

**BENSALEM TOWNSHIP COUNCIL
COUNCIL MEETING MINUTES**

**Monday
August 28th, 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. INTRODUCTION OF COUNCIL MEMBERS, STAFF AND MAYOR:

Council President Kisselback introduced Supporting Staff, Council Members and Mayor.

3. 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.

4. **APPROVAL OF COUNCIL MINUTES:**

Councilwoman Champion motioned to approve the Minutes from the August 14th Council meeting as presented. **Councilwoman Benitez** seconded and the motion carried 5-0.

5. **CONSIDERATION OF A FINAL LAND DEVELOPMENT FOR:**

Applicant: Edward K. Lydon Realty Associates, LP
Location: 448 Mill Road
Proposed Use: Manufacturing/Warehouse Addition
Zoning Classification: L-I – Light Industrial District
Tax Parcel: 02-023-025

Bryce McGuigan, Begley Carlin, on behalf of the applicant Edward K. Lydon Realty Associates, LP. This item was cancelled at a previous meeting due to Council not having certain calculations in regards to the Stormwater Management.

Heath Dumack, Dumack Engineering, reviewed the Stormwater Management Ordinance Comments form the TPD letter dated August 15th, 2023.

Mr. Dumack indicated that both of the items listed below are a will comply:

- The seasonal high-water table should be identified on plan.
- The infiltration bed should be designed to capture newly disturbed areas.

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

Waiver Requests:

1. Sec. 196-31. – General requirements.

- a. Storage facilities should drain both the volume control and rate control capacities over a period of time not less than 24 and not more than 72 hours from the end of the design storm.

The applicant is asking for a waiver having to do with the length of time that the water infiltrates down into the ground.

2. Sec. 196-61. – Design criteria.

- a. Storm pipes or other structures shall be reinforced concrete pipe and have a minimum grade and a minimum inside diameter of 18 inches.

The applicant is proposing smaller pipes consisting of two 12-inch diameter pipes for the ballast pit and 8-inch pipes for the downspout leaders.

Will Comply Items:

1. Sec. 196-31. – General requirements.

- b. The design storm volumes to be used in the analysis of peak rates of discharge should be obtained from the Precipitation-Frequency Atlas of the United States, Atlas 14,

Volume 2. The applicant should specify what gauge was used for the rainfall data as the NE Philadelphia Airport gauge should be used.

3. Sec. 196-33. – Erosion and sedimentation control during regulated earth disturbance activities.

- a. Please supply the Bucks County Conservation District approval for any earth disturbance total over 1000 ft.

4. Sec. 196-47. – SWM site plan requirements.

- a. The SWM site plan shall include an operations and maintenance (O&M) plan for all proposed physical stormwater management facilities, as well as schedules and costs for O&M activities. This plan shall address long-term ownership and responsibilities for O&M.
- b. A statement, signed by the applicant or site owner, acknowledging any revision to the approved SWM site plan must be approved by the Township and that a revised E&S plan will be submitted to the Conservation District.

5. Sec. 196-61. – Design criteria.

- a. Tree protection zones are required within the limits of disturbance.

REQUESTED WAIVERS

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

1. Sec. 201-41.(e)(3) – to not require a utility plan.
The applicant is not proposing any changes or impacting to the utilities that is currently services the site.
2. Sec. 201-62.(a) – to allow preliminary and final submission.
The applicant is requesting to allow preliminary along with the final submission.
3. Sec. 201-104.(b)(1)– to not widen or install curbing along Mill Road.
The applicant indicated there will be no impact to Mill Road or making any changes to that general vicinity.
4. Sec. 201-106.(c)(2) – to not require seven (7) street trees due to the development.
Again, the applicant will not be making any changes to Mill Road and will pay a fee in lieu of.
5. Sec. 201-106.(c)(12) – to not require standard tree protection zones.
The applicant is providing standard tree protection zones around the vast majority, but there is one tree the applicant can not provide that protection around.
Mr. Dumack indicated there is an existing tree that is in the right rear corner of the proposed building. This is the one tree that would have to go as part of this development.
6. Sec. 201-110.(b) – to not widen the cartway of Mill Road.

