

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

**Tuesday
October 18th, 2022**

COUNCIL MEMBERS PRESENT:

Joseph Knowles, Council President
Edward Kisselback, Council Vice President
Joseph Pilieri, Council Secretary
Michelle Benitez, Council Member
Stacey Champion, Council Member

SUPPORTING STAFF PRESENT:

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

1. PLEDGE OF ALLEGIANCE:

Council President Knowles opened the meeting with a moment of silence and/or prayer which was followed by the Pledge of Allegiance.

Council President Knowles asked Solicitor Pizzo if there were any changes to the agenda this evening.

Solicitor Pizzo indicated Agenda Item #6, **Consideration of a Preliminary and Final Minor Subdivision for Chase Bank**. The Township received correspondence from the attorney representing the developer advising that the matter be continued, so as to afford them an opportunity to resolve a few matters with the neighboring property owner on the site. They have granted the Township an Extension of Time to the extent one is needed, and are asking that it be tabled to the next Council meeting date of November 14th.

Councilwoman Benitez motioned to table Agenda Item #6, **Consideration of a Preliminary and Final Minor Subdivision for Chase Bank**, until a date certain of November 14th, 2022, **Councilwoman Champion** seconded, and the motion carried 5-0.

Solicitor Pizzo indicated Agenda Item #7, **Consideration of a Preliminary Land Development for Johnson Development Associates, Inc.** The Township received correspondence from the attorney representing the applicant asking that the matter be tabled from this evenings agenda, in order to allow for the applicant to continue to work to address some of the ongoing concerns regarding the application; and are requesting that the application be tabled to a date certain of November 14th, 2022. The applicant has granted the Township an Extension of Time for all of the applicable deadlines under the Municipalities Planning Code.

Council Vice President Kisselback motioned to table Agenda item #7, **Consideration of a Preliminary Land Development for Johnson Development Associates, Inc.**, until a date certain of November 14th, 2022, **Councilwoman Benitez** seconded and the motion carried 5-0.

Solicitor Pizzo indicated the applicant for Agenda Item #11, **Consideration of a Preliminary and Final Land Development Minor Subdivision for TIC Associates, LLC**, Counsel representing TIC has another meeting this evening and asked if consideration of Agenda Item #11 might be moved forward on the Council Agenda to ahead of Agenda Items numbers 8 and 9. Counsels representing Agenda Items 8 and 9 have no objection to Council rearranging the agenda to accommodate Mr. Murphy.

Council Secretary Pilieri motioned to amend the agenda to add item 5A **Consideration of a Preliminary and Final Land Development Minor Subdivision for TIC Associates, LLC**, **Councilwoman Benitez** seconded and the motion carried 5-0.

2. **PUBLIC COMMENT:**

Council President Knowles 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:**

Councilwoman Champion motioned to approve the Council Minutes dated September 27th, 2022, **Council Secretary Pilieri** seconded and the motion carried 5-0.

4. **AMENDMENT FOR THE 2019 COMMUNITY DEVELOPMENT CARES ACT FUND:**

Solicitor Pizzo indicated the memorandum from the Mayor explains it all. This is an incidence where the Township received what is referred to as CARES Act Regulation Fund.

These are funds which the Township received through the Department of Housing and Urban Development in relation to the COVID Pandemic. As time has now since past and some of those funds had yet to be expended, the needs of the Township in terms of those expenditures have changed. In order to reallocate those funds to other purposes permitted under the Housing and Urban Development regulations, it requires that the Township present it to Council. Council then will publicly vote to amend the 2019 Community Development CARES Act Funds allotments for the Township. Under the notice that is attached to the memorandum, it would take funds from the Rental Assistance Program and transfer them to the CARES Food Bank Program, and to the Bensalem Senior Center.

If Council agrees with what the Administration is proposing, a motion to approve the amendment would be in order.

Councilwoman Benitez motioned to approve the amendment for the 2019 CARES Act Program, **Councilwoman Champion** seconded and the motion carried 5-0.

