

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

**Monday
November 8th, 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 PRESENT:

Mayor Joseph DiGirolamo
Russell Benner, Township Engineer
Debora McBreen, Council Clerk/Recording Secretary
Quinton Nearon, Principal Inspector
Joseph Pizzo, Township Solicitor
Phil Wursta, Township 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 Pilieri opened the meeting with a moment of silence and/or prayer which 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 there wasn’t any changes to his knowledge and everything on the agenda that was published is to be heard this evening.

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

Commissioner Bob Harvey Presentation: Updating COVID Throughout the County

Commissioner Harvey stated he wanted to change the relationship with the municipalities and the County and one of the ways he started to do that was by visiting municipal meetings. He visited about 12 municipalities in early 2020 before COVID shut everything down and this past September he started back to visiting. He spoke about things happening on the County level in ways the County can help the municipalities as our constituents, are their constituents. The Neshaminy Mall Clinic is open and you can walk in to get vaccinated and will be there until the end of December. Hospitalizations in the County have stayed pretty stable. Boosters are being offered here at the Neshaminy Mall and in Warwick Township.

The Board of Elections will cast a vote tomorrow on a few thousand ballots that are still outstanding. There were some ballots received that had some sort of deficiency and will be examined by the Board of Elections. It happened once in Bensalem and there were about five ballots with discrepancies. Final election results will probably be announced sometime on Wednesday.

C.A.R.E.S. Funding that was delivered to the County by the Federal Government in which the County distributed about \$27,000,000 in Grants to 1,500 small businesses throughout Bucks County. The County has launched another Grant program using the American Rescue Plan Funds that Congress passed earlier this year. County has allocated \$5,000,000 to help small businesses here in Bucks County of 50 employees or smaller. The application is open now and will stay open until November 19th. The application is on the County's website www.buckscounty.gov

County is also working with the Planning Commission regarding the Vacant Storefront Registry. This is something the County will rely on all municipalities for assistance. This registry will be for anybody looking for a certain square footage and there will be a listing from all over the County of vacant storefronts they can take a look at and connections to whoever they need to talk to and find out how they may go about inquiring about that property. This is still in a process for design but the County will be reaching out soon for those available storefront properties.

The County has adopted the Sierra Club Ready for One Hundred initiative. Bucks is one of the only county's in Pennsylvania to adopt this initiative. It commits the County to doing all it can over the next few decades minimize its carbon footprint to try and move as much as it can to alternative energy use exclusively. The County Planning Commission worked on a Model Alternative Energy Ordinance. Communities can adopt this as part of their zoning which would provide guidance to any property owner, residential or commercial, who wants to use solar panels or small-scale wind on their buildings.

Council President Pilieri indicated we still have some flooding issues and suggested help for the residents who could not afford the shut-off valves from Bucks County Water and Sewer

Authority regarding the water flowing back into their homes, or may not of had the insurance offered by the BCWSA.

4. **CONSIDERATION OF AN ORDINANCE APPROVING THE REQUEST OF TWO BAR DUDES, LLC TO TRANSFER LIQUOR LICENSE NO. R-19579 INTO THE TOWNSHIP, REPEALING ALL INCONSISTENT ORDINANCES AND ESTABLISHING AN EFFECTIVE DATE THEREFOR:**

Solicitor Pizzo indicated this is just a matter of housekeeping. When Council was asked to consider the inter-municipal transfer of the liquor license 2 months ago, the application had on it the address that was assigned to the prior liquor license. In the processing of the application by the LCB, they notified the applicant, then the applicants attorney notified the Township the State was looking to have a different address assigned to the liquor license by virtue of the postal office having assigned individual numbers to the stores, whereas before, the Township was utilizing the range. Since the Township approves the inter-municipal transfers by way of ordinances, it is not simply a matter of just crossing off one address and putting in another. The Township had to re-advertise the ordinance, put it on this evenings agenda and bring it in front of Council solely for the purpose of changing the address that is in the ordinance.

The ordinance in front of Council this evening is absolutely identical to the one Council approved previously, except for it now reflects the new address assigned by the postal service and the one being asked by the Liquor Control Board to be included within the ordinance.

Council Member Tokmajian motioned to approve the liquor license transfer No. R-19579 for Two Bar Dudes, LLC, **Council Secretary Kisselback** seconded and the motion carried 5-0.

