

**BENSALEM TOWNSHIP COUNCIL  
COUNCIL MEETING MINUTES**

**Monday  
March 13<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.

**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:**

**Council Vice President Pilieri** motioned to approve the January 27<sup>th</sup> Minutes as presented. **Councilwoman Benitez** seconded, and the motion carried 4-0-1.

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

<b>Applicant:</b>	<b>Bensalem Racing Assoc., Inc &amp; Keystone Turf Club, Inc.</b>
<b>Location:</b>	3001 Street Road
<b>Proposed Use:</b>	Hotel
<b>Zoning Classification:</b>	CSD – Convention Stadium District
<b>Tax Parcel:</b>	02-001-56, 02-033-001, 02-003-001-001, 02-003-002, 02-003-014-01, 02-033-017, 02-038-01

**Mike Meginniss** on behalf of Parx Casino. Parx owns and operates a number of parcels in the CSD District, they total approximately 452 acres. Parx's is interested in developing a 14-story hotel. Parx received permission from the Zoning Hearing Board for a building height of 158 feet. It is technically a 13-story structure which will have 11 guest levels. The hotel will be attached via a walkway to the existing casino. There is going to be a number of amenities at this location specifically a convention center which will host things like weddings and business meetings, a high-end restaurant on the top floor which will have views south of the city, a coffee shop, a spa and a fitness center.

One small item that came up at the Zoning Hearing Board and was discussed at the Planning Commission that there was some conversation concerning the various regulations in place given that this is a casino, minors are not permitted to access different areas of the Parx existing site. That will not be the case here with the hotel. There is an opportunity for different events such as local community events that can include, for example, members of local sports teams.

In addition to offering a number of amenities for business members, there is the ability to expand Parx operation for minors as well as adults.

In regards to why this structure needs to be almost 160 feet tall. There was a question as to whether they could stretch the building in terms of the width, rather than the height is impractical for a number of reasons. There are site constraints that would prohibit from making the building wider. From a practical standpoint, Parx team and their architectural team has done a lot of analysis in terms of what is the ideal layout for a hotel of this nature. There will be 32 rooms a floor, part of this is going to accommodate older guests and hotel staff and they do not want to artificially enlarge the corridors. The width, if you measure from the connection to the edge of the tower is approximately 335 feet and in terms of context of that number is longer than a football field. If they widen the building any larger, in addition to some of the site constraints, it would be actually making it quite difficult for some of the older guests and staff to traverse the corridors.

One of the other items to address, which is always a concern, is the parking. Parx does not have an issue with parking, even on its busiest days. From a calculation standpoint this is something that was analyzed and went over with the Township prior to submission of the application. With this use the casino would need a little over 8,000 spaces. There are 9,373 on site, even with this development approval there will still be an excess of 1,300 spaces with this use.

The casino is excited that this is going to add a number of jobs to the Township. The casino believes this will be a positive for the residents and provide an attractive opportunity for business members and other people outside of the Bensalem community to come to this site and be patrons.

This development is a continuation of an ongoing investment in the Bensalem community. This is a multi-million-dollar project and one where Parx prides itself on delivering the highest quality product and is looking forward to that continuing high quality with this hotel.

A hotel has always been a part of Parx plans. This is an opportunity to finally bring that vision into fruition.

Mr. Meginniss indicated Bensalem has been a strong partner and has been an important companion in making this location such a success.

**Council Vice President Pilieri** commented that the hotel was a plus for the casino and asked if they knew who was going to be operating the restaurant.

**John Dixon**, Chief Operating Officer for Parx Casino indicated there will be two restaurants, one on the bottom floor, and one on the top floor. Parx plans to operate both restaurants in house.

**Council President Kisselback** asked if Parx would be partnering with a named hotel or will the hotel be run by Parx Casino.