5. **CONSIDERATION OF A REDUCTION OF PERMIT FEES FOR THE BRIDGE CLINIC/WHOLE FOODS 4 PAWS, INC. LOCATED AT 1 DECLARATION DRIVE, BENSALEM, PA:**

Solicitor Pizzo indicated this is a request for a reduction in the Township’s Permit Fees. In this case, the application comes from the Bridge Clinic located at 1 Declaration Drive. They are planning to build an addition onto their Veterinary Clinic. Attached to the request is their certification of their status as a 501 (c) (3) tax exempt corporation. As Such, they are eligible for consideration by Council of the reduction in fees from \$890.50 to \$452.00. The Bridge Clinic is also an active participant in the Township’s Feral Cat Ordinance that was adopted at a recent Council meeting. They are one of the entities that deals with the spaying and neutering of the cats.

5A. **CONSIDERATION OF A PRELIMINARY AND FINAL LAND DEVELOPMENT MINOR SUBDIVISION FOR:**

Applicant:	TIC Associates, LLC
Location:	4630 Somerton Road
Proposed Use:	Industrial (Manufacturing/Office)
Zoning Classification:	GI – General Industrial
Tax Parcel:	2-3-2

Mr. Ed Murphy, Counsel for the applicant, thanked Council for their consideration of positioning them further up on the agenda. Plans have been submitted and reviewed in the normal course by the Township’s various Boards, Commissions and Consultants. The applicant has received the review letters from the Township Engineer, the Fire Marshals Office and other consultants, and have no issues with the comments.

Mr. Murphy presented a 2-minute video of the Weber Company consisting of a little bit of a background as to where they are today and why they are interested in coming to Bensalem.

Solicitor Pizzo asked **Mr. Murphy** for the proof of notices to the surrounding property owners. **Mr. Murphy** indicated he had given them to **Mr. Ken Farrall**, Director of Building and Planning.

Mr. Murphy indicated that presently Weber is located at 3500 Richmond Street in Philadelphia, PA and are simply out of space. Weber has been looking, for quite some time, for a new home to relocate the business, and Bensalem was considered for that move.

Mr. Murphy indicated the plans before Council which consist of constructing an approximate 375,000 sq. ft. manufacturing facility. That would be consolidating not only the main plant, but a couple of other locations Weber has in the city. This is not a warehouse, but a state-of-the-art manufacturing facility.

Councilwoman Benitez indicated regarding the Stormwater Management, they see an improvement but asked if Mr. Murphy's projection with consideration to what has been requested in their waiver request regarding the planting strip and sidewalks in its place and other water and sewage.

Mr. Justin Geonnotti, PE, with Dynamic Engineering Consultants, indicated as part of this evening's request the applicant is asking for waivers from a couple of the SALDO requirements. The planting strip is just in front of the building. There is a large portion of the site that will still be vegetated. The site, as it consists today, has no stormwater management. As part of this plan, the applicant is going to bring the entire site up to current standards.

Councilwoman Benitez asked if the Fire Marshals letter had been addressed.

Mr. Justin Geonnotti indicated he had a meeting with the Fire Marshal's office regarding the requirements. It is mainly pertaining to hydrant spacing. The applicant has submitted a revised plan complying with those requests.

Waivers:

A waiver is requested to not permit a combined Preliminary/Final plan application which complies with all ordinance requirements for Preliminary and Final Plans, rather than providing separate applications.

A waiver is requested to not require a planting strip between the parking area and building, as 10-foot-wide and 6-foot-wide sidewalk is proposed along the building facade adjacent to the parking areas.

A waiver is requested from this section to permit storm sewer to be constructed with HDPE pipe and to have an inside diameter of less than 18-inches. The on-site storm pipes are able to adequately convey the 100-year storm event with basin tailwater.

Engineer Wursta indicated there have been many performance standards now for this flexible pipe that is being used nationally, and he is going to be recommending that there still be a waiver for the time being until he can have the ordinances changed.

TPD letter dated October 12th, 2022:

SALDO Comments:

1. Add additional features to their plan, which is a will comply.
2. Curbs is a will comply.
3. Sidewalks is a will comply.
4. Motor vehicle parking facility is a waiver request previously discussed.
5. Water and sewage, the applicant has acknowledged the comment that a Planning Module must be submitted for this proposed design, this is a will comply.
6. Planting: applicant must update the plans to include an applicable species, this is a will comply. The Stormwater Management comments of their report signifying how they are going to be bringing the site into compliance with Township standards, is a will comply.