5. **CONSIDERATION OF A RESOLUTION REGARDING THE BUCKS COUNTY HAZARD MITIGATION PLAN UPDATE:**

Solicitor Pizzo indicated, as Council is called on to do from time to time, the Township has to formerly adopt the Hazard Mitigation Plan whenever it is updated. Bensalem Township, as is true of most municipalities in Bucks County, use the County Hazard Mitigation Plan as the Township's local Mitigation Plan. The Townships Emergency Management staff work with the County, they work with the County Emergency Management Agency and they work with the Bucks County Planning Commission in formulating the County's Hazard Disaster Mitigation efforts. Bensalem Township was involved with the preparation of the Bucks County 2021 Hazard Mitigation Plan Update. In order for the Township to be able to receive funding for disasters when they occur, and in order for the Township to receive any Grants that might be eligible in the future, the Township has to have a current Hazard Mitigation Plan under the Disaster Mitigation Act of 2000. This Resolution will authorize the adoption of the County's plan as the Townships and further authorize the officials of the Township to implement the plan as is necessary and already the current procedure. It is the Administrations request and recommendation that Council approve the Resolution as presented.

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

6. **CONSIDERATION OF A RESOLUTION AUTHORIZING A DEED OF OPEN SPACE COVENANT WITH THE COUNTY OF BUCKS FOR THE TRIFECTA RECREATION PROPERTY:**

Solicitor Pizzo indicated Council previously approved at an earlier meeting the submission of an application to the County Open Space Board for Open Space funds for the Trifecta property. That application has since be approved by the County and the Township is now in the process of undertaking the execution of the various documents necessary to receive the Open Space funds from the County. One of the necessary steps is the placement of an Open Space Covenant over those portions of the property where otherwise, there aren't any structures. Essentially it would be the entire property other than the old clubhouse where 1675 is currently located. In order to place those restrictive covenants over the property that is done by way of a deed of conservation easement and a declaration of restrictive covenants. It is pretty standard, at this point, it is the same form the County has been using for the duration of the program. It will indicate those portions of the property that are subject to the covenants will remain as open space. They can be used for recreation purposes passive and active as the Township plans to do, it just can't have buildings on it to be open space. The Resolution will allow the Township to execute and record the deed and any other actions the County is going to require of the Township at this time in order to receive the open space monies. Solicitor Pizzo did not recall the amount of the open space money and asked the Mayor for confirmation. The Mayor indicated the amount to be \$800,000. Solicitor Pizzo indicated it is Administrations recommendation that Council authorize the execution and recording of the deed.

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

7. **CONSIDERATION OF AN ORDINANCE AMENDING THE BENSALEM TOWNSHIP ZONING ORDINANCE, CHAPTER 232-59, OF THE CODE OF BENSALEM:**

8. **CONSIDERATION OF AN ORDINANCE AMENDING THE BENSALEM TOWNSHIP ZONING ORDINANCE CHAPTER 232 OF THE CODE OF BENSALEM AS AMENDED, TO CREATE A NEW ARTICLE VIII, DIVISION3, SRM – STREET ROAD MIXED USE DISTRICT:**

9. **CONSIDERATION OF AN ORDINANCE AMENDING THE BENSALEM TOWNSHIP ZONING ORDINANCE CHAPER 232-593, OF THE CODE OF BENSALEM TOWNSHIP:**

Solicitor Pizzo indicated agenda items 7, 8, 9, 10 and 11 are all pertain to the Land Development Plan for 2201 Street Road, LLC. On August 23rd Council began a hearing on what are items 7, 8, 10 and 11. Those are the 3 items Council was dealing with on August 23rd. Item 8 being the amendment of the Township Zoning Ordinance to create the SRM – Street Road Mixed Use District. Item 10 being the proposed amendment of the Township Zoning Map to rezone the subject property at 2201 Street Road to the SRM District. Item 11 which would be the Land Development application for 2201 Street Road.

As Council and the public may recall, Council began the hearing on those 3 items together and heard several hours of testimony and questions as well as about 30 to 45 minutes of public comment, then adjourned for the evening. During the intervening period of time, the applicant

took to heart many of the comments and questions that were heard as well as comments that were presented through the Township Engineer and the Township Traffic Engineer and went back and made some additional provisions to the plan and resubmitted the plan and reviewed once again by the Township Engineer and the Township Traffic Engineer. The changes they have made have necessitated the possible amendment of the Township Zoning Ordinance in 2 other places. One of which would be Section 232-593, and the other one 232-59. Those 2 items were not in front of Council back on August 23rd. However, it would be Solicitor Pizzo's recommendation that Council began the hearing on those 2 items at this time, as well as reconvene the hearing on the other 3 items so that all 5 items can essentially be heard at once. Ultimately, on what course of action Council chooses, after hearing all of the testimony if Council wants to proceed with some or none of what is being proposed, it makes sense for the economy of time to hear all of the items together.

The record should reflect, at this point of time, Council is beginning the public hearings on items 7, 8, 9, 10 and 11 on this evening's agenda, all at this time.