**Mr. Dixon** indicated it will be Parx Hotel and operated by Parx Casino.

**Council Secretary Knowles** asked what capacity was the roof top restaurant and will it be the whole top floor.

**Mr. Dixon** indicated the restaurant will accommodate about 260 people.

**Councilwoman Champion** asked what else was going to be on the top floor.

**Mr. Dixon** indicated there will be the high-end quest suites.

**Councilwoman Benitez** asked how many people would the convention center/banquet room accommodate.

**Mr. Dixon** indicated the convention center/banquet room will accommodate 800 people.

**Kyle George**, Parx team, indicated the convention center/banquet room is 14,000 square feet. Access to this site will be from all directions of the streets that surround the casino. There will be accessible parking for both entrances. There is a greenspace with the water basin located behind the area. The greenspace area can be used to open up an event from the banquet room.

**Council President Kisselback** asked if there would be any amenities within the greenspace area such as fountains, gazebos and the like to accommodate weddings.

**Mr. George** indicated there is an area that will be heavily landscaped for those types of events. The lawn is being left open for flexibility to have different types of events. The intent is to landscape around the perimeter. Behind the hotel will be the loading area adjacent to where Parx currently does this and is screened from public view.

**Mr. Meginniss** indicated Parx competitors all have hotels on site. Parx is one of, if not the most popular, Poker Room on the East Coast. The hotel will be a natural amenity to offer to both people who are already coming to site and other people who are not coming to the site presently; it will attract them to Bensalem.

**Council President Kisselback** indicated the overall presentation was delightful and proceeded to the TPD letter dated March 7<sup>th</sup>, 2023 to discuss the waivers.

#### **ZONING ORDINANCE COMMENTS**

Sec. 232-593. – Yard adjacent to residence district.

- a. Provide a note, on the landscaping plan, stating for any future development, there shall be a 75-foot yard provided along the same southeastern property line abutting the R-11 zoning district. The yard shall be measured from the rear of the 20-foot bufferyard.

**Mr. Meginniss** indicated Sec. 232-593 is because this is adjacent to an R-11 Zoning District. It indicates a 75 ft. yard is required but it is actually measured as a 20 ft. buffered yard. It is a will comply comment. The applicant will comply to all of the Zoning comments and have been revised or will be revised as part of this plan.

#### **SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMMENTS**

**Mr. Meginniss** indicated every item other than the 4 waivers that will be addressed, are a will comply.

1. Sec. 201-41. – Preliminary plan requirements.
  - a. The total tract boundary lines of the area being developed, with accurate distances to hundredths of a foot and bearing to 15 seconds, should be shown on plan.

- i. A set of drawings, used for a previous application, showing the entire property was provided but the drawings are not a survey nor an existing conditions plan. Applicant seeks a waiver to not require the total tract boundary line of the land development to be shown on the submitted plans; *this office would support this waiver.*
- b. A citation to the deed book and page number in the office of the County Recorder of Deeds should be added to the plans.
- c. Provide the size and material of all existing and proposed utility lines, including water and gas.

**Mr. Meginniss** indicated Sec. 201-41 – Preliminary Plan Requirements is a waiver.

**Engineer Wursta** indicated the Township was fine with the waiver request.

- 2. Sec. 201-106. – Environmental protection and open space preservation.
  - a. The limits of disturbance should be updated on the Erosion Control Plans; to include 0.27 acre of parking lot, tying into the existing asphalt for ADA parking.

**Mr. Meginniss** indicated this is a will comply.

- 3. Sec. 201-112. – Motor vehicle parking facilities.
  - a. A planting strip with an average width of ten feet, minimum width of seven feet, should be provided between the edge of the parking area and the outside wall of the nearest building.
    - i. The minimum width is not met, at the northwest corner of the proposed addition as it measures 3.5 feet; *this office would support this waiver.*
  - b. The layout for the accessible parking spaces does not allow for the driver to exit the vehicle onto a paved surface as there is curbing and grass immediately adjacent to the first parking space. There should be an accessible route for the driver.
  - c. Provide details for each proposed light fixture.

**Mr. Meginniss** indicated the second waiver request relates to 201-112 (a)(i) requirement for a planting strip to be an average width of 10 feet, minimum width of 7 feet should be provided between the edge of a parking area and the outside wall of the nearest building. The applicant does not meet the minimum width of the northwest corner of the building it is 3.5 ft. due to the contour of the design. (b) and (c) are a will comply.