The buildings behind the facility are going to remain office buildings.

Council President Knowles asked if there were any assurances in the Township's Zoning, or otherwise, that the back of the facility would remain office buildings. Mr. Knowles is concerned if there is a manufacturing building in the front, and then the area where the office buildings are located is sold off to another manufacturer, what could occur under those circumstances.

Mr. Murphy indicated the lease that Suez has with Mr. Pertrucci, the owner of the property, is for another 12 years and will remain that for that period of time.

Council President Knowles asked **Solicitor Pizzo** if anything could be done regarding the zoning or restrictions?

Solicitor Pizzo indicated he did not see on the plans an access easement from Lot B out to Somerton Road.

Mr. Murphy indicated that is in the review letters and a condition of approval, that they have to provide the access, part of which will be on the future Weber lot.

Councilwoman Champion indicated, in Zoning, was it not discussed to move the driveway over and to be part of the Suez property in the back?

Mr. Geonnotti indicated, during Zoning, the subdivision line on the plan was under discussion. The applicant originally had all the access coming off of the right side of the plan along the subdivision. Zoning made the applicant move the subdivision line to the other side for that reason. Zoning did not want the access on the other side where it is residential.

Solicitor Pizzo indicated the way the Township assures that the rear parcel does not become a second industrial center, is to rezone it. Once Council effectuates the subdivision to make the front industrial, if Council wants the back to remain offices, as it is being represented; then the way Council would do it, would be to rezone it for offices and not for industrial.

Solicitor Pizzo indicated what Council is being asked to do is to subdivide the front from the back. The applicant will then build the manufacturing center for Weber on the front. As part of the Townships vetting of this project, part of the consideration has been that the rear would not be industrial as well as the front. The rear would remain office. Particularly, in terms of the proximity of the property to the residential properties nearby, that you wouldn't have manufacturing or industry both in the front and in the back.

Council Vice President Kisselback asked the applicant if they would be willing to come to the Township and make a request to change the zoning to allow offices only.

Mr. Murphy indicated he would be happy to take it back to Mr. Petrucci to discuss the matter.

Council President Knowles asked the applicant to discuss the buffer they were providing.

Mr. Geonnotti indicated the property between the residential community and the proposed manufacturing use, there is an existing buffer. There will be a substantial buffer added between

the two uses which will be installed to enhance the buffer that already exists. The manufacturing facility is set at a much lower elevation than the neighboring residential use.

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

Council Vice President Kisselback motioned to approve based on the TPD memo dated October 12th, 2022. The applicant will comply with all of the zoning issues that have been resolved to this date. Subdivision Land Development Ordinance, Section 4, the applicant will comply with 1, 2, 3, waiver for number 4, and the applicant will comply with 5 and 6. The applicant will also comply with the Stormwater Management that is presented.

Solicitor Pizzo indicated, as was suggested at the outset of the hearing, the applicant will comply with all of the requirements of the Township Fire Marshal and Fire Rescue Department, as they apply to the plan. The applicant will comply with the requirements of the August 31st, 2022 traffic review of TPD. The applicant will provide to the Township Engineer and the Township Solicitor for review and approval Deeds for the newly created lots, which reflect the easements as well as an Easement Agreement for access from Lot B to Lot A. Those would be the conditions for Council with just one parenthetical, that the elevations and artist renderings the applicant presented; if they could be forwarded to the Director of Building and Planning so that they can be made a part of the file and the record of this evenings hearing.

Council Secretary Pilieri, seconded and the motion carried 5-0.

6. CONSIDERATION OF A PRELIMINARY AND FINAL MINOR SUBDIVISION FOR:

Applicant:	Chase Bank
Location:	1729 Street Road
Proposed Use:	Commercial
Zoning Classification:	G-C Commercial
Tax Parcel:	2-43-305

This matter was tabled by a prior motion.