7. Sec. 201-111.(a) – to not require sidewalks along Mill Road.
8. Sec. 201-111.(b) – to not require the minimum planting strip width between curb/sidewalk. The applicant indicated there is no curb and sidewalk and are willing to pay a fee in lieu of.
9. Sec. 201-112.(d) – to not require the minimum planting strip width near building edge and edge of parking area.
The applicant indicated they are not making any changes to the parking area and simply do not have the space.
Mr. Dumack indicated they would be putting bollards in front of each parking space along the frontage of the building.
10. Sec. 196-31.(k) – to permit a shorter drain time, less than 24-72 hours.
Mr. Dumack indicated the storm system drains completely in plus or minus 12 to 13 hours. However, they are not discharging into anything other than the ground. The applicant had a certified licensed geologist certify the soils. The tests were monitored and reviewed by TPD.
11. Sec. 196-61.(b)(1) – to not require standard 18” RCP pipe.
12. Sec. 196-61.(b)(1) – to not require tree protection zones.

Council President Kisselback indicated the applicant will pay the Impact Fee for the site in the amount of \$1,195.64. The applicant will get their Highway Occupancy Permit from PennDOT and the bollards placed along the frontage of the building to avoid any vehicles from hitting the building.

Mr. McGuigan indicated everything in the TPD Traffic memo dated August 15th, 2023 is a will comply.

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

Council Secretary Knowles motioned to approve the Preliminary and Final Land Development for Edward K Lydon Realty Associates, LP, 448 Mill Rd., TMP 02-023-025 and grant the following waivers under the Stormwater Management Ordinances Section 196-31 and 196-61 and waivers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 with the applicant paying a fee in lieu of for curbs that were required and not installed. Waivers for the 7 trees in which the applicant will pay a fee in lieu of.

Solicitor Pizzo indicated other than the waivers and conditions that were indicated the applicant will otherwise comply with the requirements and conditions set forth in the Township Engineer’s review letter of August 15th, 2023. The Traffic Engineers review letter of August 15th, 2023 and with the Fire Marshals review letter of March 27th, 2023.

Council Secretary Knowles amended his motion to include Solicitor Pizzo’s additional comments. **Council Vice President Pilieri** seconded and the motion carried 5-0.

Council President Kisselback asked Solicitor Pizzo if there were any changes to the Agenda.

Solicitor Pizzo indicated Agenda Item #7 the Olympus Pines Management application which was previously continued to this evening's agenda. Earlier today the Township received correspondence from Counsel for the applicant asking that the matter be continued to the Council Agenda of September 18th, 2023 in order for the applicant to provide additional plans to the Township. The applicant has granted the Township an Extension of Time to September 30th, 2023 under the Municipalities Planning Code for the Township's consideration and action on the application.

Council Vice President Pilieri motioned to table Agenda Item #7 to a date certain of September 18th, 2023. **Councilwoman Champion** seconded and the motion carried 5-0.

6. **CONSIDERATION AND APPROVAL OF AN ORDINANCE AMENDING THE BENSLEM TOWNSHIP ZONING ORDINANCE DECEMBER 6TH, 1954, AS AMENDED, AND THE ZONING CLASSIFICATION FOR:**

3750 State Road, LLC

Location: 3606 State Rd, 3612 State Rd, 3620 State Rd, 3628 State Rd, 3634 State Rd
Tax Parcel: 02-079-008, 02-079-031, 02-079-030, 02-079-029 and 02-079-028
Rezone from: IN, Institutional
Rezone to: GI, General Industrial

Amee Farrell, Kaplin Stewart, Counsel for the property owners and Amazon located at the intersection of Winks Lane and State Road. As part of the August 2021 Solicitor's Approval in connection with Amazon development at State Road and Winks Lane there was a requirement that the 5 corner residential parcels be taken down, the properties be receded and then ultimately rezoned to GI, General Industrial, to match the surrounding properties.

