

**BENSALEM TOWNSHIP COUNCIL
COUNCIL MEETING MINUTES**

**Monday
January 10th, 2022**

MEMBERS PRESENT:

Joseph Knowles, Council President
Joseph Pilieri, Council Secretary
Stacey Champion, Council Member

ALSO PRESENT:

Mayor Joseph DiGirolamo
Debora McBreen, Council Clerk/Recording Secretary
Quinton Nearon, Senior Municipal Inspection Manager
Joseph Pizzo, Township Solicitor
Phil Wursta, 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 Knowles opened the meeting with a moment of silence, followed by the Pledge of Allegiance.

Council President Knowles asked **Solicitor Pizzo** if there were any changes to the agenda and **Solicitor Pizzo** indicated agenda item number six, the consideration of a preliminary land development for Johnson Development Associates, Inc., Administration had received correspondence from the applicant advising there are certain aspects of the project they would like to finalize before bringing it in front of Council. The applicant had asked for a continuance from this evening and to have this scheduled for Council’s next available meeting.

Council Secretary Pilieri motioned to table agenda item six to a date certain of January 24th, 2022 **Council Member Champion** seconded and the motion carried 3-0.

Council President Knowles indicated **Council Vice President Kisselback** and **Council Member Benitez** were not feeling well and as a precaution have decided not to attend this evening's meeting.

2. **PUBLIC COMMENT:**

Council President Knowles invited Public Comment on Agenda items, but no one came forward and the first of two public comment portions was closed.

3. **APPROVAL OF COUNCIL MINUTES:**

Council President Knowles indicated since **Council Member Champion** was not on Council for the November 8th, 2021 Minutes and the December 6th, 2021 Minutes would it be possible to carry the Minutes over to the January 24th Council meeting. **Solicitor Pizzo** directed the **Council Clerk, Debbie McBreen**, to carry over the Minutes for November 8th, 2021 and the December 6th, 2021 Minutes to the January 24th Council meeting.

4. **CONSIDERATION OF A PRELIMINARY LAND DEVELOPMENT:**

Applicant:	Adam Caracci – Raising Cane’s Restaurant
Location:	3617 Horizon Boulevard
Proposed Use:	Restaurant
Zoning Classification:	PCD -Planned Commercial Park District
Tax Parcel:	2-1-18-28

Mike Meginniss, counsel for the applicant, submitted Proof of Notification that was deemed acceptable.

Mr. Meginniss indicated when the paperwork was originally submitted it was marked as “preliminary”. The application was revised and resubmitted to indicate a “preliminary and final” with the requisite escrows, they are requesting a “preliminary and final” approval for this evening. **Mr. Meginniss** indicated the applicant appeared before the Zoning Hearing Board in October and received a couple of dimensional variances. The applicant appeared before the Planning Commission and were fortunate to receive approval in October.

The property itself is zoned Planned Commercial District and what the applicant is proposing is to demolish Bertucci’s and in its place to construct a new 3,590 sq. ft. facility that is going to have outdoor seating, indoor seating, and then a dual drive-thru lane. Raising Cane’s offers one product, chicken tenders. They were recently approved in Falls Township so this would hopefully, be the second place in Bucks County.

Adam Caracci, Senior Property Development Manager, presented a background on Raising Cane’s. **Mr. Caracci** indicated they do one thing, chicken tenders, and they do it well. The chicken tenders are also served with French Fries, Texas Toast and Cole Slaw. Raising Cane’s

is big into community involvement. They give back to the local schools and are also involved with entrepreneurship with small businesses. The name “Raising Cane” comes from the founder’s dog “Cane”. As a result, animals are very important to the company and they will give back to the local animal shelters in the community. They employ a person whose fulltime job is to go around to the different businesses in the community to help them with whatever they need. From catering an event or sponsoring a little league team.

Mr. Meginniss indicated Raising Cane’s did not lay off any people during COVID and created a two-million-dollar fund for their team members in the event anyone employed by Raising Cane’s was struggling.