- 4. Sec. 201-114. – Nonresidential developments.
  - a. Please provide the collection station, screening, landscaping, and turning movements to the location for the waste removal. The landscaping should be added to the landscaping plan.

**Mr. Meginniss** indicated this may be one of the waivers depending on the Township's disposition. The applicant has provided the collection station. There is a compactor to the rear of the structure near the loading dock which is already buffered with the building. Because of

the way the access drive is situated the applicant does not have it landscaped it is already buffered. It is a will comply in the sense the applicant is providing the details but where it says landscaping should be added to the landscaping plan. The applicant is asking for there to be no landscaping because it is already screened.

**Council President Kisselback** indicated that would be a waiver request and directed the statement to the Township Engineer.

**Engineer Wursta** indicated it was not applicable and there will be no need for a waiver request.

5. Sec. 201-115. – Water and sewage.

- a. No owner or other person shall construct, build, layout, or install the whole or any part of any water facility and/or sewage facility for the use or accommodation of any buildings or structures constructed or planned to be constructed within the Township until and unless plans and specifications thereof have been filed and approved by the Bensalem Township Council and the Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands. *Please confirm that the plans have been filed for approval with the above-mentioned agencies.*

**Mr. Meginniss** indicated this is a will comply and has already occurred except for the Bureau of Dams, Waterways, and Wetlands which isn't applicable for this project.

- b. Upon completion of the construction, the developer shall dedicate, grant, and convey all water and sewage facilities, and all rights-of-way and easements appurtenant or necessary thereto, to the Township without any cost of charge to the Township therefor. Provide a note.

**Mr. Meginniss** indicated this is a will comply.

6. Sec. 201-142. – Water supply and sewage facilities.

- a. Please coordinate with the Bucks County Water Sewer Authority (BCWSA) on your required Equivalent Dwelling Units (EDUs) for the Parx Casino. If needed, the Township will add them to the Neshaminy Interceptor Comprehensive Management Plan (NICMP) once approval from the BCWSA has been obtained. *Parx is discussing with the BCWSA and once an agreement has been reached the documentation will be forwarded to the Township for review.*
- b. There are two (2) instances where the proposed sanitary sewer crosses under existing storm sewer pipes with clearances less than the required 18". *Please revise to ensure there is a minimum of 18" clearance.*

**Mr. Meginniss** indicated this is a will comply based on the approval of the Township Engineer.

**STORMWATER MANAGEMENT ORDINANCE COMMENTS**

The site is within the Neshaminy Creek Watershed District C and as such the post-development runoff must be controlled to the pre-development runoff for the 2-year, 5-year, 10-year, 25-year, 50-year and 100-year design storms. Based on the Stormwater Management Report provided, the pre- and post-development runoff peak runoff rates are as follows and meet the criteria for runoff volume control:

Design Storm Frequency (Yr.)	Pre-Development Flow (cfs)	Post-Development Flow (cfs)	Difference in Flow (cfs)
100	47.38	43.80	-3.58
50	40.77	36.20	-4.57
25	34.54	28.55	-5.99
10	27.33	21.51	-5.82
5	22.38	17.90	-4.48
2	16.45	13.13	-3.32

**Mr. Meginniss** indicated they are reducing their stormflow to all storm frequency levels from the 2-year storm to the 100-year storm. Post development will be reduced from the current condition.

The following are comments related to the Township’s SWM ordinances:

1. Sec. 196-47. – SWM site plan requirements.
  - a. Please sign the signature block on SW100 and CG101 as it was added.
  - b. The SWM BMP underdrain will be lined due to high groundwater elevations; the applicant’s engineer has added the liner to the detail on sheet SW501.
    - i. Please update the table on the detail as all of the elevations are listed as 102.00. Ensure the plan and the detail coordinate.
    - ii. Please provide the ground water elevation on the detail.
    - iii. Outflow pipe should be RCP, not HDPE.
    - iv. Notes for the Mullen burst strength under note 2 and Note 8 have different units. Please review and update as necessary.