The record should reflect when the revisions to the SRM Ordinance were submitted into the Township as well as the other 2, those have all been subsequently submitted to the County and Township Planning Commissions for their review. They have also been advertised for this evening's hearing. Mr. Goldberg also re-noticed all of the public, didn't necessarily have to, but took the additional step as "belt and suspenders" of sending out notices to all of the adjacent property owners to make sure everyone who is entitled of notice to this evening's hearing by mail from the applicant.

Eric Goldberg, with Stark and Stark, attorney for the applicant. When the applicant was last before this board, subsequent to that, revisions were requested. The applicant has been working with the Township and its professionals to come up with those revisions and those revisions were done at the request of the Township Engineer. The applicant believes the plan, and all of the amendments, comply with all the desires and wishes of the Township professionals.

At this time what this application consists of is basically 40 residential units, mixed use, there is a commercial retail of about 165,000 square feet. And there is about another 30,000 square feet to be used for a restaurant and 54,000 square feet used for office space.

There are 8 witnesses who will testify tonight. There is a Civil Engineer with expertise in stormwater management to address that specific topic, a Commercial Real Estate Agent as well as a residential expert in Real Estate, a Planner and an Economist a Traffic Engineer and an Architect. What Mr. Goldberg believes they are presenting is a terrific use for the subject property.

A discussion of the order of agenda items pursued between Council President Pilieri and Solicitor Pizzo.

Council Secretary Kisselback addressed the first Ordinance pertaining to the steep slope requirements and asked if that was greater or less than what the Township has on record. Referenced below is the portion extracted from the proposed ordinance in question.

232-59 (d). The above referenced steep slope requirement percentages contained in 232-59 (a) (2) shall only apply to natural steep slopes and not include any man-made steep slopes. The determination of whether slopes are man-made or natural shall be made by Township engineer.

232-59 (e). For the SRM District only, steep slopes of *Twenty-Five percent or more*: no more than 20% of the total area of such portions shall be regraded and/or stripped of vegetation.

Engineer Benner indicated what the applicant is saying is if you have a steep slope of 25%, no more of that area can be regraded, that is what the applicant is proposing. The Township Ordinance indicates that 25% or more steep slopes, no more than 15% of the area of such portions shall be regraded. What the applicant is requesting is an increase in the percentage of the slopes that are over 25% can be regraded. A conversation ensued regarding natural slopes and man-made slopes, the difference and what the applicant was proposing.

42:14

John Koutsouros, with Carroll Engineering, Design Engineer for the applicant, indicated the slopes are natural and man-made slopes on the site and proceeded to identify the areas of those slopes.

Council President Pilieri indicated these changes are not being made for just one district, any changes made will affect all districts.

Solicitor Goldberg indicated the proposed ordinance 232-593 refers to the buffer yard adjacent to the boundary lines. Referenced below is the portion extracted from the proposed ordinance in question.

Sec. 232-593 – **Yard adjacent to residence district.**

When the districts referred to in section 232-592 abut any rural or residence district boundary line, a yard shall be provided which shall not be less than 75 feet in width, measured from the rear of the 20-foot buffer yard and planting strip referenced in subsection 232-592(1) except subsections 232-592(3) a. through d., (4) and (6), above, except that in the R-33, R-3A, A-D and SRM districts the 75-foot yard shall be measured from the boundary line.

Engineer Benner indicated the difference of the Townships current ordinance there is a provision that states for certain zoning districts that you can measure that 20 ft. buffer in the 75 ft. yard requirement. The ordinance also says there are other districts where it has to be added to the 75 ft. The applicant is requesting the Township ordinance be revised to include the provision where the buffer yard is included within the side yard setback of the property. The proposal the applicant is requesting is along the residential properties, the way this buffer would be measured it would be within the 75 ft. setback.

At this time new witnesses were sworn in.

51:49

John Koutsouros discussed the revised plans, sheet 7 of 78 and the drawing number is C-101, revised date 10/13/2021. All comments made by council were taken to heart. The applicant worked with the Township officials and have come up with a much more refined plan. A detailed discussion ensued regarding the changes to the plan. Questions ensued from Council.

Solicitor Goldberg asked **Mr. Koutsouros** if council were to grant the land development approval, were there any waivers that were requested.

John Koutsouros indicated they were requesting a total of six waivers that were discussed prior, and a couple of new ones that were pointed out in the Township Engineers Review letter dated November 3rd.

First Waiver: In accordance with ZO Section 232-586(a)(1), All parking requirements listed herein shall be provided on the lot containing the specified use. In no case shall parking on public roads, streets or thoroughfares be permitted in nonresidential districts. This item will need a variance.

Township Engineer Benner indicated the reason for a variance the ordinance reads public roads, streets or thoroughfares. When you go into the ordinance it defines streets as either public or private.

Council President Pilieri asked if there were any other variances in the report other than what we are looking at now.