Council Secretary Pilieri thanked Mr. Caracci for advising of the company’s active involvement in the community as it is not that way with other businesses in Bensalem.

Kevin Tatlow, P.E. Project Manager, presented the site plan. The first access into the site was made a “Do Not Enter” one way only to prevent cars from backing up into the rear drive isle and into the common driveway off of Horizon Boulevard.

Council Member Champion inquired about the traffic pattern around the facility.

Mr. Tatlow indicated the driveways around the facility are two-way. What they provided was a “Do Not Enter” so no one can come right in and make a quick left and potentially the drive-thru stacking would go into the rear drive isle, they wanted to make sure it remained open.

Mr. Meginniss indicated regarding the T and M letter, the items listed under the zoning ordinance are a will comply. In the SLDO section it is all a will comply until comment number 17, as indicated, there are utilities that prohibit the planting of additional trees so they will provide a fee in lieu of. Number 19 is a partial waiver because they are partially compliant but will provide a fee in lieu of what they are not compliant with and did not want to alter the landscape plan beyond what they needed to do.

T and M Comment Number 19 – SLDO Section

There is no existing sidewalk along the Horizon Boulevard frontage. There is existing sidewalk along the opposite side of Horizon Boulevard and in the vicinity of the existing bus stop at the corner between this site and the adjacent Cracker Barrel. Revise the plan to provide sidewalk along the frontage on Horizon Boulevard or request a waiver and offer a fee with the waiver request. Revise the plan show existing sidewalk, bus shelter and bus stop adjacent to the site.

Mr. Tatlow’s response was there is an existing bus stop west of the driveway and there is a crosswalk across the driveway to the concrete pad landing to cross Horizon Boulevard. Right now, there is no street sidewalk access to the current Bertucci’s. Mr. Tatlow indicated they are going to connect the existing concrete pad with a new sidewalk/crosswalk so that anyone from the bus stop could walk directly to the building. The partial waiver request is for the street sidewalk along the front of the building. The applicant would be providing a sidewalk/crosswalk into the property where there is currently nothing now from the bus stop.

Mr. Meginniss indicated a fee in lieu of for the frontage where they would not be installing the sidewalk.

Council Secretary Pilieri asked **Solicitor Pizzo** when Council okayed this development, did the Township receive a fee in lieu of for all of the places located along Horizon Boulevard for no sidewalks? If a fee in lieu of was already paid, why would we request another fee in lieu of.

Solicitor Pizzo indicated it would be looked into and obviously leave it as an open issue on the approval.

Council President Knowles indicated, regarding the Bucks County Planning Commission's letter dated November 4th, 2021, they requested the applicant to provide a clear and safe pedestrian connection to the landing pad from the parking lot, which would permit safe access for employees riding the Route 14 bus to and from work.

Mr. Meginniss indicated Mr. Tatlow presented the overview of providing that request.

Mr. Meginniss indicated everything else in SLDO is a will comply, the only other waiver request is comment 2 in the Stormwater Management:

T and M Comment Number 2 – SWMO Section

In accordance with SWMO Section 196-61(b)(1), *storm sewers (pipes or other structures) shall be reinforced concrete pipe have a minimum grade of ½ % and a minimum inside diameter of 18 inches.*

The plan proposes 10" and 12" HDPE pipe. Based on the response letter, the applicant is seeking a waiver. These pipes will be privately owned and maintained.

Submit capacity calculations for the 100-year storm for the proposed pipes, proposed inlet grates and proposed yard drains.

Mr. Tatlow indicated there is existing stormwater infrastructure. They had added a couple of inlets as well. They are requesting 10" to 12" HDPE pipe instead of the recommended 18".

Council Secretary Pilieri asked the Township Engineer, Mr. Wursta, if he agreed with Mr. Tatlow's request. Mr. Wursta replied, yes.

Solicitor Pizzo indicated it would be conditioned upon them providing the additional data and the Township Engineer, Mr. Wursta, will make sure it works.

Mr. Meginniss indicated everything else in regards to the Stormwater Management is a will comply.

