

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

**Monday
September 13th, 2021**

COUNCIL MEMBERS PRESENT:

Joseph Pilieri, Council President
Joseph Knowles, Council Vice President
Edward Kisselback, Council Secretary
Jesse Sloane, Council Member
Ed Tokmajian, Council Member

SUPPORTING STAFF:

Russell Benner, Township Engineer
Debora McBreen, Council Clerk/Recording Secretary
Quinton Nearon, Principal Inspector
Joseph Pizzo, Township Solicitor

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. PLEDGE OF ALLEGIANCE:

Council President Pilieri opened the meeting asking everyone to keep in their prayers those who lost their lives on September 11th, 2001 and the 13 victims who were killed in Afghanistan along with the Americans who are still trying to leave that country. A moment of silence was followed by the Pledge of Allegiance.

Council President Pilieri asked **Solicitor Pizzo** if there were any changes to this evening’s agenda. **Solicitor Pizzo** indicated he received an email from the engineer representing Agenda Item #13, All American Fireworks, requesting this evenings application be tabled to a date certain of October 4th, 2021. An extension of time has been received by the applicant. **Council Member Sloane** motioned to table Agenda Item #13 to a date certain of October 4th, **Council Member Tokmajian** seconded and the motion carried 5-0.

Solicitor Pizzo indicated in regards to Agenda Items #18, #19 and #20 all three are related to the application involving 2201 Street Road, LLC, The Hub at Bensalem, the proposed mixed-use development for the Armstrong site. Solicitor Pizzo received communication on September 9th from the attorney for the applicant advising that based on comments and feedback they received during and subsequent to the council meeting of August 23rd, the applicant is making

some revisions to the plan and have asked this evenings item for the land development be tabled to a future date.

In subsequent conversations Solicitor Pizzo had with their attorney, it sounds if the engineering on the land development is such that they would be looking at the first council meeting in November. The applicant has given the Township an extension of time through November 30th which would give agenda item #20 a date certain of November 8th. Related to agenda item #20 are obviously agenda items #18 and #19 which are the text amendment and the re-zoning of the property to the proposed SRM District. The applicant has made revisions to the proposed text amendment as well. Those revisions have been submitted to the County Planning Commission and to the Township and are under review. Depending on council's preference, those items can be tabled to either the council meeting of October 4th or the November 8th meeting when council is going to consider the land development.

Council Secretary Kisselback motioned to table agenda items #18, #19 and #20 to a date certain of November 8th, **Council Member Sloane** seconded and the motion carried 5-0.

Solicitor Pizzo indicated as it was represented to the members of the community who were present at the August 23rd meeting, the information was posted on the Township website and on the doors of the two entrances into the Township building regarding the item being tabled to a later date.

Solicitor Pizzo indicated the counsel for both agenda items #11 and #12 are aware that Mr. Murphy, who is representing the applicant for agenda item #12 requested if he could be moved ahead of item #11. Mr. Toadvine, representing the applicant on agenda item #11, has no objection and would require council to formerly amend the agenda.

Council Member Sloane motioned to rearrange agenda items #11 to #12 and #12 to #11, **Council Member Tokmajian** seconded and the motion carried 5-0.

2. **PUBLIC COMMENT:**

Council President Pilieri 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 Member Tokmajian motioned to approve the Minutes of the Council Meeting dated August 23rd, 2021, with a minor change. **Council Vice President Knowles** seconded and the motion carried 5-0.

4. **CONSIDERATION OF A RESOLUTION REGARDING THE POLICE PENSION TO REDUCE OR ELIMINATE PARTICIPANT CONTRIBUTIONS BELOW THE MANDATED RATE OF 5 PERCENT (5%) OF COMPENSATION SUBJECT TO CERTAIN CONDITIONS ON AN ANNUAL BASIS:**

Mr. John Chaykowski, Township Finance Manager, indicated there were two pension items that he needed to present to council.

Every year at this time it is required Mr. Chaykowski reads into the Township record information in compliance with Pennsylvania Act 205.

The first requires no action by council. The 2022 Minimum Municipal Obligation (MMO) financial requirements for the Police, Non-Uniform and Non-Uniform Defined Contributions pension funds have been prepared. They are as follows:

Police Defined Benefit Pension	\$4,439,477
Non-Uniformed Defined Benefit Pension	\$ 329,101
Non-Uniformed Defined Contribution Pension	\$ 200,000

Secondly, there is an annual Resolution for increasing the Police Pension payroll deduction for the year 2021 to 3.5%. This Resolution does require council action. The Township receives State Aid and payroll deductions that offset some of the Townships required pension payments. The 2020 State Aid is \$1,363,902 and the payroll deductions were \$762,533.53

Council Secretary Kisselback asked if the Township was financially in good shape. Mr. Chaykowski indicated the markets have been very generous to the pension plans and the Township is seeing very good returns.

Council Vice President Knowles motioned to approve the Resolution as presented, **Council Secretary Kisselback** seconded and the motion carried 5-0.

5. **CONSIDERATION OF A RESOLUTION FOR THE MUNICIPAL GRANT RPOGRAM FOR FUNDING THE FIRE EQUIPMENT FOR SIX (6) VOLUNTEER FIRE COMPANIES AND EMS:**

Mr. Chaykowski indicated the next six (6) items the Redevelopment Authority, as they do every year, opened up their grant funding for 2021, which would be received in the 2022 year. The first Resolution is regarding the 6 Volunteer Fire Companies and EMS a grant for each of the companies for capital projects or to upgrade their facilities. These Resolution will need council's permission for the submission on behalf of the Township and then it is up to the RDA if the Township will be approved.