**Council President Kisselback** asked for sub-section iv to be explained.

**Mr. George** indicated there was an inconsistency on one of the applicants detail sheets with the units which the applicant will correct.

2. Sec. 196-61. – Design criteria.
  - a. Storm sewers (pipes or other structures) shall be reinforced concrete pipe have a minimum grade of 1/2 0/0 and a minimum inside diameter of 18 inches. There are instances where there are pipes less than the required diameter and of HDPE instead of RCP. This should be revised, or a waiver would need to be requested.

**Mr. Meginniss** indicated the applicant originally sought a waiver request for HDP piping instead of reinforced concrete. This waiver request was withdrawn at the Planning Commission. The waiver request that exists is from 196-61(b) as listed below:

- b. A minimum of two feet of cover shall be maintained over all storm drainpipes. The top of storm drainpipes shall be at least one-half foot below *subgrade* elevation. Please ensure the design meets this requirement.

**Mr. Meginniss** indicated the area they are asking for the waiver is just grass. The applicant has never asked for a waiver where there is going to be any vehicle traffic. The applicant is asking for it to be less than 2 feet in a couple of areas where it is grass.

**Mr. George** indicated he didn't think the planning Commission was specifically commenting on the pipe in grass or not in grass, they were just saying they would not support a waiver for using RCP pipe and using plastic pipe.

**Engineer Wursta** indicated this would not be a waiver and clearly supports the plastic pipe. If there is a reason for concrete pipe then they will need to install the concrete pipe. HDP pipe is the type of pipe for all new developers to use.

#### **GENERAL COMMENTS**

1. Sheet SW501, detail 2, RCP trench detail, has a note referencing note 3. Note 3, does not exist. Please revise.
2. The RCP trench detail shall note that all pipe is to be 1.5 feet below subgrade. Ensure all runs meet this requirement.
3. Detail 2, RCP Trench detail, 2, refers to the pavement section on sheet PR501. This sheet was not submitted. Please revise the note as the pavement sections have been provided on sheet SC501.
4. Specific materials for the base course and wearing course should be called out in each of the pavement details.

**Mr. George** indicated some of these comments are specific to RCP pipe vs. HDP. The applicant will comply with adding the notes in accordance with what the Township Engineer is requesting for the pipe that the applicant will be using.

#### **WAIVERS**

The following waivers are being requested by the applicant:

1. Sec. 201-41.(d)(3) To not require the total tract boundary line of the land development to be shown on the submitted plans.
2. Sec. 201-112.(d) To not require the planting strip, an average width of ten feet, minimum width of seven feet, to be provided between the edge of the parking area and the outside wall of the nearest building.

**Mr. Meginniss** indicated two other waivers that were previously stated in regards to the piping and the depth of the grass in some areas to be less than 2 feet.



A conversation ensued regarding the consideration of alternative forms of energy generation and conservation. Topics included green roofs, solar panels, geothermal systems or a requirement that buildings meet a certified energy efficiency standard.

**Mr. Dixon** indicated they could look into a geothermal system. The current design of the roof has quite a few air handling systems on the roof already. There really is not a lot of empty space on the roof to consider a green roof.

**Mr. Meginniss** indicated everything regarding the Fire Department letter is a will comply.

**Mr. Meginniss** indicated they would coordinate with the Township Engineer's office in regards to item **c. Crosswalk** in the County Planning Commission memo dated August 29<sup>th</sup>, 2022 and the recommendation that a substantial crosswalk (including pavement markings and signage) be provided in this location.

**Council President Kisselback** indicated the TPD memo dated March 7<sup>th</sup>, 2023 under **Plan Comments number 1. A traffic impact fee is not needed for this project. The proposed site will mainly serve as an accessory use to the Casino and will not generate additional PM Peak hour trips on the eternal roadway network.** Mr. Kisselback disagreed with this comment and asked the Township Engineer to explain the comment.

**Engineer Wursta** indicated the PM Peak Hour is essential 4:30pm to 5:30pm on a Thursday afternoon. During that timeframe the increase in traffic would be negligible because the amount of people using the hotel are already at the casino and are a part of the traffic number that goes into those figures.