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 portion was closed.

Council Secretary Pilieri asked **Mr. Meginniss** to get prepared for a back-up plan for traffic in case they get over-run like they do with a couple of other chicken places to make sure the people can get in and out safely.

Mr. Meginniss agreed to the back-up traffic plan.

Council Secretary Pilieri motioned to grant Raising Cane a preliminary and final, will comply on zoning, will comply with all of SLDO except for number 17 and 18 will be a fee in lieu of and the Township will check on the sidewalks to see if the fee in lieu of was previously paid, will grant the waiver on the stormwater management item number 2 to check with the Township Engineer and their approval.

Solicitor Pizzo indicated item F, General Comments is a will comply to all items, partial waivers are being granted they will provide the sidewalks as shown on the plan for that portion of the sidewalk that isn't being provided that is otherwise required by the ordinance, will look into whether a fee in lieu of was previously paid. If it was previously paid, then it won't be required at this time, if not, then a fee in lieu of will be required.

Council Secretary Pilieri added **Solicitors Pizzo's** comments to his motion, **Council Member Champion** seconded, and the motion carried 3-0.

5. CONSIDERATION OF A LOT LINE CONSOLIDATION:

Applicant:	J & B Associates Group, LLC
Site Information:	1620 Woodhaven Drive
Proposed Use:	PA Steel Offices
Zoning Classification:	LI (Light Industrial)
Tax Parcel:	2-60-14-1

Mike Meginniss, counsel for the applicant, submitted Proof of Notification that was deemed acceptable.

Mr. Meginniss indicated when Pennsylvania Steel came to the arrangement to purchase this property, which they turned into their headquarters, it was discussed and agreed upon between PA Steel and Tileworks there would be a lot line change to eliminate the elongated property. Assuming this is approved, the end result is going to be to eliminate the strange parcel. PA Steels parcel will be taking a portion of the elongated parcel and Tileworks will take the balance of the elongated parcel. End result will be two normal shaped parcels instead of three highly irregular shaped parcels.

Mr. Meginniss indicated everything in the T and M letter dated April 7th, 2021 is a will comply, there are no waiver requests.

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 portion was closed.

Council Secretary Pilieri motioned to approve the lot line change as presented, **Council Member Champion** seconded.

Solicitor Pizzo indicated the only other condition is the deeds for the two newly created lots will be submitted to the Township for review by the Township Engineer and Solicitor and those deeds will be executed and recorded or at the time of the recording of the new record plan.

Council Secretary Pilieri amended his motion to include the Solicitor's condition, **Council Member Champion** amended her seconded, the motion carried 3-0.

6. CONSIDERATION FOR 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

This item was tabled to a date certain of 1-24-22 by a prior motion.

7. CONSIDERATION OF A LOT LINE CONSOLIDATION FOR:

Applicant: Jack Lyons – JD PART RTY LP
Site Information: 1700 Byberry Road & 1682 Byberry Road
Proposed Use: Office/Warehouse/Residential
Zoning Classification: LI - Light Industrial & R-A – Rural District
Tax Parcel: 2-45-58 & 2-33-105

Mike Meginniss, counsel for the applicant, submitted Proof of Notification that was deemed acceptable.

Mike Meginniss, counsel for the applicant, indicated this is a lot line change for two properties located on Byberry Road, the addresses are 1700 Byberry Road and 1682 Byberry Road. The property to the left is home to Neshaminy Electric, the property next to it is a single family detached residential dwelling. When applicant appeared in front of the Zoning Hearing Board they received a couple of dimensional variances to facilitate the lot line change. In its present condition it is a highly irregularly shaped lot. It is a diagonal lot that literally touches the Neshaminy Electric building. The residential lot has this very large side yard. Mr. Meginniss' client, while he was the owner of the two lots, was looking to rectify the situation because he expended funds to clean-up the residential piece and is going to be selling the residential

property and while he had the opportunity to do so is moving the lot line to essential create a residential parcel which has almost equal side yards and then give the industrial property a side yard as is reflected on the plan. The review letter from T and M dated November 17th, 2021 is an all will comply. Mr. Meginniss believes this is a better composition for the lot moving forward then it is currently constituted.