The first Resolution is for \$300,000.00 for the six (6) Fire Companies and the EMS.

Council Member Tokmajian asked what this would go towards. **Mr. Chaykowski** indicated, in the past they have submitted for new radios and/or upgrades to the facilities including equipment. Most companies use the money for truck payments, equipment payments or they will purchase additional equipment for the volunteers. It is paid for first, then submitted for re-payment and at that point the RDA will reimburse the company.

Council Secretary asked if the grant was equally distributed among the six companies and the EMS. Mr. Chaykowski indicated \$50,000.00 is given to each company.

Council Member Sloane motioned to approve as presented, **Council Member Tokmajian** seconded and the motion carried 5-0.

6. **CONSIDERATION OF A RESOLUTION FOR THE MUNICIPAL GRANT PROGRAM FOR FUNDING OF INTEGRATION OF POLICE RECORD MANAGEMENT SYSTEM (RMS) THROUGHOUT BUCKS COUNTY:**

Mr. Chaykowski explained the grant is for multi-police departments and indicated there are 39 police departments in Bucks County. The system allows all of the police departments to communicate with each other via CODY, which is the police software. This service pays for the annual service agreement for the 39 police departments as well as cloud space or any type of charges that would be required. The grant request is for \$115,600.00 being submitted to the RDA.

Council Member Sloane asked if Bensalem was the lead agency for this grant.

Mr. Chaykowski indicated Bensalem is the lead agency because Bensalem introduced the program.

Council Member Sloane indicated the Township would have to make this investment no matter what, then recoup the cost from the RDA.

Mr. Chaykowski indicated there is upgraded software for CODY in order for all of the police departments to work together. If the grant is approved, it pays for the annual maintenance agreement which is the cost for all 39 municipalities.

Council Member Tokmajian motioned to approve, **Council Vice President Knowles** seconded and the motion carried 5-0.

7. **CONSIDERATION OF A RESOLUTION FOR AN INTERGOVERNMENTAL AGREEMENT TO PARTICIPATE IN THE GRANT APPLICATION FOR TOWNS AGAINST GRAFFITI:**

Mr. Chaykowski indicated this Resolution is a multi-municipality participation with T.A.G. which all of the municipalities pay an annual membership fee. Bensalem is the hosting agency which is applying for the grant in the amount of \$165,000.00.

Council Secretary Kisselback motioned to approve as presented, Council Member Sloane seconded and the motion carried 5-0.

8. **CONSIDERATION OF A RESOLUTION FOR THE MUNICIPAL GRANT FUNDING THE EMS MOBILE STROKE UNIT SERVICE:**

Mr. Chaykowski indicated the Rescue Squad joined with Jefferson Health to put a stroke unit out into the community. There is a request for funding in the amount of \$150,000.00 regarding the stroke unit for wear-and-tear plus the normal usage of the mobile unit.

Council Member Sloane asked **Mr. Chaykowski** if Jefferson was going to continue funding the stroke unit.

Mr. Chaykowski indicated he believes Jefferson will continue to fund the unit, but if not, the Township wants to make sure this unit continues to perform.

Council Member Sloane indicated he has heard many stories of the lives the stroke unit has saved and asked if the two-year period Jefferson signed on for has expired.

Mr. Chaykowski indicated they were at the end of the two-year period and have not received a firm commitment.

Council Member Sloane motioned to approve, **Council Member Tokmajian** seconded and the motion carried 5-0.

9. **CONSIDERATION OF A RESOLUTION FOR THE MUNICIPAL GRANT PROGRAM FOR FUNDING OF THE ZERO DEPTH POOL:**

Mr. Chaykowski indicated the different organizations with the Towns, i.e. Kiwanis, The Lions communicate with each other their different ideas for the community. One idea was a fountain pool for the kids to run around in and cool off on really hot days. The Township would like to apply for a municipal grant for \$200,000.00 towards the cost of a zero-depth pool.

Three parks were taken into consideration. The park next to Imagination Land where the unused basketball courts are, Richlieu Community Park and Firefighters Field.

Council Member Sloane asked about a timeline and cost.

Mr. Chaykowski indicated they were still in the cost and engineering stage. The Township should know around budget time if the grant has been accepted and what the cost will be for the splash pad.

Council Secretary Kisselback motioned to approve the Resolution as presented, **Council Member Tokmajian** seconded and the motion carried 5-0.

10. **CONSIDERTION OF A RESOLUTION FOR THE MUNICIPAL GRANT PROGRAM FOR FUNDING OF THE LIVENGRIN TRANSITIONAL HOUSING GRANT:**

Mr. Chaykowski indicated this Resolution is a subrecipient grant for Livengrin. Livengrin is requesting \$250,000.00 for the Township to apply for on their behalf. They would like to use the funds for a Transitional Housing Unit consisting of 24 beds which they will be renovating an existing structure on the Livengrin property.

Council Member Tokmajian motioned to approve the Resolution for the funding of the Livengrin Transitional Housing Unit, **Council Vice President Knowles** seconded and the motion carried 5-0.