7. CONSIDERATION OF 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 matter was tabled by a prior motion.

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

Applicant: Sri Gyatri Corporation
Location: 4000 Bristol Pike
Proposed Use: New Hotel
Zoning Classification: AD Apartment District & GC General Commercial
Tax Parcel: 2-76-70 & 2-76-74-1

Solicitor Pizzo indicated the property, by court stipulation, was rezoned in its entirety to GC, General Commercial. The Apartment District was eliminated as part of those court proceedings. The lots are to be consolidated into a single lot as well.

Alan Toadvine, Begley Carlin, on behalf of the applicant, indicated the site is comprised of two tax parcels, 2-76-70 and 2-76-74-1, bot parcels total approximately 2.21 acres. Currently there is a one-story hotel on parcel 2-76-70. The plan before Council this evening proposes the demolition of the existing hotel and a construction of a new three-story 75 room avid hotel, that will straddle the two parcels which are to be combined into one parcel. This three-story hotel will be branded “Avid” which is one of the hotels and resorts of IHG, which is a multinational hospitality company.

This hotel will be marketed as a business hotel for the traveler. The room sizes that are being proposed are slightly smaller than the room sizes of a typical or average hotel. There is no restaurant or bar proposed. The only food that will be served at this location will be a “continental breakfast” without the need for any cooking facilities. The hotel will consist of 75 rooms, a pool, gym and a small pantry area where the “continental breakfast” will be served. There will be no conference room.

Solicitor Toadvine indicated regarding the review letter from T and M dated October 6th, 2022, Chapter 201- Subdivision and Land Development Ordinance (SLDO), D1 is a will comply. On page 4, D6, D11, D14 are will comply. D15, D19, D20, D21, D21B, D21C and D22, are waivers. Item 23 has been addressed and will comply. Item 24, 26, 27 are waivers. Item 28 is a will comply. Item 29 has been addressed and is a will comply. Item 31 is a waiver.

As far as the Stormwater Management Ordinance is concerned, number 4, 5 and 13 are a will comply. Number 15, 18, 19 and 20, the applicant is requesting a waiver. Number 23 is a will comply. Under General Comments, item number 2 is a will comply.

WAIVERS:

Item number 15, Section 201-106(a)(1)a is a waiver request to allow grading within 3 feet of the property line.

Item number 19, Section 201-10(c)(4)a is to permit access drive at a minimum radius of 10 feet, instead of the required 20 feet. There is not the physical room to get the required radius.

Item number 20, Section 201-108(c)(6)b.1 is to allow the centerline of access roads and driveways at pointer sections to a street line should not be closer to them to the adjacent street intersection and following distances for nonresidential subdivisions and land development, 200 feet if either street A or street B is an arterial street. Once again, it is a physical limitation of the

size of the property in which the applicant cannot provide that separation. The applicant will provide 182 feet.

Item number 21, Section 201-104(b)(1) that is to permit the existing roadway along portions of Gray Avenue, Totem Road and Neshaminy Street to remain to prevent Neshaminy Street to have a roadway width of 18 feet instead of the required 28 feet to 32 feet. The applicant is either maintaining or slightly widening the streets and neighborhoods. None of the streets in that immediate area are in compliance with the ordinance and the applicant is more or less maintaining or slightly widening.

Item number 21b, Section 201-110(b) that is to require curbs and road widening on Neshaminy Street and a portion of Gray Avenue. As part of the project, the applicant is proposing to curb from Totem Road driveway around Totem Road along Bristol and along Gray Avenue to just past the other driveway entrance. That leaves the remainder of Gray Avenue and Neshaminy Street without any curbing and that is the existing condition in that area. The applicant is proposing to maintain the existing condition. There are no curbs along any of the streets in that neighborhood. The applicant is willing to pay a fee in lieu of.

Councilwoman Champion indicated she would rather see curbs and sidewalks go all the way back to Neshaminy Street on Gray Avenue. The applicant will pay a fee in lieu of curbs and sidewalks along Neshaminy Street.

Item number 21c, Section 201-111(a) to not require sidewalks installed along Neshaminy Street and a portion of Gray Avenue. The applicant will do curbs and sidewalks only on Gray Avenue and pay a fee in lieu of for the balance.