Mr. Koutsouros indicated that was the only variance.

Council President Pilieri indicated council does not usually approve projects without having the variances approved by Zoning. Correct Mr. Pizzo?

Solicitor Pizzo indicated that is certainly council's normal way of dealing with land development and zoning. It is normally council's requirement that any necessary zoning relief be obtained before council entertains the land development. Mr. Pizzo didn't know if it was because of the unique procedural posture of this particular application. Inasmuch as it is a proposed land development for a zoning district that has yet to be created, whether council wants to go through with the land development, then send the applicant to zoning, it is up to council.

Council Member Sloane indicated this has come up before and asked the applicant if these parking spaces were necessary or is it something that can be eliminated.

Mr. Koutsouros indicated it was something they could eliminate.

Township Engineer Benner indicated the applicant would have to recalculate the parking.

Mr. Koutsouros indicated they would make the parking work.

Council President Pilieri indicated he was just trying not to set a precedent that could later, down the road, hurt council with other projects, that is why he was questioning it.

Second Waiver: In accordance with SLDO Section 201-112(d), A planting strip with an average width of ten feet and minimum width of seven feet shall be provided between the edge of the parking area and the outside wall of the nearest building. Parking area includes

parking spaces, aisles and driveways. Sidewalks may be included within the planting strip area.

Mr. Koutsouros indicated because of the mixed-use the planting strip in-between the buildings and the parking doesn't make sense. This is generally something more for your strip malls. It is something the applicant feels would not make sense in a mixed-use development such as this.

Council Member Sloane asked where in the plan would this be applicable.

Mr. Koutsouros indicated it is everywhere between the edge of the parking area and the outside wall of the nearest building.

Council Member Sloane indicated without the planting strip, is there any other kind of landscaping that can be provided around the walking paths, whether it is potted or whatnot.

Mr. Koutsouros indicated yes. On their landscaping plan they have very detailed, the applicant has plantings everywhere. It is not the traditional form, it mixes in better with this mixed-use.

Third Waiver: In accordance with SLDO Section 201-112(p), All off-street commercial parking facilities which parallel any public right-of-way shall be screened from view by means of earthen berms, masonry or brick walls.

Mr. Koutsouros indicated instead of doing a wall or an earthen berm they are doing all landscaping. The applicant will be doing it with trees and bushes and this is how they will screen the Street Road area. They do not want to put up a wall or a berm because this will lessen the appeal to the potential clients they are trying to attract.

Fourth Waiver: In accordance with SLDO Section 201-104(f)(e)c, two streets intersecting a third street from opposite sides shall either intersect with a common centerline or their centerlines shall be offset according to the following standards: the two streets shall be separated by a distance of 800 feet between centerlines measured along the centerline of the street being intersected when one or more of the streets involved is an arterial street.

Mr. Koutsouros indicated it basically is for the driveway on the lower portion of the plan, facing Street Road and it is because the other driveway is closer than 800 feet. The applicant is asking for the waiver of the 800 feet.

Fifth Waiver: CHAPTER 196 – STORMWATER MANAGEMENT ORDINANCE (SWMO) In accordance with SWMO Section 196-61(b)(12), A minimum of two feet of cover shall be maintained over all storm drain pipes.

Mr. Koutsouros indicated there are some areas, due to site deposit, where they are going to have 18 inches. In the Township Engineers letter Mr. Benner touched on it by saying the following: The applicant is requesting a waiver from one or more of the requirements of this section of the ordinance. It is our understanding that the applicant intends to seek a waiver to not provide the minimum two feet and one-half foot minimum cover requirements. We have no objection to the proposed waiver request, conditional upon a minimum one-foot of pipe cover be provided in lawn areas, and any paved areas which will be subject to truck traffic

shall provide a minimum 18” cover over the top of the pipe. Mr. Koutsouros indicated he will comply with the Township Engineers condition which is a minimum one-foot of pipe cover be provided in lawn areas, and any paved areas which will be subject to truck traffic will be a minimum of 18”.

Council Member Sloane indicated on page 9 of the T and M letter which has to do with the tree calculations and had noticed a deficit of 124 trees.

Mr. Koutsouros indicated, correct.

Council Member Sloane indicated the applicant would have to get a waiver and pay a fee in lieu of.

Mr. Koutsouros noted the waiver and fee.