11. **CONSIDERATION OF A PRELIMINARY AND FINAL LAND DEVELOPMENT:
(PREVIOUSLY AGENDA ITEM 12)**

Applicant: Deepak Patel/Ashtavinayaka Hotels, LLC (Street Rd. Marriott)
Location: 4700 Street Road
Proposed Use: Hotel
Zoning Classification: GC – General Commercial
Tax Parcel: 2-3-7-4

Ed Murphy on behalf of the applicant which is the site of the former Windham Hotel on Street Road. Mr. Patel acquired the property after it had been closed in bankruptcy in July of 2020. What Mr. Patel is proposing, pursuant to his plans, is to redevelop and repurpose the facility with two new Marriott facilities on the same property. The Marriott Extended Stay facility would have 107 units and the Marriott Springhill Suites would have 101 units. The total of the two new free-standing Marriott Flags would be 208 rooms which is 6 rooms less than the total of the Windham Hotel.

As part of the plan, the applicant received various review letters from the Township consultants including the Township Engineer, Mr. Benner, the Fire Marshall the Bucks County Planning Commission, Township Traffic Engineer, Mr. Wursta. The applicant has no issues with any of the review letters and are all a will comply.

Council President Pilieri asked Mr. Murphy if both hotels will be held by the same owner, Mr. Patel.

Council President Pilieri asked the Township Solicitor, Mr. Pizzo, since there is two different properties, in case one gets sold later, should there be an agreement as to sharing the parking?

Solicitor Pizzo indicated, the plan, at least at the moment, is a single parcel. It does not hurt to have it indicated on the plan that if at any point of time the buildings are not in common ownership all parking, access egress to the site, is all shared. The applicant had no objection.

Mr. Murphy proceeded to review the T and M letter regarding the waivers. A discussion ensued pertaining to stormwater and pipe sizing. The Township Engineer, Mr. Benner went into detail regarding sizing and the function of the pipe installation. This is an existing development, there is no regrading of the parking lots. The applicant's engineer, Mr. Medendorp, explained the positioning of the pipe and the reasoning for the size of the pipe.

Mr. Medendorp discussed street lights and will comply to such lighting along Street Road if PennDOT requires the applicant to install the street lights but PennDOT has not instructed the applicant to do so.

Council Member Sloane asked Mr. Medendorp about section C comment 6 regarding the Fire Marshalls comments and the applicant is a will comply.

The site will be an active site in 2023.

Solicitor Pizzo indicated, for the preparation of the approval letter, regarding Section C items 1,2,3,4,5, all items are will comply, Section D item 1 is will comply, item 2 has been addressed, item 3 is a waiver, items 4,5 and 6 have been addressed, item 7 is a waiver, items 8 and 9 have been addressed, item 10 is a will comply and will comply with PennDOT for the requirements of the HOP, items 11,12,13 have been addressed, item 14 is a will comply, addressing item 14 are all of the trees provided or is the Township looking for a fee in lieu of, the applicant replied they will comply. Item 15 has been addressed, item 16 is a will comply, item 17 is a will comply, item 18 is a waiver but the applicant will comply with the requirements of PennDOT, the applicant agreed.

E1 is a waiver, E2 and E3 are will complies. Under the General Comment, number 1 has been addressed, Comment 2 requires no action, Comment 3 has been addressed, Comment 4 is a will comply, Comment 5 has been addressed, Comment 6 is a will comply and as indicated on the record this evening, the applicant will comply with the items in the TPD letter and Comments 7 and 8 have been addressed.

Solicitor Pizzo asked Mr. Murphy if this was accurate. Mr. Murphy indicated it was correct and accepts those as conditions.

Solicitor Pizzo indicated, in addition, along with the compliance with the review letter from TPD and the items in the engineer's letter, the applicant will also comply with the conditions of the Township Fire and Rescue as they apply to this as well. Mr. Murphy agreed.

Council President Pilieri 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 portion was closed.

Council Secretary Kisselback motioned to accept the preliminary and final land development of 4700 Street Road to include the conditions **Solicitor Pizzo** mentioned, **Council Member Tokmajian** seconded and the motion carried 5-0.

12. **CONSIDERATION OF A FINAL LAND DEVELOPMENT FOR:
(PREVIOUSLY AGENDA ITEM 11)**

Applicant:	La Azteca, Inc. (Cruz)
Location:	Street Road & Castle Drive
Proposed Use:	Retail
Zoning Classification:	GC - General Commercial
Tax Parcel:	2-37-39 & 2-37-40

The Solicitor for the applicant Mr. Toadvine, approached the Township Solicitor, Mr. Pizzo with paperwork regarding proof of mailing

Solicitor Pizzo indicated, for the record, Solicitor Toadvine has handed in the proof of mailing to the adjacent property owners for this application. The mailing was effectuated in July for the scheduled hearing of Monday, August 9th. Since that date, at the request of the applicant, the matter has been tabled forward to each council meeting since. Each time the applicant has been on the council agenda, it has been tabled to a date certain at the request of the applicant. The

proofs of mailing appear to be in order and the applicant may proceed with this evening's hearing.

Solicitor Toadvine presented a brief history regarding the applicant. The same exact use that was proposed back in 2015 is before council this evening.

One of the requirements would be to have the lots consolidated, and the applicant has agreed to this requirement. The applicant is merely remodeling the existing structure located on tax parcel ending in 040. The rest of the area on tax parcel ending in 039 will be used for parking and the applicant is proposing 13 parking spaces and one handicapped.

The applicant would like to move their business from across the street to this parcel and rehab the existing structure.