Mr. Meginniss presented Mr. Patrick Cavanaugh, Plan Surveyor, to Council if Council should have any technical questions.

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 portion was closed.

Council Secretary Pilieri motioned to approve as presented.

Solicitor Pizzo indicated the deeds for the newly created lots be submitted to the Township for review and approval by the Township engineer and the Township Solicitor and those deeds be executed and recorded before or at the time of the record plan.

Council Secretary Pilieri amended his motion to include the comment by **Solicitor Pizzo**, **Council Member Champion** seconded and the motion carried 3-0.

8. **CONSIDERATION OF A LAND DEVELOPMENT EXTENSION AGREEMENT FOR:**

Applicant:	VIP Wireless Holdings, LLC
Location:	1411 Ford Road
Tax Parcel:	2-45-31-1

Solicitor Pizzo indicated as will occur from time to time, council in approving the land developments, the time period completions for the projects are set forth in the development agreements. When the developers, for any number of reasons, are unable to hit those benchmarks they will ask for an extension of time. The agreement before Council this evening is asking for the extension to go out until the end of this month, January 29th, 2022. Solicitor Pizzo indicated it seemed a little short and suggested extending the agreement out to the end of March. If Council is of the mind to grant the extension, it would be the recommendation that Council do so subject to review of their escrows by the Township Engineer and the Finance Department to make sure sufficient funds remain in the escrow for the completion of the project.

Council Secretary Pilieri motioned to approve, **Council Member Champion** seconded and the motion carried 3-0.

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

Applicant: Waterside Phase 1, LLC
Location: Waterside
Tax Parcel: 2-65-22, 2-64-139 & 2-64-138

Solicitor Pizzo indicated the developer in this agreement is asking for an extension of an additional six months, out to June 30th, 2022. If Council is of a mind to grant the extension, it is recommended Council do so subject to the condition that the Township Engineer and the Finance Department form an audit of the escrow to make sufficient funds remain in the escrow account for the completion of Phase I of the project.

Council President Knowles asked Solicitor Pizzo if Phase one would be completed by June 30th, 2022. Solicitor Pizzo indicated he would defer to the Township Engineer as to what the status is regarding this project. Mr. Wursta may be to some disadvantage to the question inasmuch as T and M has been supervising it up to this point.

Engineer Wursta deferred to Quinton Nearon, TPD’s Senior Municipal Inspection Manager, to update Council on the status of this project.

Mr. Nearon indicated Phase I is practically completed. T an M was preparing a punch list at the time of the transition of Engineering companies. There should be no problem getting the work completed by the developers requested extension date.

Council Secretary Pilieri indicated there has been a whole list of things sent from the Homeowners Association about things that haven’t been done. It seems as though Waterside has taken on an “I don’t care” attitude. If the developer doesn’t start doing the things they are suppose to be doing it is going to be very difficult for Mr. Pilieri to want to approve extensions when they do not take care of the things requested by the homeowners.

Mr. Nearon indicted he did receive a list of complaints from the Director of Building and Planning, Mr. Farrall. Mr. Nearon sent an inspector to check on the signage, curbs and sidewalks and lighting. Mr. Nearon spoke to one of the Lennar reps and will be getting the list to them to address the homeowner’s issues.

Council Member Champion asked Mr. Nearon when the public would be able to go down there and utilize the riverfront area. Ms. Champion indicated she understands the construction and delays and it has been a continual request from the developer for extensions. It is not necessarily fair to all the other residents who have been looking forward to the Mayor’s vision of a waterfront revitalization to be able to have access to the area.

Mr. Nearon indicated he would find out the status and said Phase 3 is under construction which involves the public access to the waterfront area.

Council President Knowles indicated it was a safety issue because of all the construction equipment which held off opening the area to the public.