Mr. Clay Emerson, Civil Engineer with particular expertise in Stormwater Management, introduced himself and gave a brief summation of his qualifications. Mr. Emerson was brought in as an additional expert to work with Mr. Koutsouros on this application as there was some specific acute flood related concerns that were especially brought to light in July after the storm had hit this area. Mr. Emerson had the opportunity to review the documents and visit the site, the surrounding areas, including Hansell Drive. Carroll Engineering has provided a detailed stormwater system for the project. Mr. Emerson went through The Princeton Hydro Report. Mr. Emerson indicated the T and M letter outlines some additional measures could be implemented to further ensure the application could not possibly impact negatively anyone downstream and also some options that could actually make some real improvements. Mr. Emerson elaborated on the additional requirements and suggestions. One of the suggestions was to nearly double the storage in the underground stormwater beds and ensure the runoff will never leave the site.

Another suggestion was to create a regional basin and what this approach would do, no matter what the applicant still has to manage stormwater on their property, but the potential to build a regional basin would address the other 136 acres. This approach can provide some meaningful improvements to the residents downstream and would require the applicant to deed over additional area in terms of open space. The function of the basin was explained to council. A conversation ensued regarding the property deeded to the Township.

The Mayor asked if the applicant was taking away some of the Townships open space.

Township Engineer Benner indicated in the T an M letter under the Stormwater Management section, number 52, the area detailed to be looked at has an existing wetland area that is occupied on the site. Through the wetland area there is a large pipe that captures a lot of the upstream area. In the concept T an M outline for the applicant to look at if the applicant could be a restriction in that pipe that goes through the wetland area, the water could actually bubble up through the inlets and essentially flood the wetland area. They are not talking about the area that will be dedicated to the Township, they are talking about the wetland area.

A conversation ensued regarding the table listed below and how the applicant is reducing every single storm greatly and will significantly improve the area.

Point of Interest #1 (Street Road)		
Design Storm Frequency (Year)	Pre-Development Flow (cfs)	Post-Development Flow (cfs)
1	11.97	11.13
2	15.72	13.98
5	21.60	18.38
10	26.47	22.02
25	33.55	27.13
50	39.56	31.06
100	45.97	35.22

Point of Interest #2 (Ex Storm Sewer between TMP #s 02-039-199 & 02-039-200)		
Design Storm Frequency (Year)	Pre-Development Flow (cfs)	Post-Development Flow (cfs)
1	30.41	--
2	43.39	37.77
5	65.22	53.16
10	84.04	66.27
25	112.20	85.32
50	136.58	101.26
100	162.83	118.90

Point of Interest #3 (Hulmeville Road)		
Design Storm Frequency (Year)	Pre-Development Flow (cfs)	Post-Development Flow (cfs)
1	--	--
2	0.993	0.993
5	1.736	1.736
10	2.409	2.409
25	3.457	3.457
50	4.393	4.393
100	5.446	5.446

Greg Bianchi is a Commercial Real Estate Professional, introduced himself and gave a brief summation of his qualifications. Mr. Bianchi had an opportunity to review the amendments and his professional opinion there is no adverse effect on any of the changes. It is not going to affect the ratios on how they propose to tenant this project or the co-tenant’s requirements that were originally discussed under his original testimony.

Mike Patel, Real Estate Broker, introduced himself and gave a brief summation of his qualifications. The project calls for about 40 units and feels there is a huge void of this type of product in Bensalem. One story living facility where everything is in walking distance. New projects that are coming up are all based on “walk score”. This project will have a very high “walk score” because it will have easy walkable distance to restaurants, gyms, grocery store, soon to come Amazon, this is what people are looking for and the target audience is going to be millennials, empty nesters and possibly retirees. Smallest unit is about 1,099 sq. ft. and the largest about 1,300 sq. ft.. The smaller units will be 2 bedrooms and the larger units will have 2-3 bedrooms.

Council President Pilieri asked how will the school buses be handled regarding the receiving and dropping off of the school children.

Mr. Patel indicated they are in the preliminary stages of the project. Ideally right off of Hulmeville Road would be the bus stop for the kids.

Council President Pilieri indicated the children would have to walk down through the trail to get to Hulmeville Road.

Council Vice President Knowles asked what would the selling price be for the units.

Mr. Patel indicated they are estimating around \$360,000 would be the average price.

Jamie Graham is a Traffic Engineer, introduced himself and gave a brief summation of his qualifications. He is currently working on revising the traffic study that was originally submitted in February of last year. They are complying with all of the Township comments and have been in touch with PennDOT and submitted a scoping application and have received comments from PennDOT. They will comply with all of the PennDOT comments as well. Currently they are looking to analyze 9 intersections surrounding the site. They include 4 on Street Road, 3 on Knights Road and 2 on Hulmeville Road. They are doing a pedestrian study, they will be tying in the central spine trail. There will be a trail crossing at Street and Asbury, the access point to the Hub. They will have right turn lanes off of Street Road at both access points into the Hub. They will also be doing a southbound Street Road left turn lane into the Hub. Traffic leaving the Hub, as of now, based on the preliminary analysis, they are looking at 3 exit lanes at the main intersection and 2 receiving lanes coming off of Street Road into the Hub. They are also looking at the internal intersections to make sure they work appropriately, currently they do, based on a preliminary analysis. They understand there are concerns of traffic on Asbury leaving the Hub going through that intersection into the residential neighborhood. Along Asbury they will be investigating traffic calming measures. Traffic Calming Definition: Traffic calming mainly consists of physical measures aimed at creating safe streets, including slowing drivers down, reducing collision frequency and severity, and reducing the need for police enforcement. Mr. Graham stated they are working hand-in-hand with the Township Traffic Engineer in order to get this right for everybody.