The applicant is asking for final land development approval and proceeded to address the T and M review letter. All of the items are a will comply. The applicant is asking for 5 waivers. The same waivers that were granted by council back in 2015. They are as follows:

Waiver #1 – Section 201-41(d)(9) which requires existing features within 400' of the property boundaries to be provided on the plan.

Waiver #2 – Section 201-108(c)(4)a to permit a 10' radius at one location rather than the required 20' radius.

Waiver #3 – Section 201-108(c)(6)(b)(1) to allow the proposed access driveway to be located 115' from Castle Drive, rather than the required 200'.

Waiver #4 – Section 201-111 to provide relief from providing the required sidewalks along Castle Drive. The applicant has agreed to pay a fee in lieu of.

Waiver #5 – Section 201-112(i) which requires curbing along parking areas.

The T and M letter also addresses, under General Comments, and Conditions of Approval the prior approval of 2015 and T and M's comments. The applicant would agree to the same conditions of approval as contained in the letter of approval back in 2015 and they are recited in the T and M letter sub-paragraph G.

Solicitor Toadvine indicated, as far as the Zoning Ordinance is concerned, Section 232, fire lanes shall be marked in accordance is a will comply.

Chapter 201- Subdivision and Land Development Ordinance items 1 through 7 are a will comply. Item 8 the applicant will supply 8' sidewalks along Street Road. Item 9, there is a conflict on the plan with the lighting which will be corrected. Item 10 is a will comply to the sewer planning.

Chapter 162 – Stormwater Management, pre and post is exactly the same as far as the run-off is concerned.

Council President Pilieri asked if there will be an entrance/exit off of Street Road.

Solicitor Toadvine indicated the plan shows access off of Street Road. There was concerns from the neighbors of having an access off of Castle Drive, so it was approved with an entrance/exit off of Street Road. The Traffic Engineer wants the access off of Castle Drive. The applicant would rather have the access from Street Road and not Castle Drive due to the concerns of the neighbors on Castle Drive.

Mr. Dumack, the applicant's engineer, indicated the proposed fire lane takes access off of Castle Drive only. Depending on what the Fire Marshall wants or requires they could either put breakaway bollards, a gate or a mountable curb.

Council President Pileri indicated the applicant would comply with whatever the Fire Marshall's office. The Township does not want that access accessible to the public. The applicant agreed to comply with the Fire Marshall's office.

Council Secretary Kisselback asked if there will be any additional impervious surface to this project.

Mr. Dumack indicated there is additional impervious surface that will be coming onto the site, however, based on the stormwater management the applicant is matching what the predevelopment versus post developed conditions. There is no additional downstream runoff, it is all being captured and infiltrated.

Council Secretary Kisselback indicated he does not know if he has ever seen it identical to the predevelopment flow and the post development flow, it is a rare occasion it happens when you make changes.

Mr. Dumack indicated they have a fairly substantial underground storm system.

Council President Pileri asked Engineer Benner to clarify the system.

Engineer Benner indicated this is not a typical basin, everything goes into a drywell then it is infiltrated. The water does not leave the site it goes into the ground.

Council Secretary Kisselback asked if this would improve the waterflow.

Engineer Benner indicated yes, most certainly. Then proceeded to explain the difference between a pipe system and the applicants underground storm system.

Council Member Sloane asked about the parking and stated the applicant could be creating an endless loop of traffic congestion.

Mr. Dumack indicated this is what PennDOT wanted. Part of it has to do with the next-door neighbor on Street Road. With the required turning radii, you cannot go past the property line of the right-of-way.

Council Member Sloane asked about the turning conditions exiting the property.

Solicitor Pizzo indicated to the extent that the applicant has submitted a plan to the Township it has undergone reviews by the various review agencies including PennDOT. At this point of time if PennDOT has said, as a condition of highway occupancy, if PennDOT has weighed in and said we think the parking should be oriented this way in light of the entrance and exit off of their state highway, the Township either agrees, or doesn't oppose it and the same being true for the Township Traffic Engineer, and indicated council would be in pretty good shape if they chose to approve the plan with all of those agencies and review entities having weighed in saying it is the appropriate way of doing it.

Council Member Sloane asked Mr. Dumack if he was opposed to making it a right turn only to exit the property.

Mr. Dumack stated he would be okay with that condition pending PennDOT's approval.

Council Secretary Kisselback asked how many customers visit the store in a day.

Mrs. Cruz, owner of La Azteca, Inc., stated she had 5 clients.

A conversation ensued regarding left turns, and how to maneuver around on Street Road.

Solicitor Pizzo indicated since the question was raised as to liability and the like, neither the design engineer, township engineer or the traffic engineer are recommending right turn only. PennDOT may or may not but at least the experts who have all looked at it and determined it needn't be right turn only coming out of there. The current location on Street Road is not a restricted turn movement. The Clubhouse Diner is not a restricted turn movement, the Walgreens/Bank is not a restricted turn movement. The facilities in that stretch of Street Road, PennDOT has not made those restricted movements either.

Council Member Tokmajian asked if council should approve the application, could they consider and include the lot consolidation as part of it.

Solicitor Pizzo indicated as council gets to that section of the review letter, and as Mr. Toadvine stated on the record, the applicant has said all of the conditions the township imposed in 2015 the applicant is agreeable to remain as a condition.

Council President Pilieri asked if there was anyone in the audience who was for or against this application, and the following people came forward:

Public Comment for Application: La Azteca, Inc.