Item number 22, Section 201-111(b) to permit a minimum of 14-inch-wide planting strip between the curb and sidewalk instead of the required 4 feet. Where the applicant is providing sidewalk along Bristol and along Gray Avenue, the right-of-way and the sidewalk are tight to each other; and the applicant is providing a small amount of road widening. As that is occurring it is pushing the sidewalk back, tight to the right-of-way; and the applicant has maximized that space between the sidewalk and curb, but it varies down to about 14 inches. The requirement is 4 feet, and it varies from about 14 inches to 3 feet.

Item number 24, Section 201-112(h) to permit parking within 12 feet of the right of way line and other property lines instead of the required 15 feet. The applicant has received a variance to permit parking within 12 feet.

Item number 26, Section 201-112(p) to not require proposed parking areas to be visually excluded from the street frontages. Due to the size of the site and the topography of the site, it would be hard to do that; the site is generally speaking, higher than Bristol Pike and the applicant is providing landscaping essentially in lieu of those berms.

Item number 27, Section 201-114(h)(2) to not require dumpster to be landscaped on all three sides. The applicant is providing landscaping on two sides and the third side is the loading zone/ fire lane.

Item number 29, Section 201-115(3) applicant is required to do any revisions at the Fire Marshals request.

Item number 31, Section 201-104(C)(4) to permit Totem Road approach to Bristol Pike to follow a straight course for less than 50 feet, which is the existing road alignment.

Stormwater Management:

Item number 15, Section 196-61(b)(1) to permit 15-inch pipe instead of the required 18-inch and to permit HDP pipe instead of the required RCP. HDP pipe is becoming the industry standard, and the 15 inch verses the 18 inch which the applicant has provided calculations and shows the 15 inch is adequate. The pipe is located within the property, it is not a public facility, the property owner would need to maintain the pipe.

Councilwoman Champion asked the applicant to explain why the 15-inch pipe is more adequate than the 18-inch pipe.

Engineer Wursta explained there is a lot of capacity associated with those pipes verses the 18-inch concrete pipe. 15-inch plastic pipe has a smoother flow than the 18-inch concrete pipe which has more of a drag.

Item number 18, Section 196-61(b)(11) to allow less than 12 inches of freeboard within inlets. The location this occurs is back on the site. The applicant has supplied calculations that show the inlets will not surcharge, water will not bubble out of the inlets and the calculations show that it will function as it should.

Item number 19, Section 196-61(b)(12) to allow less than 24 inches of cover over pipes. The applicant is providing the manufacturer's recommendation for cover over the pipes which is 12 inches.

Item number 20, Section 196-61(b)(13) to not require crowns of the pipes to match its structure. This is actually a holdover from hand calculations where the crowns of pipes out of the structure were lined up to make the calculations easy with modern computer analysis.

Council Vice President Kisselback asked Engineer Wursta if there were any waivers he was hesitant on approving.

Engineer Wursta indicated the only thing that came up was the sidewalk installation and Council handled that request.

Councilwoman Champion indicated, in terms of the 75 rooms, how are they going to be distributed among the three stories.

Mr. Patel, President of Sri Gyatri, indicated there is a mix of king beds and double beds, there are no suites. The distribution of the rooms will be 15 rooms on the first floor, 30 rooms on the second floor, 30 rooms on the third floor and the rooms consist of 225 sq. ft.

Councilwoman Champion asked what kind of landscaping will be put up around the residential properties.

Mr. Richardson indicated the applicant will be providing a buffer along the residential property area and a fair amount of landscaping along the corner of the property, and will be providing landscaping all along Bristol Pike. There will be fencing in the back along Totem Road and will be added to the plans.

Council Vice President Kisselback ask the applicant where the underground basin was located.

Mr. Richardson indicated the underground basin was kind of an “L” shape along the backside and discharges into an existing storm pipe, which discharges down to Neshaminy Creek.

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

Council Vice President Kisselback motioned to approve with regard to consolidating the properties into one and record it in Doylestown. **Mr. Pizzo** indicated Deed of Consolidation will be presented to the Township for review and approval by the Township Solicitor and Township Engineer, and will be recorded contemporaneously with the record plan.

Applicant 1 identified as additional pages which identify waivers from the Township’s Land Development and Subdivision Ordinance, and it is the one that was handed to the Township at the time of this evenings hearing by Council.