Council Secretary Kisselback asked about the traffic light at Street and Asbury and asked for clarification on the direction coming out of Asbury onto Street Road.

David Polatnick, AIA-Principal at PZS Architect's, LLC, introduced himself and gave a brief summation of his qualifications. The project consists of steel framed buildings, brick, glass and some metal panel. One of the things about these sort of lifestyle centers, they really can be transformative to the community because they create a sense of place and a sense of community because people gather there. You have mixed-use, you have dining, you have residential, you have commercial, people will come here to gather.

Council President Pilieri asked where the 6-story building would be facing, would it be facing the houses along Hansell or on the other side.

Mr. Polatnick indicated the 6-story building would be on the other side, not along Hansell.

Council Member Tokmajian indicated the wall pictured on the first slide will not be built as discussed. Developers always come before council with beautiful pictures and wanted to

make sure he had a commitment from the developer that makes it look like what is being displayed because it cost a lot of money to construct. The crossroads with the landscape stones, is all of that going to be incorporated into this project as it is outlined on the pictures that are being displayed.

Mr. Polanick indicated the project will be as displayed and the developer also made a commitment as to what was being displayed.

The Mayor indicated it was his understanding it could only be a 5-story building with the sixth floor being a restaurant.

The Developer indicated the Township ordinance doesn't distinguish what the sixth floor would be used for, there are some proposed uses on the record plan but there is no strict limitation. It is the uses all provided for in the ordinance and on the plan for building "D".

Council President Pilieri asked the developer if council were to explore this as a restaurant and nothing else, if the developer was willing to accept that proposal. The developer replied yes.

John Koutsouros wanted to clarify from the image, the center island that is in there now, is actually removed because they now need a turning lane there. The only thing outstanding from what was said, is the center island will no longer be there.

Council Member Tokmajian wanted to make sure it had the look and feel as to what is being presented this evening.

Charles Swanson, Economic and Finance Teacher at Temple University, introduced himself and gave a brief summation of his qualifications. Mr. Swanson was hired by the applicant to propose a revenue forecast, one being property tax, the other one being the newly implemented earnings tax. The earnings tax was calculated to be about \$200,000 a year and about \$1.6 million dollars for the property tax, once it is fully developed. In the development stage, about 280 workers are expected for a 2-year process. If the project takes longer to build it would be a slight upgrade, and indicated you wouldn't want a spectacular upgrade above Bensalem, but it is enough of a lift that it would have the agglomeration effects that would benefit the business districts more broadly in Bensalem.

Tom Comitta, Town Planner and Landscaper Architect and was asked to provide his thoughts on the amended application. Mr. Comitta was given an earlier draft of the ordinance and an earlier draft of the plan and was asked to give his thoughts. He made suggestions on the refinements in addition to those that the Township Engineer, Mr. Benner gave, and on his opinion is this proposed Hub of Bensalem is normative with these types of other mixed-use development projects.

Solicitor Goldberg indicated they have completed their presentation to council.

Council Member Tokmajian asked Mr. Koutsouros if the water basins will be in place before any of the buildings are constructed.

Mr. Koutsouros stated Stormwater Management is one of the initial stages of construction, and is a common requirement.

Council President Pilieri indicated to the Mr. Koutsouros, council will now go over the T and M Review Letter dated November 3rd.

Mr. Koutsouros indicated in working hand-in-hand with the Township Engineer, throughout this process, the applicant will comply to every item in the Land Development letter.

Council President Pilieri asked Solicitor Pizzo about the zoning issue, which will have to be brought up, if there is a motion made, and will have to be included into the motion.

Solicitor Pizzo that will, but believes he heard the applicant say if it can't be approved conditionally, they will simply revise the plan and remove the need for the variance.

Mr. Koutsouros replied, that is correct.

Council President Pilieri asked council if they had any other questions for the applicant since it is a will comply with everything, except the waivers.

Council President Pilieri asked Solicitor Pizzo if he had anything before he went to the Public Comment.

Solicitor Pizzo indicated he had a few matters of housekeeping regarding the ordinances, which shouldn't take long, then asked if council would like to do them now or when council gets to the point where they are called on for a vote.