**Council President Kisselback** indicated he does not assume that the people at the hotel are headed to the casino due to the discussion regarding the different events being held at convention center/banquet room such as sporting activities.

**Engineer Wursta** indicated he would further investigate the need for the Impact Fee.

**Council President Kisselback** asked the applicant if they agreed to pay the Impact Fee based on the discussion with the Township Engineer and making the adjustments accordingly per service.

**Mr. Meginniss** agreed with the comment made by the Township Engineer.

**Council Secretary Knowles** inquired when did the applicant anticipate the construction to begin and a completion date.

**Mr. Meginniss** indicated their goal would be to begin construction as early as later this year and a two-year process for completion.

**Councilwoman Benitez** inquired about the use of the Bensalem Township EMS and Police Department.

**Mr. Meginniss** indicated a hotel of this quality with Parx running the hotel themselves as opposed to some outsourcing security company ensures Parx will take the utmost pride in the operation of this hotel. The effectiveness of this hotel with Parx name on the building speaks volumes. Mr. Meginniss stated he has the utmost confidence that Parx will do everything the Township would expect of them to deliver a Class A product.

**Mr. Dixon** indicated Parx works very closely with the Bensalem Township Police Department and Parx pays the Police Department to be present on the casino floor.

**The Mayor** indicated the past practice of Parx using the Bensalem Police Department is not on the taxpayer. Parx pays for the police officers and fire. Parx is very gracious and sends the Township a check for the Fire Department in the amount of \$85,000 over and above everything else. Parx has been a great business partner in the Township.

**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 Comment portion was closed.

**Council Vice President Pilieri** motioned to approve and the applicant will comply with all the necessary items in the various review letters. The approval of the three waivers as requested by the applicant and will work together with the Township Engineer on the determination of the Impact Fee and any other items.

**Solicitor Pizzo** added insofar as the TPD letter dated March 7<sup>th</sup>, 2023 is concerned all of the items set forth in the letter are a will comply items. The two waivers identified at the end of the letter have been granted in addition to the one waiver that was discussed regarding plastic pipe versus concrete pipe. In addition, the applicant will comply with all of the comments set forth in the Traffic Engineers review letter, specifically as to the issue of the Impact Fee the Township Engineer will take a second look at the Impact Fee consistent with the discussion this evening and the applicant will comply with the determination of the Traffic Engineer.

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

**Mr. Pizzo** indicated the notices of advertisement regarding the hearing for Parx Hotel have been provided and they are in order. The proper notice was given to the adjacent property owners. Mr. Meginniss has provided the solicitor with a copy of the notices. This application was originally scheduled for the Council meeting of February 27<sup>th</sup>, 2023. At that meeting the hearing was tabled to a date certain of this evening. The notices for that hearing are in order.

**5. CONSIDERATION OF A PRELIMINARY AND FINAL LAND DEVELOPMENT 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>	R-2 Residential District
<b>Tax Parcel:</b>	02-054-005

**Solicitor Pizzo** indicated to the solicitor for the applicant, Mr. Meginniss, regarding agenda items 5 and 6, Council is going to table these items to a date certain of March 27<sup>th</sup>, 2023.

**Council Vice President Pilieri** motioned to table agenda items 5 and 6 to a date certain of March 27<sup>th</sup>, 2023. **Councilwoman Champion** seconded and the motion carried 5-0.

6. **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.

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

<b>Applicant:</b>	<b>James Dougherty</b>
<b>Location:</b>	6008 Grant Avenue
<b>Proposed Use:</b>	Single Family Dwelling
<b>Zoning Classification:</b>	R1 - residential
<b>Tax Parcel:</b>	02-055-175 & 02-055-201

**Mike Meginniss**, Solicitor for the applicant, indicated his client owns two parcels near the intersection of Texas and Grant Avenue. They are zoned R1 and they are very oddly configured. The seconded of the two parcels 02-055-201 is presently improved with a single family detached dwelling. It fronts on Grant Avenue and also fronts on Texas Avenue and technically fronts on Florida Avenue which is an unopened paper street that leads to nowhere.

