

**BENSALEM TOWNSHIP COUNCIL
COUNCIL MEETING MINUTES**

**Monday
February 27th, 2023**

MEMBERS PRESENT:

Ed Kisselback, Council President
Joseph Pilieri, Council Vice President
Michelle Benitez, Council Member
Stacey Champion, Council Member

SUPPORTING PERSONNEL:

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

PLEASE NOTE:

The minutes are not verbatim but rather a synopsis of what transpired during the meeting, and while I do my best to attribute remarks and questions to the correct individual, there may be mistakes or omissions because of the “back and forth” dialogue and the lack of the use of the microphone.

1. OPENING OF THE MEETING:

Council President Kisselback opened the meeting with a moment of silence and/or prayer, followed by the Pledge of Allegiance.

2. PUBLIC COMMENT:

Council President Kisselback indicated the Public Comment will be heard at the time the agenda item is heard. Seeing no one come forward the first of two Public Comments was closed.

3. APPROVAL OF COUNCIL MINUTES:

Council Vice President Pilieri motioned to approve the January 9th Minutes and the January 23rd Minutes as presented. **Councilwoman Benitez** seconded, and the motion carried 4-0.

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

Solicitor Pizzo indicated items #4 and #5 on the agenda, consideration of a Preliminary and Final Subdivision and a Resolution for Act 537 for Gibson Holdings, LLC. The Township received correspondence from the attorney representing the applicant, due to a conflict with his schedule, requesting the matter be tabled to the next Council meeting date of March 13th, 2023. The applicant has granted the Township the necessary Extension of Time under the Municipalities Planning Code for consideration of the application through and including March 31st, 2023.

Councilwoman Benitez motioned to table agenda items #4 and #5, Gibson Holdings, LLC and the Resolution for Act 537, to a date certain of March 13th, 2023. **Council Vice President Pilieri** seconded and the motion carried 4-0.

Solicitor Pizzo indicated agenda item #7, consideration of a Minor Subdivision for James Dougherty, 6008 Grant Avenue. The Township received correspondence from the attorney representing the applicant, due to a conflict with his schedule, requesting the matter be tabled to the next Council meeting date of March 13th, 2023. The applicant has granted the Township the necessary Extension of Time under the Municipalities Planning Code for consideration of the application through and including March 31st, 2023.

Council Vice President Pilieri motioned to table agenda items #7, consideration of a Minor Subdivision for James Dougherty to a date certain of March 13th, 2023. **Councilwoman Champion** seconded and the motion carried 4-0.

Solicitor Pizzo indicated agenda item #9, consideration of a Minor Subdivision for Jose A. Sr. & Alma Nidia Rodriquez, 2649 & 2459 Forrest Avenue. The Township received correspondence from the attorney representing the applicant, due to a conflict with his schedule, requesting the matter be tabled to the Council meeting date of March 27th, 2023. The applicant has granted the Township the necessary Extension of Time under the Municipalities Planning Code for consideration of the application through and including March 31st, 2023.

Council Vice President Pilieri motioned to table agenda items #9 to a date certain of March 27th, 2023. **Councilwoman Benitez** seconded and the motion carried 4-0.

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

Applicant:	Gibson Holdings, LLC
Location:	1515 Gibson Road
Proposed Use:	6 Residential Lots
Zoning Classification:	R-2 Residential District
Tax Parcel:	02-054-005

This matter was tabled by a prior motion.

5. **CONSIDERATION OF A RESOLUTION FOR ACT 537, PA SEWAGE FACILITIES ACT, PLAN REVISION FOR NEW LAND DEVELOPMENT OF A PARCEL OF LAND IDENTIFIED AS 1515 GIBSON ROAD SUBDIVISION:**

This matter was tabled by a prior motion.

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

Applicant:	Holy Ghost Prep School
Location:	2429 Bristol Pike
Proposed Use:	Athletic Fields
Zoning Classification:	IN - Institutional
Tax Parcel:	02-061-288

Greg Geruson, President of Holy Ghost Prep, not only will this benefit the immediate community of the students and their families but are looking to integrate it fully into the community of Bensalem. Mr. Geruson introduced Mike Bowker who is the Engineer on the project.