The first step is the rezoning of the 5 parcels to GI, General Industrial, to match the balance of the parcels on the site. The second step is Agenda Item #8 which is to consolidate those five parcels and the three parcels that currently make up the Amazon site into one single parcel.

Council Vice President Pilieri asked Solicitor Pizzo if Council could combine Agenda item #6 and #8 for a single vote.

Solicitor Pizzo indicated it could be a single hearing because one is an ordinance and one is an approval of the Lot Line in which Council should do two separate votes. This hearing can also serve as the hearing for Agenda Item #8. Ms. Farrell has explained it was a condition of the approval for the Amazon Warehouse that Amazon acquire the five-property corner lots, rezone them, as being proposed; and then consolidate them into the overall property, as well as consolidate the three lots that make up the Amazon property. Ultimately between Agenda Item #6 and #8 there will now be one large GI zoned property on which Amazon's building is located.

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

Council Vice President Pilieri motioned to approve the zoning change for 3750 State Road, LLC location 3606, 3612, 3620, 3628, 3634 State Road, TMP 02-79-9, 02-79-31, 02-79-30, 02-79-29 and 02-79-28. **Councilwoman Benitez** seconded and the motion carried 5-0.

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

Applicant: Michael Cianelli
Location: Olympus Pines Management Company, LLC
2224 Lincoln Highway
Proposed Use: Roosevelt Tommy’s Car Wash
Zoning Classification: H-C1 Highway Commercial District
Tax Parcel: 02-001-002-007fg

This matter was tabled by a prior motion.

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

Applicant: 3750 State Rd, LLC c/o LBA RVI-Company XXXVI, LLC
Location: Winks Lane and State Road
Proposed Use: Existing Warehouse
Zoning Classification: G-I General Industrial
Tax Parcel: 02-79-9-5, 02-80-28, 02-79-10-1, 02-079-9, 02-79-8,
02-79-31, 02-79-30, 02-79-29 & 28

Solicitor Pizzo indicated now that Council rezoned the five parcels that were the residential parcels, Amazon is now asking for Council to consolidate those five parcels as well as all of the parcels that currently make up the Amazon site and consolidate all of those into one large parcel. It was the recommendation of the Township Engineer and the Administration and it was the desire of the Council that approved the Amazon plan that that be effectuated. The plan before Council would effectuate that consolidation of all of those smaller lots into one large General Industrial zoned lot.

Council Secretary Knowles motioned to approve the Lot Line consolidation for 3750 State Road, LLC located at Winks Lane and State Road as presented. **Council Vice President Pilieri** seconded and the motion carried 5-0.

9. **CONSIDERATION OF ESCROW RELEASE FOR:**

Developers Request: Samarpan Hindu Temple – Release #10
Location: 2746 Mechanicsville Road
Tax Parcel: 2-36-8
Amount: \$53,794.40

Quinton Nearon, Senior Municipal Inspection Manager, indicated after reviewing the project with the owners the Township has a large amount of escrow still pending. The Township has released some of the contingency items.

Council Secretary Knowles motioned to approve the Escrow Release of \$53,794.40 as audited by the Township Finance Department. **Councilwoman Benitez** seconded and the motion carried 5-0.

10. **CONSIDERATION OF A RESOLUTION AUTHORIZING THE AMENDMENT OF THE MEMBERSHIP OF THE BENSLEM TOWNSHIP ZONING HEARING BOARD TO INCLUDE TWO (2) ALTERNATE ZONING HEARING BOARD MEMBERS. ADVICE AND CONSENT OF MAYORAL APPOINTMENT OF ONE (1) ALTERNATE MEMBER TO THE ZONING HEARING BOARD FOR A THREE (3) YEAR TERM:**

Solicitor Pizzo indicated this agenda item would be in two parts. One is the recommendation that Council add two alternate Zoning Hearing Board members to the Zoning Hearing Board and if Council decides that that action is on what Council wants to take, then the Mayor has a recommendation for an appointment to one of those two seats for Council consideration.

Council President Kisselback recommended one alternate member for the Zoning Hearing Board as opposed to two members and would prefer it to be a one-year term.