The proposal is essentially, whether it wants to be deemed a lot line change or a minor subdivision. It is a proposal with very abnormal configured parcels and will create two more normally configured parcels. The result of the lot line change would essentially be to eliminate the elongated narrow parcel to provide adequate acreage for the existing improved parcel that fronts on Grant, eliminate it as an "L" and then have one parcel that fronts on Texas Avenue. That parcel would then be improved by a single family detached dwelling. The house will have approximately 1,320 square footprint. The area on Texas will have street trees as indicated on the plan curbing and sidewalks.

All of the waiver requests correlate essentially to the Grant Avenue portion of the property which the applicant is not improving or affecting because there are no curbs and sidewalks in that area of Grant Avenue but the improvements would exist along the Texas Avenue newly configured parcel which would have a single family detached dwelling.

Please note there is a fairly heavy buffer in terms of the tree line between the portion of the new lot which is really a newly configured lot that fronts on Texas and the adjoining property. That tree line is being undisturbed. The end result is two more normally configured lots.

There is an odd situation with the paper street on Florida Avenue where there is some paving that is a pre-existing condition. If there is any concern that because it is technically a paper street that there could be a future subdivision. The solicitor had two comments for that first, there is not the dimensional capacity, the R1 District has a 12,000 square foot minimum lot size, and second, if Council would like, the applicant is willing to deed restrict this so that there is no further subdivision.

The applicant has identified a partial waiver for street trees in conjunction and in dialogue with Tri-State and actually comply with that section and can eliminate that as a waiver request. The applicant is asking for a waiver with respect to sidewalk and curbing installation only along Grant Avenue and will pay a fee in lieu of.

The applicant has a requirement for stormwater management purposes of grading within 3 feet of a property line and can be highlighted by Mr. Oaks if Council would like to discuss that in further detail.

The last waiver request is to provide an aerial of the existing features on site. Everything else is a will comply.

**Councilwoman Champion** asked how does this effect the stormwater management for the existing house.

**Mr. Meginniss** indicated they are lessening the stormwater flow post development with this construction and those calculations were provided to TPD.

### **WAIVERS**

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

1. Sec. 201-82.b – From providing the entire development in a plan view
2. Sec. 201-104.(b)(1) – Partial waiver from providing sidewalk
3. Sec. 201-104.(b)(1) – Providing curb along one side of all abutting streets
4. Sec. 201-106.4.(c) – Partial waiver from planting street trees
5. Sec. 201-106.4.(c) – To permit grading within 3 feet of the property line

Waiver request number 1 is to submit an aerial. Waiver number 2 is a partial waiver from providing sidewalk along Grant avenue. Waiver number 3 was previously discussed. Waiver number 4 is withdrawn, the applicant is planting street trees.

**Council President Kisselback** asked if anyone from the audience would like to speak for or against this project.

**Jen Klein Clark**, 5920 Grant Avenue, inquired if the tree line was staying and received a response of a yes from the applicant's attorney Mr. Meginniss. In regards to the stormwater management would it be considered if someone is taking on a lot that it would be the responsibility of the new subdivision to deal with that water.

**Mr. Meginniss** indicated for the new home that there would be a stormwater agreement that would come from the Solicitor of the Township's office. It would be executed and would be recorded against the property and it would be a covenant basically, that the homeowner has existing responsibilities with respect to any stormwater management and stormwater installations that would occur.

**Councilwoman Benitez** motioned to approve as presented. Solicitor Pizzo indicated in the waiver section of the review letter dated January 27<sup>th</sup>, 2023 waiver number 1 is granted, and the applicant will provide whatever is needed in the way of plan elements to the satisfaction of the Township Engineer. Items 2 and 3 partial waivers are granted. The curbing and sidewalk will be installed on Texas Avenue frontage. Waiver is granted from the Grant Avenue frontage. Fee in lieu of curbs and sidewalks will be paid by the applicant for any curbing and sidewalk which is otherwise required but not being provided. Waiver item number 4 is now a will comply item and waiver number 5 is granted. Deeds for the newly created lots will be provided to the Township Engineer and the Township Solicitor for their review and approval and will be recorded in the office of the Recorder of Deeds contemporaneously with the recording of the record plan for the lot line change. **Council Secretary Knowles** seconded and the motion carried 5-0.