These comments can be heard in their entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Bernadette Stahlnecker, 2558 Castle Drive, commented on the once residential area of Street Road now becoming a business district. Concerns of noise and traffic were expressed.

Ellen Foley, 2936 Castle Drive, indicated there were discrepancies in the application. Not sure what is being proposed for the property.

Michael Foley, 2936 Castle Drive, indicated he lives next door to the proposed applicant. Would rather have a professional business instead of a food store next to his home.

Council President Pilieri asked Mr. Toadvine what are the hours of operation for this business.

Mr. Toadvine indicated 9:00 A.M. to 9:00 P.M. Monday through Saturday, 9:00 A. M. to 7:00 P.M. on Sundays.

Council President Pilieri asked Mr. Toadvine if there was going to be any restaurant type or food type of business conducted.

Mr. Toadvine indicated there will be no restaurant located on this property.

Council President Pilieri indicated if this were to be approved, part of the motion would be there could never be a restaurant or food serving acceptable.

Council President Pilieri asked Engineer Benner, as far as setbacks and buffers and things of that nature, where does the Township stand with those requirements.

Engineer Benner indicated there are comments which the applicant will have to add some things. As far as meeting the overall requirements of the ordinance, the applicant generally meets all of those requirements.

Council President Pilieri asked the applicant if they were knocking down the existing building and erecting a new building or rehabbing the existing building.

Mrs. Cruz stated they are taking the building down, but using the foundation to rebuild.

Council President Pilieri asked the applicant if they were going to put any other housing or apartments above the building.

Mrs. Cruz stated they were not building any apartments.

Mr. Toadvine stated the access point on Castle Drive is an emergency access only and will comply with whatever the Fire Marshall wants the applicant to do in terms of bollards and such.

Council President Pilieri asked if this was something the Fire Marshall asked to be done or was it just something the applicant decided to do.

Solicitor Pizzo indicated the Fire Marshall asked for this to be done.

Council Secretary Kisselback asked what type of buffer system was between the neighboring property.

Mr. Dumack stated, right now there is 27 spruce trees proposed along the boundary common with the residential neighbors, along with 35 decidual trees, 27 white spruces and 14 shrubs proposed as part of this development. The applicant agreed, they will make it a condition, for a 6 ft. privacy fence.

Mr. Dumack stated the dumpster is part of the access drive loop, far away from any neighbor, it is enclosed and there will be vegetation surrounding it.

Council President Pilieri stated if they put a time restraint on when the trash can be picked up so not to disturb the neighbor in the wee hours of the morning.

Mr. Dumack stated that would be amenable to the client.

Council Member Tokmajian asked about deliveries and by what means. Verified with the applicant there will be no cooking or outdoor seating on the site.

Mrs. Cruz stated they receive delivers on Tuesdays and Wednesdays and the trucks are the size of a UPS truck. The applicant will not be cooking nor will there be any outdoor seating on site.

Solicitor Pizzo indicated Mrs. Foley is correct, when council approved it in 2015 there was no fire lane in front of the building. Nothing shown in the way of vehicular access to Street Road. But the applicant has added the fire lane at the recommendation of the Township Fire Marshall based on their review of the plan today that it should be a lane specifically reserved just for fire trucks or an ambulance.

Council Vice President Knowles motioned to approve the final land development for La Azteca, Inc. on Street Road and Castle Drive for a retail store and it is prohibited to have a restaurant or seating at this location, it is zoned general commercial, the applicant will make any adjustments to the emergency road that the Fire Marshall and the Township Engineer agree would be safe for a fire truck use only. The applicant will block off the road and permitted not to have a curb cut. Mr. Knowles deferred to the Solicitor for additional input.

Solicitor Pizzo stated insofar as the review letter from T and M dated February 27th, item 1 under Section C is a will comply, items 1,2,3,4,5,6,7,8,9 and 10 under Section D are all a will comply. Items 1,2,3 under Section E – Stormwater are all will comply. Items 1,2 and 3 under Section F under General Comments are all will comply. Items 1 through 16 under Section G which are the prior conditions of approval from 2015 are all will comply. The applicant will comply with all of the prior conditions of approval to the extent they are not in conflict with the specific condition's council may put out this evening. As to additional comments from this evening applicant has agreed they will install a 6 ft. high privacy fence along the common property line with the adjacent residential properties. The applicant has agreed the on-premises trash pickup will be during business hours. Deliveries would also occur during business hours between 12:00 P.M. and 6:00 P.M. There will be no on premises consumption of food, no indoor or outdoor seating on the premises. Sales will be retail not wholesale. Hours of operation 9:00 A.M. to 9:00 P.M. Monday through Friday and 9:00 A.M. to 7:00 P.M. on Sundays.

As far as the buffering goes, Mr. Dumack explained to council, in addition to the 6 ft. high privacy fence that was discussed, the plan does currently show a number of different trees on the site and specifically there are evergreens that will be planted along the common property line in addition to other spruce trees, deciduous trees, evergreens and shrubs. These are conditions of approval based on the Solicitors notes this evening.

Solicitor Pizzo indicated, parenthetically, as not a part of the motion, Ms. Foley did make mention of a covenant for the use of the properties which came up during the Republic Bank approval. Ms. Foley's recollection, which she was correct, and that is an issue that did come up. At the time it came up, in the context of Republic Bank, the same as would be true today, that is an issue between the property owners and the Stanwood Development and Mr. and Mrs. Cruz. Republic Bank had to go to all the surrounding property owners to get their approval for the relaxation for that particular covenant. It does not apply to the Township and it is not enforceable by the Township. To the extent that it still may be out there, or at this point, may be gone, as a result of whatever efforts Republic Bank took, but I would leave that to Mr. and Mrs. Cruz and their neighbors to determine if anything there needs to be done.