Mr. Bowker indicated the campus consist of 43.5 acres. Currently there is an existing natural grass field inside the track that is going to be converted to a synthetic turf field. The applicant will retain the track and rebuild it on the base of the existing track and the track will stay in its current location. There will be synthetic turf along the interior of the track along the “D-Zones” that will involve events such as Long Jumps, Triple Jumps and Pole Vault on either side of the new field. The lower left track and field areas where they have their events such as Shot Putt, Javelin and Discus will continue to take place down in that area.

Council Vice President Pilieri indicated other groups and organizations will have access to this field and since this will be generating income from these events, proposed the question as to how will they be handling the Bensalem Police Department regarding traffic control?

Mr. Geruson indicated what they do currently is, whenever the opportunity presents itself, Holy Ghost hires the Bensalem Police Officers.

WAIVERS

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

1. Sec. 201-41. – Partial waiver from providing utilities within 100 ft. of property.
2. Sec. 201-62. – To be reviewed concurrently as a preliminary/final plan.
3. Sec. 196-61. – To provide HDPE instead of RCP.

Mr. Bowker indicated Wavier #1, they have provided and located all the utilities within the project area, and the applicant is asking for a partial waiver not to extend 100 feet outside the property.

Waiver #2, the applicant is asking to be reviewed concurrently as a Preliminary and Final Plan.

Mr. Wursta indicated regarding Waiver #3 is one where the standards have changed with regard to reinforced concrete pipe versus the new plastic pipe. Mr. Wursta indicated they are proposing plastic pipe for every project that comes through the Township. It is inexpensive and lasts longer. The Township Engineer is in the process of changing the Stormwater Ordinance to include the plastic pipe and do away with the concrete pipe.

Mr. Bowker indicated they will comply with all of the comments and review letters.

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

Councilwoman Benitez motioned to approve as presented. **Council Vice President Pilieri** seconded and the motion carried 4-0.

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

Applicant:	James Dougherty
Location:	6008 Grant Avenue
Proposed Use:	Single Family Dwellings
Zoning Classification:	R-1 Residential District
Tax Parcel:	02-055-175 & 02-055-201

This matter was tabled by a prior motion.

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

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

Joseph Blackburn with Wisler Pearlstine, Counsel for the applicant, indicated the property consists of approximately 10.37 acres and is located in both the R-66 Intergenerational Residential Zoning District, as well as the SCH Special Citizens Overlay Zoning District.

The property is presently improved with approximately a 60-unit elderly living care community, known as the Florence E. Greenhouse. These improvements were approved by Council in or about 2009; and at the time of the approval it was understood and expected by everyone involved to be considered as Phase 1 of the development of this site, with a second mirror image building to ultimately be implemented if and when the demand and need arose.

The applicant has had the good fortune of having both an immediate and sustained demand since its opening shortly after the approval in 2009.

The applicant is seeking Preliminary and Final Land Development approval to construct a essentially mirrored image building, consisting as the existing building does of three stories approximately 22,000 square footprint which will house an additional 60 elderly living units as well as an additional 44 off-street parking spaces.

The applicant has worked collaboratively over the last months with the Township's staff and professionals. All of the remaining items in the TPD letter dated February 13th, 2023 are will comply items, with the exception of the waivers denoted therein. The TPD letter expresses specific support of each of those waivers.

Council Vice President Pilieri indicated the applicant stated the project, when presented back in 2009, was presented as a Phase 1, Phase 2 project. Mr. Pilieri did not recollect that statement and asked Mr. Pizzo for clarification.

Mr. Pizzo indicated he did not believe the project was approved as a Phase 1, Phase 2 project. Mr. Blackburn anticipated there might be a future expansion should there be the need, and should there be the opportunity. The plan in front of Council this evening stands on its own.

Council President Kisselback asked Mr. Blackburn to go through each of the Waiver requests.

Mr. Blackburn in respect to the Waivers, noted below, the first Waiver is in respect to plan details extending upwards of 400 feet off the site. Typically, the applicant would accommodate that and accomplish that via an aerial, as opposed to a detailed plan rendering for all the improvements and features upwards of 400 feet off the site.

The next two Waivers have to do both with the processing of the plans as Preliminary and Final, which is self-explanatory.

The only two substantive Waivers have to do with the site slopes from plan right to plan left, with the righthand side being higher in elevation. The lines of topography are quite condensed and that is because of the applicant's desire to preserve woodlands on that area, and not disturb those areas to re-grade them as you approach the property line.