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

<b>Applicant:</b>	<b>Federation Housing</b>
<b>Location:</b>	4701 Somerton Road
<b>Proposed Use:</b>	Senior Living Residence
<b>Zoning Classification:</b>	R-66 - Intergenerational District
<b>Tax Parcel:</b>	02-003-008-003

**Ed Murphy**, solicitor for the applicant indicated Council recently reviewed this plan but deferred action pending getting clarification of the adequacy of the onsite parking. The site has more than the required number of spaces. It is a single lot and there is no subdivision. The units that are contemplated meet the ordinance. The solicitor has agreed it would be appropriated and the Township solicitor would prepare a restriction that would be recorded which would provide in the event the use would change in the future, and that would then trigger a need for a reconsideration by Council as to the adequacy of parking. The applicant is putting on their own Covenant and restrictions to say the same thing.

**Solicitor Pizzo** indicated as to the February 13<sup>th</sup> review letter of TPD the applicant has agreed to comply with all of the items set forth in that letter. There were several waivers requested and as to those waivers the Engineer was recommending all of those waivers were acceptable to the Township Engineer. The Traffic Engineer letter dated February 14<sup>th</sup>, 2023, similarly all of the items set forth in that letter are a will comply items including the traffic impact fee. There was some discussion on the sewer easement at that time and the sewer easement to incorporate part of a walking path. The issue there is that the applicant may need an easement agreement from BCWSA to the extent that any portion of the sewer line in there is their easement the applicant will have to retrieve that from BCWSA. Any prior conditions of the prior approval for the site

to the extent that they are not otherwise specifically superseded by the terms and conditions of this approval would remain in place. The covenant as discussed is that the property will only be used for housing individuals 62 or older. The covenant will be recorded before or at the time of the recording of the Record Plan for the site.

**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 portion was closed.

**Council Vice President Pilieri** motioned to approve as Preliminary and Final, the four waivers that were requested, a covenant restricting use. **Councilwoman Benitez** seconded and the motion carried 5-0.

**Solicitor Pizzo** indicated the Minutes will reflect that the hearing for the matter did convene at Councils last meeting on February 27<sup>th</sup> where there was an extensive discussion on the various aspects of the plan. The public was also afforded the opportunity to comment on the plan at that time and the matter was then tabled to a date certain of March 13<sup>th</sup>, 2023.

9. **REVIEW AND AN INFORMAL DISCUSSION REGARDING 1186 BYBERRY ROAD:**

**Solicitor Pizzo** indicated this property was the subject of a Land Development approval some years ago by the Township for the construction of single-family homes. For any number of reasons that application did not move forward and the property has since changed hands to the current owner. The current owner pursued Zoning variances for a plan that was essentially the same as the single-family plan except that instead of the single-family houses the properties were twins and that is something this particular builder has developed with success elsewhere in the Township.

The Zoning Hearing Board did not grant the variances and they were nominal dimensional variances for the construction of the twins. The applicant decided to pivot and submitted to the Township an application to construct on the site a 100-bed Recovery House. That application was the subject of at least one public hearing pre-COVID. The applicant has withheld moving forward on the Sober House application and to revisit with Council the possibility of the development of the plan for the 16 twins on the property and foregoing the construction of the Recovery House on the property of any size altogether.

**Mr. Murphy** indicated this issue has been a struggle for everybody to try and do something that makes sense for the site, make sense for the neighborhood and for the community at large. There was a plan approved years ago but the underlying zoning didn't support it. Mr. Murphy did not believe there was any disagreement as to whether or not the Township can do the Sober Living Environmental use in the RA1 zoning district. The use itself is permitted. Mr. Murphy believes there may be an issue about the intensity of the use and those issues would be figured out during the course of the formal Land Development plan application officially for review.

**Mr. Murphy** suggests that if the Township can support the plan, as displayed they would make a new effort with a revised plan and make a new application to the Township Zoning Hearing

Board and seek not the same but similar relief to that which was previously turned down 4 or 5 years ago.