The Township did go about rezoning that stretch of Street Road, at that time the Township was hearing from the neighbors in Stanwood specifically that those houses that face onto Street Road were becoming vacant and dilapidated, they were becoming an eyesore and a nuisance for vandals and vermin and the like. The Township took the action then of rezoning those properties that face Street Road specifically to make them general commercial as opposed to residential because they were no longer attractive as residential properties. They were being abandoned as residential properties which was a very public process that took place at a public meeting here in the Township building. The property owners adjacent to the properties were notified of the meeting to rezone those properties. What the Township did then, was in response to the request of residents of Stanwood, and other places in the Township as well, that it was becoming a very unattractive stretch of roadway. Since then, some of those have been replaced with professional offices. The properties along that stretch are zoned for this particular use and it is a result of the Township council responding to what was then a request from the residents to address that problem with those properties.

Council Vice President Knowles added Solicitor Pizzo's comments to his motion along with changing the hours for pick up of trash would be allowed from 9:00 A.M. to 6:00 P.M. Also, it is a retail operation only with no residential properties. **Council Member Tokmajian** seconded noting the applicants had prior approval, and the zoning is currently listed as GC – General Commercial and based off of this business the traffic would have a low impact. The motion carried 5-0.

13. CONSIDERATION OF A MINOR LAND DEVELOPMENT FOR:

Applicant:	Anthony Odessa (All American Fireworks)
Location:	525 Public Safety Way
Proposed Use:	Retail Store Addition
Zoning Classification:	H-C1 – Highway Commercial District
Tax Parcel:	2-1-34

This matter was tabled by a prior motion to a date certain of October 4th, 2021.

14. **CONSIDERATION AND PUBLIC HEARING OF AN ORDINANCE AMENDING CHAPTER 225 “VEHICLES AND TRAFFIC” ARTICLE II – TRAFFIC REGULATIONS, SECTION 6, APPENDIX A SHALL BE AMENDED TO ADD THE FOLLOWING:**

<u>Stop Sign</u>	<u>Direction of Travel</u>	<u>At Intersection Of</u>
Linconia Avenue	Northbound & Southbound	Linconia Avenue and Cedar Avenue
Cedar Avenue	Eastbound and Westbound	Linconia Avenue and Cedar Avenue

Solicitor Pizzo indicated this item was on council’s agenda at the last meeting and as the hour drawn quite late, it was tabled forward to this evenings meeting. The proposed ordinance having been advertised in the Bucks County Courier Times for the council meeting of August 23rd the ordinance was tabled that evening to a date certain of this evenings meeting. Notice for the action is in order. Accompanying the ordinance is the evaluation that was performed by the Township Police Department as to the complaint that had been originally received by the Mayor’s office. As is the typical case, when the Mayor’s office receives a complaint such as this request, the Township looks into it and the Township Police take a thorough study which in this case included a visual inspection review, a 5-year crash history of the intersection, and a radar recorder being placed out to determine the traffic counts and the traffic speeds. As a result of this inspection the Mayor’s office and the Mayor is recommending to council that the Township place the stop signs within the Linconia neighborhood on Linconia Avenue at its intersection with Cedar and on Cedar Avenue at its intersection with Linconia Avenue due in large measure to the history of crashes that have occurred at that intersection. The ordinance is in a form acceptable for councils’ consideration and approval.

Council Member Sloane indicated he appreciated Officer Mueller’s report which included a whole lot of detail about the study and the evaluation of the crash history and motioned to approve as presented, Council Member Tokmajian seconded and the motion carried 5-0.

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

Applicant: VIP Wireless
Site Information: 1411 Ford Road
Tax Parcel: 245-31-1

Solicitor Pizzo indicated the Land Development in place is coming up on its expiration and the developer is asking for an extension of that agreement. In this case, the request is coming from VIP Wireless for their property located at 1411 Ford Road. They are asking for a very modest 30-day extension to extend the agreement out to the 30th of September. It is in a form acceptable for council consideration and approval. Should council choose to approve the extension agreement, it would be subject to an audit by the Township Finance Department and the Township Engineer to make sure efficient funds remain in escrow to complete the improvements should the developer fail to do so in the next 20 days.

Council Member Sloane asked for an update from the Township Principal Inspector, Quinton Nearon.

Mr. Nearon indicated he sent his inspector out last week because they were expected to do some curbing, which they did not. They are looking for a paving contractor and believes there is a hold up as to who is doing what out there. The parking area is the only thing left.

Council Member Sloane indicated given the fact that we are half-way through September and asked if 30 days is sufficient or do they need more time since they cannot find a paving contractor.

Solicitor Pizzo indicated rather than revisiting this in October, perhaps extend it out until the end of the year.

Council Member Sloane asked if council had the authority to extend the agreement.

Solicitor Pizzo indicated if council is agreeable to extend it out until the end of the year the Township will notify the developer to come in and sign a new extension agreement.

A conversation ensued regarding the extension and it was agreed to amend the agreement to a date certain of November 30th, 2021.

Council Member Sloane motioned to approve the extension of the land development agreement to November 30th, 2021, **Council Member Tokmajian** seconded and the motion carried 5-0.