There is a 20-foot fire lane, emergency access strip identified on the plan and the applicant will achieve a level ground rapidly and dramatically, in order to provide fire access to all sides of the building at the request of the Township Fire Chief. In order to accomplish that and reserve the woodlands on the eastern side of the property, the applicants seek to not have to entirely regrade that strip between the edge of the fire lane and the property line.

Waiver #5 is to permit sidewalks within an existing sanitary sewer. The applicant indicated as a part of this plan that they are integrating sidewalks not only on Somerton Road, but also internal to the site to enhance pedestrian connectivity and walkability. This is also in respect

not only to the proposed building but also with respect to the existing building. The “offending” strip of sidewalk on the plan extends from the existing building interconnecting down to the sidewalk on Somerton Road. The dash line on the plan is a sanitary sewer easement which in order to get to Somerton Road you necessarily cross over. It is the limited area of sidewalk on the plan with the existing sanitary sewer easement that necessitates this Waiver. The applicant certainly understands if there was a need for access to the sanitary sewer lines in that area that sidewalk would potentially need to be dug up and then replaced at the applicant’s expense. The Ordinance however, simply prohibits any sort of improvement or impervious over those areas in order to ensure their ability to be accessed, or rather ensure those pipes in those easement areas to be accessed.

Council President Kisselback asked Mr. Blackburn if the applicant was going to pour 4 inches of concrete consistent with the depth of the sidewalk or is the applicant going to build around the sanitary sewer flow pipes with either cinder block or something to support it.

Chris Puzinas with Bohler Engineering indicated the sidewalk in that area will be typical construction with stone base and then concrete on top. The sanitary sewer is deep enough that the sidewalk will not impact it.

Mr. Blackburn indicated all the comments in the February 13th letter are a will comply.

Councilwoman Benitez indicated there was a rejection letter from the Township Fire Department dated February 14th, 2023.

Mr. Blackburn indicated he had conversations as recent as today with the Fire Chief and confirmed that all the improvements shown on the plan this evening address those comments; and are not only a will comply but are in fact already have been complied with.

Mr. Puzinas indicated they are changing the waterline to interconnect the two hydrants outside of the building so the fire line will be looped around the entire building for more consistent service.

Mr. Blackburn indicated with each of the 6 year storm designs, notwithstanding the existence of recent storm water management facilities existing on the property, the applicant was further able to reduce the post-development flows of the site in all of 2, 5, 10, 25, 50 and 100 year storms.

Councilwoman Champion indicated the Bucks County Planning Commission questioned the 15 angle parking spaces in front of the proposed building. These spaces have no curbs or curbing stops to prevent the driver from pulling straight through into the adjacent space.

Chris Puzinas indicated they were not proposing any curb stops. They are both a tripping hazard and a snow maintenance issue for plowing and clearing snow out around them. In a development like this where it is age restricted they would not be proposing curbing stops.

Councilwoman Champion indicated there are 60 units proposed for construction and asked the applicant how many parking spots would be required.

Mr. Blackburn indicated 47 spaces for the existing 60 units and 44 for the proposed 60 units. It is a total of 91 parking spaces which is compliant with the parking space requirement.

Mr. Blackburn indicated there is no subdivision proposed. It would be one lot for all intents purposes. It would be the same use, one lot there is no reason to cross ease the properties. It is logical and reasonable to expect the residents of the new units to use the more closely situated new parking spaces and the existing units to continue to use their parking spaces. They have been operating this exact model with 47 spaces and feel that 44 for the exact same additional 60 units is going to be more than adequate and complies with the zoning requirements.

Shoshana Bannett, Director of Real Estate Development indicated they have a parking permit system at their current building that is constructed on the site. The applicant does not fill up the parking lot. They are non-profit and provide van transportation to their residents. Most of the people that move in no longer have a vehicle and utilize the van transportation, they do not see a one-to-one parking ratio.

Council Vice President Pilieri proposed the scenario of, “what if” you sell the property and somebody else buys it and they rent out 60 units and all 60 units have a minimum of one car, he doesn’t understand how it would work not having the same amount of parking spaces for the same number of units.

Engineer Wursta indicated it is similar when there is an age restricted community. There is always less parking associated with it because there is not the frequency of use. The applicant is compliant with zoning and compliant with industry standards associated with the parking spaces. If the applicant sold it and it was a different use, they would have to come back and for the same use it would characteristically be the same associated with the use in the parking.