Engineer Wursta indicated the are other issues associated with Waterside with regard to lingering work regarding roadways and so forth. Mr. Wursta will do a comprehensive update. Many of the residents are not aware of what consists in the process of the different Phases, they just want to know when they can traverse the whole site.

Council Secretary Pilieri asked Solicitor Pizzo if there is a way the Township could send a message to Lennar to let them know they need to address the homeowners and to get it done in a timely fashion.

Solicitor Pizzo indicated he would coordinate with the Township Engineer once the punch list is up and the Township has an idea as to what is the appropriate amount of time for those items to be addressed and ask Lennar to expedite to the extent they can.

Council Secretary Pilieri asked Mr. Nearon why is there an extension for Waterside Phase I when Mr. Nearon said Phase I was completed.

Mr. Nearon indicated they haven't received the punch list for Phase I. The only thing they would have to complete would be whatever is on the punch list.

Council Secretary Pilieri motioned to approve the extension with a stipulation that there is enough in the escrows for things to be done, **Council Member Champion** seconded and the motion carried 3-0.

10. **CONSIDERATION OF A REDUCED PERMIT FEE FOR BENSLEM SCHOOL DISTRICT LOCATED AT 3000 DONALLEN DRIVE, BENSLEM, PA:**

Solicitor Pizzo indicated this is consistent with Township policy, particularly when it pertains to a permit application from the school district. In this case, it is the annual fire alarm inspection being performed for the Dorothy Call Administration Building located at 3000 Donallen Drive. The school district is asking for a 50% waiver which the Township has routinely granted.

Council Secretary Pilieri motioned to approve as presented, **Council Member Champion** seconded and the motion carried 3-0.

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

A. Developers Request:	VIP Wireless Holdings, Inc. – Release #1 - Revised
Location:	1411 Ford Road
Tax Parcel:	2-45-31-1
Amount:	\$ 98,318.75

Engineer Wursta recommended the escrow release in the amount of \$ 98,318.75.

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

B. Developers Request: **Foley CAT – Release #1**
Location: 2975 Galloway Road
Tax Parcel: 2-33-66-77
Amount: **\$ 65,865.25**

Engineer Wursta recommended the escrow release in the amount of \$ 65,865.25.

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

12. PUBLIC COMMENT:

Council President Knowles invited Public Comment and the following people came forward:

Joe Connelly, 568 Bristol Pike, once again, complained about his property line and wanted to know about the dirt pile.

Council Secretary Pilieri advised Mr. Connelly his problem is not with the Township but with the County.

Mr. Nearon indicated a portion of the dirt pile has been removed. Prices have been obtained from contractors and they are waiting on a response from one of the contractors and will follow-up with Mr. Farrall to find out the status and report back to Council with a date.

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

13. OTHER BUSINESS:

Mayor indicated he wished the Township could take care of Mr. Connelly’s problem, but the Township can’t due to it being a County issue. Next week starts Unity Week. Unfortunately, you cannot visit all of the houses of worship, they will be streamed live, except for St. Ephrem’s which is an in-person event to close out Unity Week. COVID continues to run all of our plans, hopefully it is on its way out where we can start enjoying ourselves. The Mayor welcomed Council Member Champion to her first Council meeting.

Council Member Champion was looking forward to Unity Week. Wished everyone a safe a warm evening.

Council Secretary Pilieri complimented the Road Department for the work they did regarding the snowfall. Apologized for his outburst with Mr. Donnelly but was tired of being called a corrupt politician for something that the Township has no control over but the County does. Looking forward to Unity Week and all the good things that go on in Bensalem.

Council President Knowles indicated the next Council Meeting is January 24th. Next week is Unity Week, a virtual wee, ending with an in-person event at St. Ephrem's.

14. ADJOURNMENT:

With no other business to conduct, **Council Secretary Pilieri** motioned to adjourn, **Council Member Champion** seconded.

The Bensalem Township Council Meeting of January 10th, 2022 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully submitted,

Debra F. McBreen
Recording Secretary/Council Clerk