Council President Pilieri indicated he will go to the Public Comment portion and then to the ordinances.

Council Member Sloane asked about the other T and M letter regarding the Zoning.

Mr. Koutsouros indicated they will comply with every item in the Zoning letter from T and M dated November 3rd.

Solicitor Pizzo indicated the same is true for Mr. Wursta's letter, TPD, dated July 8th, which was stated previously, every item is a will comply.

Solicitor Goldberg stated, just to clarify one thing, everything regarding the T and M review letter concerning the zoning is a will comply, there is a comment talking about potentially revising to provide zoning requirements if something may be recommended by the Bucks County Planning Commission. Obviously, they are not sure if anything is specific to that in the event something is required the applicant will be happy to talk about, but nobody really knows exactly what that is.

Council Member Sloane indicated if there are any changes that would come out of it, the applicant would have to come back in front of council.

Council President Pilieri indicated that would have to be in the motion. If they are not included in the motion, they would not have to come back in front of council.

Council Member Tokmajian stated there were not any concerns regarding the zoning, there was commentary about the uses that were being proposed within the development itself. The comments were specific in terms of the common uses of a gas station, a pharmacy, a bank and that those types of uses were more common along Street Road and there wasn't anything in particular that was unique to the project that would draw more people in. It wouldn't require any changes to the ordinances.

Council President Pilieri asked if there was anyone in the audience who would like to speak for or against this project.

Public Comment for Application: 2201 Street Road, LLC, The Hub.

These comments can be heard in their entirety at the following websites starting at marker 2:30:48:

www.bensalempa.gov

or

www.youtube.com

Natasha Bica, 2047 Hansell Drive, congratulated everyone on being re-elected, was happy to see the Mayor. Thanked everyone for responding to her emails every time she had multiple issues to discuss. Ms. Bica questioned the grading, the change of the property to the SRM District and felt it made it a more congested property and questioned the buffer. Traffic, water and the gas station were some of the other concerns Ms. Bica spoke on.

Barbara Manolakis, 3210 Fairway Road, was concerned about a connector road, Council President Pilieri indicated the connector was taken out of the plan. Questioned the wetlands and if they would be useable. Asked council not to accept the 6-story building proposal. Asked council to consider having this a union project.

Bill Markle, 3264 Rambler Road, can't get out of his development due to traffic. He understands you have to build something but doesn't agree with the project that was presented before council.

Coleen Slaweski, 2032 Hansell Drive, congratulated council on election day and who now become the peoples voice for the next four years. Complained about the traffic. Is not happy with the proposal from the applicant and is against the project in general.

Jennifer LePent, 2073 Hansel Drive, asked, if considering a 6-story building if Bensalem had a ladder to reach to that height. Is against the gas station. Street Road is congested now, this project will cause even more traffic. Is against a lot of the amenities presented this evening regarding this project. Stated nothing lasts, don't need more vacant stores as in the Neshaminy Mall. With vacancies comes infestation. The \$360,000 condos on top of a retail store makes no sense.

Tim Whelan, 2382 New Market Sq. South, congratulated the Mayor and Council President Pilieri on their re-election. Mr. Whelan is an iron worker and for him to come before council and say, don't build it, is tough. Street Road is out of control with traffic.

Joanne Kelly, firmly believes the project in front of council is too small for the footprint of the area and what is being proposed. Complained about the plastic trash bags that fall on her property from the supermarket that is on block away. Then asked council what they thought would happen to Hansell Drive with the Hub right next to them. Was wondering what her current value of her property is and then what it will be after the Hub is built.

Alan Windsor, 3232 Azalea Avenue, congratulated those who won the election. Stated he did not hear any of the Environmental committee's statements regarding this project. Then asked how many buildings are sitting in Bensalem empty. Why are we building more when there are plenty of vacant buildings? Bensalem has a Street Road corridor that cannot control the traffic.

Council President Pilieri asked if there was anyone else who would like to come forward, seeing no one, the Public Comment portion for applicant 2201 Street Road, LLC, the Hub was closed.

Council President Pilieri asked Solicitor Pizzo if he had anything before council moves forward.