WAIVERS

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

1. Sec. 201-41.d.9 – to provide an aerial plan depicting all existing features within 400 feet not already on the plan; this office supports this waiver request.
2. Sec. 201-62.a. – for the project to be reviewed concurrently as a preliminary/final plan; this office supports this waiver request.
3. Sec. 201-87.a. – for the project to be considered as preliminary/final minor plan; this office supports this waiver request.
4. Sec. 201-106.(a)(2)4. – for the project to permit basin slopes up to 2.5:1; this office supports this waiver request.
5. Sec. 201-109.(c) – for the project to permit a proposed sidewalk in an existing sanitary sewer easement; this office supports this waiver request.

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

Councilwoman Benitez indicated she would like to make a motion to table for further consideration. **Councilwoman Champion** seconded and the vote carried 2-2

Solicitor Pizzo indicated in the absence of a motion to approve the application, perhaps the applicant, of its own accord, would ask that the matter be tabled to the next Council meeting in order to afford it the opportunity to meet with the Township’s professional staff. Also, to see if the Township can address whatever questions or issues the members of Council have and if that is what the applicant’s intention would be and place on the record the extension of time under the MPC and whatever the lingering questions may be can be addressed.

Mr. Blackburn asked if he could potentially get direction as to what he should expect to plan to address at the next meeting.

Councilwoman Benitez indicated she would like to investigate the parking a little bit further and indicated they were discussing a property that was set up as an apartment style and wants to understand what the future uses could be and make further considerations based on what the applicant has presented.

Solicitor Pizzo indicated the applicant will grant the Township an extension of time under the MPC through and including March 31st, 2023. If for whatever reason Council does not have the March 13th meeting date either because the questions have not been answered or because at this point the agenda for March 13th is getting quite full; then it may be March 27th for the applicants hearing.

Mr. Blackburn indicated it would be the request of the applicant to table consideration and the applicant will grant the necessary extensions under the MPC or elsewhere to accommodate that extension.

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

Councilwoman Benitez motioned to table to a date certain of March 13th, 2023. **Councilwoman Champion** seconded and the motion carried 4-0.

9. CONSIDERATION OF A MINOR SUBDIVISION FOR:

Applicant:	Jose A. Sr. & Alma Nidia Rodriquez
Location:	2469 & 2459 Forrest Avenue
Proposed Use:	Residential Dwellings
Zoning Classification:	R-2 Residential
Tax Parcel:	02-032-047

This matter was tabled by a prior motion.

10. **CONSIDERATION OF A REDUCTION OF PERMIT FEES FOR BENSLEM HIGH SCHOOL LOCATED AT 4319 HULMEVILLE ROAD, BENSLEM, PA:**

Solicitor Pizzo indicated this is an annual event with the Township and the School District. As part of the annual inspections a new fire alarm system is being installed at the property located at 4319 Hulmeville Road. They have requested a 50% waiver of the Township fees. The Township has calculated those fees at \$478.50, a 50% reduction is \$241.50.

Councilwoman Champion motioned to grant the reduction of permit fees for the Bensalem High School Alarm System located at 4319 Hulmeville Road. **Councilwoman Benitez** seconded and the motion carried 4-0.

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

A. Developers Request: **Raising Canes L/D - Release #1**
Location: 3617 Horizon Boulevard
Tax Parcel: 02-001-018-028
Amount: \$ 625,364.25

Quinton Nearon, Senior Municipal Inspection Manager recommended the release of \$625,364.25. Subject to an audit by the Finance Department.

Council Vice President Pilieri motioned to accept as presented. **Councilwoman Champion** seconded and the motion carried 4-0.

B. Developers Request: **McDonalds - Release #1**
Location: 1930 Street Road
Tax Parcel: 02-043-016 & 02-043-018-001
Amount: \$ 300,384.50

Quinton Nearon, Senior Municipal Inspection Manager recommended the release of \$300,384.50.

Council Vice President Pilieri motioned to approve subject to an audit by the Finance Department. Councilwoman Champion seconded and the motion carried 4-0.

12. **PUBLIC COMMENT:**

Natasha Bica, 2047 Hansell Drive, inquired about the sewage work and asked for an update.