Council Vice President Pilieri asked if the alternate member would only be serving if someone wasn't there or if someone left the board and will they also have the same packets as the rest of the board members.

Solicitor Pizzo indicated the alternate is not one of the 5 members of the Zoning Hearing Board, by statute as well by the Resolution. By statute, the alternate serves only when one of the 5 members of the Zoning Hearing Board, for whatever reason, would not be available at the onset or the outset of the Zoning Hearing.

That would be the intent that the alternate member would receive the same information that the Zoning Board Members do, however, they would only be a voting member of the board at those times when one of the 5 members of the Zoning Hearing Board is unavailable for a hearing.

Council President Kisselback indicated that the alternate member should attend all of the Zoning Hearings.

Council Vice President Pilieri indicated since they do get paid for each meeting, then asked, are the alternates going to be paid for each meeting, even if they don't attend?

Solicitor Pizzo indicated there are a couple of ways the Zoning Hearing Board could proceed with the alternate member. The alternate would sit in on every meeting, listening, participating, doing everything except voting. Or the alternate can be sitting in the audience if they are not needed for a hearing.

Coming into the meeting, the Zoning Hearing Board should know if a board member will not be present, or if a board member has a conflict that would require the alternate to participate in the hearing. Solicitor Pizzo did not believe it was the intent of the Administration that the alternate would do anything other than be at the Zoning meeting. If the Zoning Hearing Board wants to run it in some other fashion, again, the Zoning Hearing Board is limited in the sense that the alternate only participates in a hearing if a member of the Zoning Hearing Board is unable to participate either because they are not at the hearing or they have a conflict that precludes them from rendering a decision.

Council President Kisselback indicated the alternate will be receiving the same information as the other five board members. They should have to be in attendance of each meeting, simply because if there is an ongoing situation that is being discussed and a board member cannot make it to a meeting the alternate would be coming in blindsided and would not necessarily be able to vote if they do not know the background of the applicant.

Solicitor Pizzo indicated if it is ultimately decided that the alternate is going to attend every meeting, then the Zoning Hearing Board members get paid by the meeting.

Solicitor Pizzo indicated the statute allows for up to 3 alternates. The Resolution before Council proposes 2 alternates. Council prefers to have one alternate. Mr. Pizzo will reword the Resolution to reflect that change. The number of years is fixed by statute, the alternates are three-year terms.

Council President Kisselback indicated Council will go with the one alternate. The alternate will receive all the information regarding the meetings.

Council Secretary Knowles motioned to approve the Resolution authorizing the amendment of the membership of the Bensalem Township Zoning Hearing Board to include one alternate Zoning Hearing Board Member and Mr. Pizzo make the necessary changes to the Resolution. Councilwoman Champion seconded and the motion carried 5-0.

The Mayor presented Council with the alternate name of Steve Aldrich and Mr. Aldrich's resume for consideration.

Council Secretary Knowles motioned to approve the Mayor's recommendation for the alternate member to the Zoning Hearing Board to be Steve Aldrich. Councilwoman Benitez seconded and the motion carried 5-0.

11. PUBLIC COMMENT:

Council President Kisselback asked if there was anyone in the audience who would like to come forward, seeing no one come forward, the second public comment portion was closed.

12. **OTHER BUSINESS**

Mayor, the last concert is this Wednesday. It was a great concert series and hoped everyone had a good time.

Councilwoman Benitez, good luck to all the kids in school. Remember the bus cameras are out so be mindful when you see a school bus loading and unloading children. Happy Labor Day.

Council Secretary Knowles, good luck to all the kids back at school, be safe, respect the bus stop sign. Happy Labor Day.

Councilwoman Champion, ditto on the kids back to school. Have a safe Labor Day. September is Childhood Cancer Awareness month.

Council Vice President Pilieri, ditto.

Council President Kisselback, have a good evening, enjoy your Labor Day and the concerts have been great.

13. **ADJOURNMENT:**

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

The Bensalem Township Council Meeting of August 28th, 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