Council Vice President Kisselback’s motion includes all of the waivers presented and noted as “Applicant 1”. Installation of the fence in the area indicated in Council’s discussion consisting of PVC or vinyl.

Mr. Pizzo indicated the fencing would be located along the northern property line from Totem Road extending West to Neshaminy where the property line makes the turn North. This property is identified as the “L Shape” fronting along the three residential properties that are adjacent to this property along the side, and then it would extend West from Totem Road to where the “L” is and then it would go North up the side of the one property located there. To include the Tax Map Parcels 2-76-70-0, 2-76-71, 2-76-73, the applicant has proposed the fence along the shared quarters.

Sidewalks and curbs on the Gray Avenue side of the construction and the additional footage would be in payment in lieu of.

Contingent upon the compliance of the Fire Marshall’s approval.

Mr. Pizzo indicated the curbs and sidewalks will extend along Gray Avenue from Neshaminy Street the entire length of the two. All the other curb and sidewalk that would be otherwise required have been waived in payment of a fee in lieu of will be made to the Township. Curb and sidewalk will be done over the entire site except for Neshaminy Street.

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

9. **CONSIDERATION OF A PRELIMINARY AND FINAL SUBDIVISION FOR:**

Applicant: Gibson Holdings, LLC
Location: 1515 Gibson Road
Proposed Use: 6 Residential Lots
Zoning Classification: R2 Residential District
Tax Parcel: 2-54-5

Alan Toadvine for the applicant, indicated this is a site zoned R2, it is approximately 3.23 acres in size. The applicant is proposing a six-lot subdivision. Currently there is an existing home and an accessory structure on the parcel which is proposed to be demolished. This property take is proposed as a cul-de-sac.

The Townships Engineer's letter, dated September 6th, 2022 is clean, the applicant does not have any revisions required to the plan. Everything is a will comply. The applicant is requesting 5 waivers, in addition to preliminary and final approval this evening.

Subdivision and Land Development Ordinance Comments:

Kristen Holmes, applicant's Engineer, regarding the TPD letter dated September 6th, 2022, under the Subdivision and Land Development comments that the first item is a waiver request. The Engineer indicated they have a waiver request letter within the packet that is dated July 15th that follows in order of the TPD letter.

Section 201-103, Open space, recreation areas and community facilities. The applicant is requesting a waiver from providing the required Parks and Rec facilities accessible to the development. If approved the applicant will be required to pay the \$2,000.00 fee per lot.

Section 201-109, Easements and underground utilities. The applicant will comply with all requirements as indicated.

Section 201-110, Curbs. The applicant is asking to waive the requirement of street widening along Gibson Road which is a state road and they are working with PennDOT regarding permits. The applicant is proposing a 2-foot widening along the frontage in accordance with PennDOT requests and the applicant is providing curbs and sidewalk along the frontage of Gibson Road.

Section 201-111, Sidewalks, is a will comply to the four-foot-wide planting strip requirement.

Section 201-112, Motor vehicle parking facilities. The applicant will comply with the illumination requirements.

Section 201-145, Planting. The applicant will comply to the required plant material.

Stormwater Management Ordinance Comments:

Section 196-33 Erosion and sediment control during regulated earth disturbance activities. The applicant will comply with the infiltration specifications as noted.

Section 196-61 Design criteria.

“A” is a will comply to the natural watercourses as specified.

“B” the applicant is requesting a waiver from providing the concrete pipe and proposing the HDPE plastic pipe. The applicant is complying to the size and scope, just a material change.

“C” is a waiver request to allow the Dekalb Rational method and given the small size of the drainage area, it is a typical method that is used for a small-scale drainage area.

“D” is a waiver request from providing less than 100 ft. between the highest water surface of the basin to a dwelling unit. In this case, on the rendering you can see the basin is located to the rear. Essentially of all of the lots, which is the down slope portion of the property, so it is closer than 100 ft. from lots 5 and 6.

“E” is a will comply regarding the stormwater management system.

Section 196-97, Responsibilities for operations and maintenance of stormwater facilities and BMP’s is a will comply to record all necessary documents with the Recorder of Deeds in Doylestown.

Section 196-113, Alteration of SWM BMP’s is a will comply to not modifying, remove, fill landscape or alter any stormwater management best management practices, facilities, areas, or structures, unless it is part of the approved maintenance program and written approval of the Township has been obtained.

