that vicinity regarding the Township request for a sidewalk.

Council Vice President Pilieri indicated it is time to take care of safety along Hulmeville Road with requesting the installation of sidewalks.

Township Engineer Wursta indicated that since the Township is requiring sidewalks in many locations, one of the things that should be considered from a safety perspective is where there is a single spot where you can put a sidewalk in front of someone's house, perhaps the Township could bundle some of these projects do a strip where it is continuous. If an ADA ramp is installed, the Township wants to make sure there is connections so it would be advantageous to do it all together.

Council President Kisselback indicated the waiver for sidewalks, not curb will be on the Camel Avenue side and not on the Hulmeville Road side.

Council Secretary Knowles motioned to approve the waiver of curbs and sidewalk on Camel Avenue and sidewalks and curbs will be installed up to the corner where a handicap ramp will also be installed. **Council Vice President Pilieri** seconded and the motion carried 3-0.

B. Applicant: CLC Contractors
Site Information: 224 Wallace Avenue
Tax Parcel: 02-064-098

C. Applicant: CLC Contractors
Site Information: 234 Wallace Avenue
Tax Parcel: 02-064-097

Council Secretary Knowles motioned to approve the waiver of curbs and sidewalks subject to a payment of a fee in lieu of for 224 Wallace Avenue TMP 02-064-098 and 234 Wallace Avenue TMP 02-064-097. **Council Vice President Pilieri** seconded and the motion carried 3-0.

11. CONSIDERATION OF ESCROW RELEASE FOR:

Developers Request: Sperduto L/D - Release #4
Location: 901 Tennis Avenue
Tax Parcel: 2-29-300 & 2-29-301
Amount: \$ 23,713.00

Quinton Nearon, Senior Municipal Inspection Manager indicated the biggest problems are with the stabilization issues on site. Mr. Nearon checked with the Conservation District and they have agreed with the Townships interpretation and the developer with have to do some seeding and weeding to get the grass growth fully established on site. As part of the contingency items, they will need to remove and replace the dead plants. After these items are done, the Township will be closing the project.

Council Vice President Pilieri motioned to approve as presented subject to an audit by the Finance Department. **Council Secretary Knowles** seconded, and the motion carried 3-0.

12. **CONSIDERATION OF A REDUCTION OF PERMIT FEES FOR THE REPLACEMENT OF THE FIRE ALARM PANEL FOR THE BENJAMIN RUSH ELEMENTARY SCHOOL LOCATED AT 3400 HULMEVILLE ROAD, BENSALEM, PA:**

Solicitor Pizzo indicated the school district is one of the categories of property owners within the Township that the Township will consider a reduction in the waiver of fees. The school district has requested a reduction in the fees for the replacement of fire alarm panel at Rush Elementary School. The fees and the reduction, as prepared by the Township Department of Building and Planning. The Administration recommends the grant of the reduction in fees at a percentage of 50%.

Council Secretary Knowles motioned to approve the reduction of \$146.75 for Benjamin Rush Elementary School fire alarm permits as presented. **Council Vice President Pilieri** seconded and the motion carried 3-0.

13. **PUBLIC COMMENT:**

Joe Connelly, 568 Bristol Pike, indicated that he is trying to sell his property. The 16 Land Surveyors Mr. Connelly hired are going off of the same monument that Stantek Engineering firm implemented. Stantek sent Mr. Connelly a “Cease and Desist” letter because of how intrusive Mr. Connelly has been when calling the firm. Not one Real Estate company will list Mr. Connelly’s property because of his tax map line.

Council President Kisselback indicated the best place to go to regarding his dispute with his property line is County.

Solicitor Pizzo indicated unfortunately, there is nothing the Township can do to help Mr. Connelly. He and the neighboring property owner were in court to resolve the lot line dispute. As Mr. Connelly indicated, the courts ruled in Mr. Popli’s favor. Insofar as the question of whether the lot line is in the right place or in the wrong place, the courts have now said, based on that litigation, the lot line is being shown to be in the right place based on the 16 Land Surveyors.

Solicitor Pizzo looked over the letter from Stantek and indicated, for the record, that nowhere in the letter did it say that the Township moved anything that Stantek installed. The letter says that Stantek provided a boundary survey for Holy Family University in or about 2007. Their effort was based on previous Land Development and Survey files by others provided to them by the owner or through industry standard research methods. To the best of their knowledge their work was completely and adequately performed for their client at the time. Since completing that work, they have provided no further services at the site. They do note the road has been widened and a new sidewalk installed through a review of Google Street View. By virtue of that their prior work is now out of date and it shouldn't be relied upon for existing conditions or for property boundaries without further effort by a licensed surveyor. There is nothing in the letter saying that the Township did anything good, bad or indifferent.

Council President Kisselback indicated, since the courts have ruled, the next steps Mr. Connelly will have to take is to go to a higher court and appeal their ruling.

Seeing no one else come forward, the second public comment portion was closed.

14. **OTHER BUSINESS:**

Solicitor Pizzo indicated he does feel bad for Mr. Connelly because he does truly believe what he is saying but as he has indicated he's hired a litany of surveyors all of whom are giving him an answer he doesn't want to hear and that he cannot accept. As the Township has asked him to do, to take it to Doylestown. He has gone to court between him and the neighboring property owner to resolve the dispute and the courts have said consistent with what everyone else is saying that the property line is in the right place. Clearly Mr. Connelly can't be convinced of that and it is unfortunate.

The letter Mr. Connelly presented to the Township Solicitor from Stantek, has basically said, please stop contacting them and if Mr. Connelly continues to do so, they are going to take action to stop his continued persistent harassment, disruptive and unwelcome conduct. Stantek obviously has the ability to do that and regarding the Township Council, they do not have that ability. It's frustrating for Mr. Connelly and it is frustrating for Council because there is nothing the Township can tell him that is the answer he wants to hear.

Council President Kisselback indicated Mr. Connelly had a problem that he brought to Council in which they resolved for him, but this is something the Township cannot do for Mr. Connelly.

Solicitor Pizzo indicated this is something the Township has looked at over the years for Mr. Connelly. This isn't something that has just blossomed, he has brought this issue to the Township years ago and the Township invested a significant amount of time looking at it and it didn't come to any different conclusion than anyone else who has looked at it including the courts of the County. It clearly has Mr. Connelly agitated but the Solicitor does not know that there is anything Council can do. The Solicitor referred to a former statement made by a

Solicitor who sat in his position years ago and that is “There are some things Government cannot solve” and this happens to be one of them.

Council Secretary Knowles indicated he would like to emphasize it was a nice Tour of Honor but unfortunately it was delayed due to an accident on I-95. The era of veterans for this Tour of Honor was the Vietnam Vets. Thanked Joe Szafran for organizing the tour. “Johnny C” was honored this evening as a Patriot of War recipient which is a National Award.

Council President Kisselback indicated May 8th is the next Council meeting and reiterated the Mayor is the speaker for the Tour of Honor this evening. The event is being held at Parx Casino. Congratulated Joe Szafran for a wonderful Tour of Honor again this year. Council tries to help any individual with any of the problems they are having and as Mr. Pizzo indicated, sometimes there are circumstances government cannot fix, especially if an individual doesn’t listen to Council’s advice. Goodnight.

15. ADJOURNMENT:

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

The Bensalem Township Council Meeting of April 24th, 2023 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully Submitted,

Debra F. McBreen
Recording Secretary/Clerk of Council