16. **CONSIDERATION OF A REDUCTION OF PERMIT FEES FOR HOLY GHOST PREPARATORY SCHOOL MOTHER'S GUILD LOCATED AT 2429 BRISTOL PIKE, BENSALEM, PA:**

Solicitor Pizzo indicated Holy Ghost Prep holds their annual craft show each year for Mother's Guild and ultimately for the students of the school which usually entails a fairly large tent. This would be the standard waiver request received from Holy Ghost and the waivers are consistent as to what council has done in the past and if council is inclined to do so, again this year.

Council Member Tokmajian questioned the amounts.

Solicitor Pizzo indicated the Township is not requiring them to pay \$2,500.00, what they are required to do as part of the special events ordinance, is post a bond with, a face value of \$10,000.00 which the cost is significantly less than \$10,000.00. In this case the Township is saying they don't really need a \$10,000.00 bond for this event, \$2,500.00 as a fee approved by the department of public safety which is the amount of the bond they are required to post.

Council Member Tokmajian motioned to approve the reduced permit fee request for Holy Ghost Prep School Mother's Guild event for the date of November 13th and 14th, **Council Vice President Knowles** seconded and the motion carried 5-0.

17. **CONSIDERATION OF AN ESCROW RELEASE FOR:**

Developers Request: Galloway Reserve (AKA Victory Square)
Location: 2670 Galloway Road
Tax Parcel: 2-33-7
Amount: \$ 117,200.75

Engineer Benner indicated this escrow release is essentially for four (4) items. The applicant has completed work within the basin and has put underdrains into the basin which was one of the concerns the Township has not granted previous escrow releases. They have completed final paving; a couple of landscaping trees and the tot lot has been provided. This leaves a balance of \$142,918.00. Within the past 10 days the Township has received a request from the developer for a final closeout which has triggered a final inspection by the Township Principal Inspector, Quinton Nearon and his inspector who are completing a final punch list to be presented to the developer.

Council President Pilieri asked Mr. Nearon if the residents punch list regarding their complaint been addressed by the developer.

Mr. Nearon indicated he has not heard anything else from the warranty division, but according to the land developers they have addressed those concerns of the residents.

A conversation ensued regarding the function of the basin, trees and any other adjustments that needed to be addressed.

Council Member Sloane motioned to approve the escrow release for Galloway Reserve in the amount of \$117,200.75 subject to audit by the Finance department, Council Secretary Kisselback seconded and the motion carried 5-0.

Council President Pilieri asked Mr. Nearon for an update regarding the dirt pile on the property located on Route 13.

Mr. Nearon indicated there is a meeting on Thursday with the Township Engineer, Mr. Benner and the Director of Building and Planning, Mr. Ken Farrall along with the Design Engineer, the Owner and the contractor. See where they are at, see what they can do, and what they need to be directed on as to where they are going with the dirt. The area where the dirt is being placed, 919 Bristol Pike, is pretty much full and will not be taking anymore dirt to that location until it is rough-graded in.

A conversation ensued regarding the disposition of the dirt pile and its effects.

18. **CONSIDERATION AND APPROVAL OF ADOPTING AN ORDINANCE AMENDING CHAPTER 232 – “ZONING” TO CREATE A NEW ARTICLE VIII, DIVISION 3 – “SRM – STREET ROAD MIXED USE DISTRICT”:**

This matter was tabled by a prior motion to a date certain of November 8th, 2021.

19. **CONSIDERATION AND PUBLIC HEARING ON AN ORDINANCE REGARDING THE RE-ZONING OF:**

Applicant: 2201 Street Road, LLC
Location: 2201 Street Road
From Zoning Classification: R-11 Residential
To Zoning Classification: SRM Street Road Mixed
Tax Parcel: 2-33-26

This matter was tabled by a prior motion to a date certain of November 8th, 2021.

20. **CONSIDERATION OF A REVISED PRELIMINARY LAND DEVELOPMENT FOR:**

Applicant: 2201 Street Road, LLC
Location: 2201 Street Road
From Zoning Classification: R-11 Residential
To Zoning Classification: SRM Street Road Mixed
Tax Parcel: 2-33-26

21. **PUBLIC COMMENT:**

Council President Pilieri asked if anyone in the audience would like to come forward

These comments can be heard in their entirety at the following websites:

www.bensalempa.gov or www.youtube.com

Joseph Connelly, 568 Bristol Pike, talked about the dirt pile and complained about his property line. Mr. Connelly was advised his problem is with the County and not the Township.

Rita Marlow, Hidden Valley, requested a pathway on Township property for the 50 children who wait for a school bus in that area so they are not sinking into the ground.

Council President Pilieri indicated he would ask the Mayor if the Township Principal Inspector, Mr. Nearon could possibly survey the area and see what the Township may be able to do for the safety of the children.

Stacey Champion, followed up on the previous discussion regarding Hidden Valley and indicated there are cars that park a lot on the grass and go through at times and ride over the grass which she sees when picking her children up at St. Ephrem's.

Stephen Scardetto, 6067 Mark Circle, indicated he is constantly receiving notices of violations regarding his property and believes he is being harassed. The grievance is about his "sheds" and "hanging pool cover".