Solicitor Pizzo response starts at the recording time indicated to the left. Solicitor Pizzo answered every question that was presented to him at the last Council meeting and provided additional information which the residents were extremely pleased with and stated they were

YouTube
Start
1:02:50

thankful for the update and the additional information but still wanted to know who is responsible or who owns the sewer drains and how they will be protected in the event of another massive storm.

Solicitor Pizzo indicated the inlets are clear and they are functioning to the extent there is surface water that is either directed to those inlets to accept it or passing over them. The water is going in, the inlets are accepting the water, and the line is not filling up so that water can't go in. They are clear, the water goes in and it follows the piping path that it is supposed to follow.

Mr. Nearon indicated there is an underground creek below the homes that were built many years ago. There could still be underground water activity that the Township is unaware of. In theory, even if the existing storm sewers were 100% watertight and sealed, and they are not watertight and sealed because of the infiltration areas and some minor holes in the pipes; that water, if there is any ground water, might not be the same water the resident is having issues with causing her problem on her foundation. When there is a water issue the need is to find that source and address it.

Solicitor Pizzo indicated the Township has looked at this and part of the problem, as Council is aware, the Land Development approval for Armstrong has a significant Stormwater Management facility for the property. The expectation had been that the project would be getting underway and the stormwater facilities that are out there would be replaced with a 21st century design and that a lot of what is out there now would no longer be the case for better or worse...some might argue for the better. The project has not moved forward.

Ms. Bica indicated there is so much stormwater management being delegated, when is Hansel Drive going to be a part of that project.

Solicitor Pizzo indicated there is money in the Budget for stormwater, and yes, to the extent anything has been engineered to replace it, he is unaware. Again, the Township has been out and everything is functioning. What the next step is the Solicitor is unaware if a determination has been made. Many of the projects Ms. Bica specified Solicitor Pizzo indicated are more than just a street, it is a region of the Township that involves an entire neighborhood that goes underwater at an inch of rain, not a 100 Year Storm.

Engineer Wursta indicated the Township is actively addressing stormwater. Bensalem is an older community in regards to its infrastructure. The lifespan of much of the infrastructure, drainage, roadways, etc., a lot of it has reached its limit and is being maintained. The reinforced concrete pipe is slowly being eliminated with pipe that is made of plastic which is a more efficient material.

The creeks in the Township over the years have changed course and are undermining people's homes and doing a lot of different things throughout the Township. Stormwater itself has grown expediently because of aging infrastructure and changes in patterns of streams. When the Township looks at something to do with regard to infrastructure, they have to look at how to pay for it, and the Township is actively pursuing Grants. The Township is looking at this from a Watershed perspective. The Township has a very intense underground stream situation.

There are areas in the Township that do not have storm sewer systems, one in particular is Belmont Hills. Some of these areas consist of hundreds and hundreds of homes.

Because of the age and the way things are draining now water has done damage to pipes within the road that are 10 feet deep that have to end up being replaced. There are a lot issues the Township is juggling with hence the issue of stormwater management and authority and how to pay for it all. The Township is asking developers to help with stormwater issues that involves single family lots right down to developments.

Hansel Drive was built, probably mistakenly, on top of a stream. That stream is still in existence, it's on every map even dating back to the 1930's that shows a stream right underneath of those homes. To change that water course is heroic. How can the Township manage that stream without changing it? When looking at Hansel Drive there is somewhat of a fix that may occur if Armstrong develops. At least that is on the books and will be something that will help.

The Township is putting out fires in regards to the stormwater. As to where the Township can do it and if the Township can afford to do it consistently.

13. OTHER BUSINESS:

Councilwoman Benitez offered her condolences and prayers to Officer Fitzgerald's family. Thanked the Police force for what they do to keep our community safe.

Councilwoman Champion same sentiment regarding the Temple Police Officer, Fitzgerald who lost his life in the line of duty. Daylight Saving Time will be before Council's next meeting, spring ahead. St. Patrick's Day Parade, Councilwoman Champion's children will be performing. Next meeting will be Mr. Champion's 90th birthday.

Council President Kisselback reiterated everything everyone said and shared the sentiment of the loss of the life of a Police Officer.

14. ADJOURNMENT:

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

The Bensalem Township Council Meeting of February 27th, 2023 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully submitted,

Debora F. McBreen
Recording Secretary/Council Clerk