**Mr. Murphy** indicated if he were to pursue this, he would suggest Council authorized the Solicitor to go to the Zoning Hearing Board and support it and to help view the wisdom of this plan as opposed to the other.

**Solicitor Pizzo** indicated that the plan before Council is not a fully engineered plan. If Council is giving direction to the developer based on his presentation to pursue this, they will engineer the plan.

**Council President Kisselback** asked if there was anyone in the audience who would like to come forward and comment on this proposal.

**Darlene and Rick Del Quano**, 1200 Byberry Road, indicated this was never approved for twins or townhouses, it was approved for 10 single family homes. The resident is not happy with anything going up pertaining to its use.

**Council President Kisselback** indicated they have the legal right to put single homes or a sober facility. It is not commercial it is residential living. It has been presented as an alternative to consider the twins preferably over the 4-story building.

**Nancy Bluehardy** asked if she would be able to see the plan for the Mechanicsville lot.

**Solicitor Pizzo** suggested Ms. Bluehardy visit the Building and Planning Department and to ask for the Record Plan for the Mechanicsville Road Project during office hours.

**Solicitor Pizzo** indicated the Township has no objection to the placement of Recovery Homes within the Township. The Township Ordinance provides for them as it is required to do by law, particularly Federal Housing Law. The Township does however believe particularly based on comments that the Township received from the neighbors, including the 3 who spoke here this evening. At a prior meeting there is a general belief that a Recovery Home at that property would be inconsistent with all of the surrounding homes and that the development of that property for housing that is not Recovery Housing would be preferred by the residents in the Township particularly in that area. While it is acknowledged that that property is zoned for a Recovery Home, a Recovery Home that is depicted on the plan that was submitted to the Township, the Township believes is larger than could be constructed on that property. To the extent that that property is zoned for a Recovery Home or a Recovery Home could be built there by right but the one that is depicted on the plan the Township believes is larger than what would otherwise be permitted by ordinance. It is still a permitted use in the RA1 District.

Council has indicated, the residents have heard that the direction is to go ahead and proceed with getting zoning for the plan that is depicted on the plans that are shown on the screen and to the Township. By the direction of the Council, the Township Solicitor will appear at the Zoning

Hearing Board on that application and advise the members of the Zoning Hearing Board the Council's preferences for the twin plan versus the Recovery Home plan.

**10. CONSIDERATION OF ESCROW RELEASES FOR:**

<b>Developers Request:</b>	<b>Galloway Reserve (AKA Victory Square) – Release #4</b>
<b>Location:</b>	2670 Galloway Road
<b>Tax Parcel:</b>	2-33-7
<b>Amount:</b>	<b>\$32,500.00</b>

**Engineer Wursta** recommended the release of \$32,500.00

**Council Vice President Pilieri** motioned to accept subject to an audit by the Finance Department. **Councilwoman Champion** seconded and the motion carried 5-0.

**11. PUBLIC COMMENT:**

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

**13. OTHER BUSINESS:**

**Solicitor Pizzo** indicated the Mayor got called away, so he apologizes he could not be here for the conclusion of the meeting. Happy St. Patrick's Day and it is the Solicitor's birthday on St. Patrick's Day.

**Council Secretary Knowles** wished everyone a Happy St. Patrick's Day.

**Councilwoman Champion** wished everyone a Happy St. Patrick's Day. Congratulations to the Celtic Flame for their win at the Philadelphia St. Patrick's Day Parade, they won the Outstanding Children's Dance Group.

**Councilwoman Benitez** recited an Irish Proverb: "May your troubles be less and your blessings be more, and nothing but happiness come through your door."

**Council Vice President Pilieri** is looking forward to Opening Day with the Phillies.

**Council President Kisselback** reiterated everything everyone said and be safe as you celebrate this St. Patrick's Day. Next meeting is March 27<sup>th</sup>, 2023.



**14. ADJOURNMENT:**

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

The Bensalem Township Council Meeting of March 13<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,

Debra F. McBreen  
Recording Secretary/Clerk of Council