Everything within the traffic letter from TPD dated September 6th, 2022 is a will comply.

Council Vice President Kisselback asked the applicant’s Engineer why lot 2 has not be defined as a “flag lot.”

Ms. Holmes indicated it was because it had frontage along Gibson Road, so it meets the requirements of a standard lot due to the frontage, but the access is being taken from the cul-de-sac. The driveway has an easement over lot 1 to take access to the cul-de-sac, but it has the required street frontage along Gibson Road.

A lengthy conversation ensued regarding the definition of a “flag lot.”

Mr. Toadvine indicated, if it would be acceptable to Council, he would like to have the matter tabled to explore some minor modifications.

Solicitor Pizzo indicated he has an extension of time under the Municipalities Planning Code for consideration of the plan out to the end of December 2022, and asked Mr. Toadvine to confirm it in writing.

Council Vice President Kisselback motioned to table agenda items 9 and 10 to a date certain of November 28th, 2022, **Council Secretary Pilieri** seconded and the motion carried 5-0.

10. CONSIDERATION OF A RESOLUTION FOR ACT NO. 537, SEWAGE FACILITIES ACT, PLAN REVISION FOR NEW LAND DEVELOPMENT OF A PARCEL OF LAND IDENTIFIED AS 1515 GIBSON ROAD SUBDIVISION.

This item was tabled by a prior motion.

11. **PUBLIC COMMENT:**

Council Secretary Pilieri asked **Quinton Nearon, Township, Senior Municipal Inspection Manager**, for an update on the dirt pile.

Mr. Nearon indicated the contractor had some issues with the machinery due to the permitting for the heavy equipment. Spoke to the contractor who indicated they will be there on the 19th of October and the dirt will be moved to the northern side of Mr. Popli's store, and will spread it to even out the side of Mr. Popli's property. Any dirt leftover will be hauled up to KBK. Weather permitting, it should take 10 days to complete the removal of the dirt.

Joe Connelly, 568 Bristol Pike, claims the deed is incorrect for the subdivision of the Andalusia Drive-In property. Council advised Mr. Connelly he would need to take the matter to Doylestown.

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

12. **OTHER BUSINESS:**

Solicitor Pizzo indicated the Mayor asked Mr. Pizzo to let Council and the Public know that due to the meeting being on a Tuesday, rather than a Monday, he had plans that were made long in advance of a personal nature and was otherwise unable to attend this evenings meeting. If the Mayor were here, I am sure he would have liked to express how wonderful the Fall Festival was, that it was well attended, the concert was wonderful, and the fireworks were spectacular! The Township received rave reviews and the Mayor wanted to publicly extend "kudos" to all of the Township Personnel who were involved. There are a lot of moving parts to pull off a day like the Fall Festival; and for it to go so seamlessly was the result of many, many months of planning and work by all of the Township Departments. **GO PHILS!!!!!!!!!!**

Councilwoman Benítez indicated the Fall Festival was tremendous, received a lot of great feedback. It's been a great weekend in sports for Philadelphia, and we are all excited as to what is to become of that... hoping to maintain the energy and keep the wins coming!

Councilwoman Champion thanked everyone for coming out to the Fall Festival. Loved the Beer Garden it was a great thing especially since the Eagles were playing. The fireworks were fantastic, and the food trucks were wonderful. A big shout out to our Police Department and the School District who met together to make sure our children are kept safe and how they will continue to make improvements and review areas. **GO PHILLIES, GO FLYERS, GO SIXERS!!!!!!!!!!!!** October is *Breast Cancer Awareness* month... ladies please be diligent when it comes to your body. Prayers for all that we have lost to Breast Cancer and prayers for those who are fighting now!

Council Vice President Kisselback indicated the Fall Festival was very nice. Mr. Knowles ran a golf outing for St. Charles Borromeo and did an excellent job.

Council President Knowles indicated the Fall Festival was very nice and it was great to see all of the kids on the playground and enjoying themselves. Let's hope the *Phillies* continue to play well. Good night!

13. ADJOURNMENT:

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

The Bensalem Township Council Meeting of October 18th, 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**