Solicitor Pizzo indicated, as is true of every property in the Township, including those located on Mark Circle, if the Township receives a complaint regarding the condition of a property the Township sends out inspectors to inspect the property. When the inspectors find what they

believe to be a violation of the Township code, be it a building code or a property maintenance code or the zoning ordinance the inspectors notify the property owner of the violation. The Township inspectors are routinely available to speak with, meet with to explain exactly why they have done what they done. Such is the case with this particular property. The solicitor's involvement has come in, in that Mr. Scardetto has complained to the Mayor's office that he is being harassed. The Mayor has directed the Director of Building and Planning, Mr. Farrall and the Solicitor, Mr. Pizzo, to contact Mr. Scardetto to discuss why Mr. Scardetto believes he is being harassed and to discuss the citations that have been filed against him. Mr. Pizzo and Mr. Farrall called Mr. Scardetto 2 weeks ago, left a message because Mr. Scardetto was not at home. Mr. Farrall went on his vacation and upon his return reached out to Mr. Scardetto once again. Again, Mr. Scardetto was not at home and again multiple messages were left on Mr. Scardetto's answering machine. At this point the matter has not been given to the solicitor to handle but to the Building and Planning department, as it always is, but now it has the specter of the prior agreements that were made in court involving the solicitors law firm (x) number of years ago.

The solicitor and Mr. Farrall would be happy to meet with Mr. Scardetto, but for Mr. Scardetto to say no one has contacted him is certainly not the case. As discussed, there is a giant tarp hanging between two neighboring properties that the inspectors are viewing as some sort of spite fence. Having a tarp suspended 8-10 feet in the air between two properties is not something our zoning or building or property codes allows for, but again, this is part of what needs to be discussed.

Mr. Scardetto isn't being treated any differently than any other property owner in the Township. There are some problems the Township isn't creating or the Township simply can't fix. Mr. Connelly's property line being one of them.

The Township inspectors do not go out looking for problems, the building and planning department get plenty of complaints that the taxpayers expect the employees of the Township investigate and deal with and that is what is happening here.

Obviously, Mr. Scardetto has his view what condition his property is in and how he is being treated. The code inspector has gone out and written up violations based on what he or she has observed. It has not gone to court as of yet, but the Township is attempting to see if it can be resolved without the Township having to avail itself to the court system.

Council President Pilieri asked if there was anyone else that would like to come forward. Seeing no one else come forward the second of two public comments was closed.

22. **OTHER BUSINESS:**

All remarks can be heard in their entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Solicitor Pizzo indicated the Mayor had a family matter this evening that acquired his attention and attendance and passes along his regrets.

Council Member Sloane welcomed everyone back to school. Wished everyone in the Jewish community a Happy New Year. Was amazed that 20 years has gone by since the terror attacks on our country, 9/11/01. His thoughts and prayers are with all those who have lost their lives, and to the men and women who have served our country.

Council Member Tokmajian welcomed back all of the students. Wished the Jewish community a Happy New Year. Asked Solicitor Pizzo about the trash trucks picking up early in the morning. Solicitor Pizzo indicated the Administration is working on some possible amendments to the Townships solid waste collection ordinance. Should be before council by the end of the year. Asked Mr. Pizzo if the Township ever considered doing a full assessment of the Township code to ensure land development is meeting MPC standards.

Solicitor Pizzo indicated at the August 23rd meeting the Township adopted a fairly substantial number of amendments to the Township Zoning Ordinance, which was the by-product with the issue from the Department of Justice which caused the Township to do a “deep dive” into pretty much all aspects of the Zoning Ordinance while the Township was in the process of going back and forth with the Department of Justice for about 2 years. The Zoning Ordinance has been pretty much dealt with in that regard. Things that are sort of housekeeping in nature, things the Township sees popping up from time to time during the course of the council meetings or the engineers or the building and planning department that the Township sees are no longer applicable or the Township now needs to do something about, i.e. convenient stores with fuel pumps being one of the more recent examples. What the MPC requires in terms of how the Township process land developments really hasn’t changed in any substantial way in terms of procedure, in terms of what the Township is looking to achieve in goals and the like. The Township is in the middle of a review with the Comprehensive plan which will often lead the Township to highlight the things that need to be addressed or look at. So, it is more of an organic and ongoing process rather than one giant, hey let’s devote a significant amount of time going through it section by section. Those that work will continue to work and those that are problematic will be looked into. Not all municipalities are the same size, and don’t deal with the same volume of land developments, of building applications in general that the Township does and they may not have the advantage of those things that are a recurring problems and recurring issues through the normal day to day processing here in the Township. The professionals or the staff usually come to know and bring it to council when a change is needed.

Council Vice President Knowles wished the Jewish community a Happy New Year. The heartwarming stories from 9/11/01 of the people who came together, as Americans, was a silver lining to the tragedy that struck our lives. It would be nice if we all could get back to the togetherness we stood as Americans.

Council Secretary Kisselback elaborated on 9/11/01 and the violent attack on American soil. This gave us an opportunity to view ourselves as to who we are, and gave us an opportunity to assess our policemen and firemen, our first responders, doctors and nurses and to see what wonderful heroes they really are on a daily basis. Regardless of who we were at that time, we were all Americans. May God Bless America for everything we have to do in the future.

Council President Pilieri thanked our military and indicated he was proud of our police force, our fire department, our rescue squad here in Bensalem.

23. ADJOURNMENT:

There being no other business to discuss, the meeting was adjourned.

The Bensalem Township Council Meeting of September 13th, 2021 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully Submitted,

**Debora F. McBreen
Recording Secretary**