Solicitor Pizzo indicated there are a few revisions to the various ordinances. The ordinance that is proposed to amend section 232-59. The numbering and lettering of that section stays consistent, what the applicant is proposing to be 232-59(d) should actually be 232-59(2)c. The section beneath that which is proposed to be 232-59e, should actually be 232-59(2)b. That will fit nicely into the ordinance if council chooses to adopt it. For the ordinance amending 232-593, everything there looks fine. For the proposed Street Road Mixed Use ordinance, SRM, in section 232-413.2, sub-section A, sub-section 6, the word "stores" should actually be "store", convenient food "store". In sub-section B under the "accessory uses" the proposed accessory use 3 should be stricken, it is redundant. It should just be accessory uses 1 and 2. Under section 232-413.3, under sub-section G, no building shall exceed 6 stories or 80 ft. in height, no more than 1 building on a lot, the word "lot" should actually be the word "tract". Going down a little further in that section where it says "number 9 density", 9 should actually be (i), it is a continuation of that section. Similarly, where it says number 10 Safety, the 10 should be replaced with a (j). Flipping forward several pages to section 232-413.6, sub-section H, the word "property" should actually be "tract", on any "tract", on any "tract" in the SRM District. Staying in that section and continuing to sub-section S, in the second line where it says development pursuant to sub-section U there should be a closed parenthesis after the letter U and the period. Those are the changes to those ordinances if council chooses to adopt any or all of them.

Council Member Sloane indicated, with respect to the ordinances that are on the agenda, and understands those comments that came forward this evening, he believes this project has been significantly scaled down and believes there have been significant improvements to help with the stormwater management on site and will be a huge benefit to those folks living in that area. Then motioned to approve changes to ordinance chapter 232-59, 2332 to add the SRM Street Road Mixed Use District, amendment to 232-593, and the amendment to the official map of Bensalem Township. Incorporating the editorial comments from Solicitor Pizzo with respect to the November 3rd T an M letter on the zoning ordinance, the developer will comply with all

comments in the T and M letter and the Traffic Engineer's letter, then will address anything else in the land development. Council Secretary Kisselback seconded.

Council President Pilieri added his point to this whole thing. He indicated he lived on June Avenue, in Eddington, It took him 20 minutes on Saturday to get from his house to Toscana Restaurant located in Trevoise. To get to I-95 from his house, takes 15 to 20 minutes. To put all the amenities in the Armstrong property, it is going to be terrible to try and get around for those of us who live down in that area.

Council Member Tokmajian suggested adding to the motion as far as restricting the developer to be able to convert to apartments, Council Member Sloane agreed to the suggestion that will be added to the land development motion.

Council President Pilieri asked for an individual vote, Council Member Sloane voted yes, Council Member Tokmajian voted yes, Council Vice President Knowles voted yes, Council Secretary Kisselback voted yes and Council President Pilieri voted no. The motioned carried 4-1-0.

10. **CONSIDERATION OF AN ORDINANCE AMENDING THE OFFICIAL MAP OF BENSELEM:**

11. **CONSIDERATION OF A REVISED PRELIMINARY LAND DEVELOPMENT:**

Applicant:	2201 Street Road. LLC
Location:	2201 Street Road (The Hub at Bensalem)
Proposed Use:	Commercial & Residential
Zoning Classification:	SRM Street Road Mixed
Tax Parcel:	2-33-26

Council Secretary Kisselback motioned to accept the preliminary and final land development based on the letter from T and M dated November 3rd. In reference to the aspects of this memorandum in section C the applicant has withdrawn number 6 which was a submission. Section D the applicant has asked for a waiver on number 32, 44, 46 and 52. A waiver of section E, number 22, the stormwater pipes which basically would be normally a 2 ft. wide pipe and the applicant is asking for 12 to 18 inches. D 32 would be a payment in lieu of the 124 trees not being planted. The apply will comply to the Traffic Engineer letter date July 8th. The applicant will pay an Impact Fee as determined the Impact Fee Advisory committee at the time of issuance of the permits. The applicant will also comply with the Bucks County Planning Commission. The applicant will comply with the Township traffic study, as well as PennDOT. The applicant agrees to the sixth floor of the building as being a restaurant use only. When it comes to the property itself, the applicant has offered to donate approximately 7 ½ to 8 acres to the Township. The township is to accept only the area excluding the area to be worked on with the Township that includes the wetlands which will be the 2-acre area. The applicant will have to provide the appropriate mitigation of the stormwater management that will be approved by the Township Engineer and the Township Solicitor. **Council Member Sloane** seconded the motion but wanted to make sure council was adding in the investigation to the additional stormwater management, with respect to comment E-52, which was added to the motion. Mr.

Kisselback added to his motion, none of the condominiums can never be changed to apartments. **Council Member Sloane** amended his seconded.

Solicitor Pizzo was going through his notes and stated the issue as to the appearance of the site as compared to the architect's drawings. Earlier comments were council wanted some assurance as to having the Township have the ability to sign off on the building elevations and the entrance to the facility and asked if this was still the case.

Council Secretary Kisselback added to his motion the Township Engineer has to approve any of the architectural designs and materials before any building is approved. Council Member Sloane amended his seconded.

Solicitor Pizzo indicated this motion should also include what council had said about complying to all of the items in the November 3rd, 2021 T and M letter with the exception of those handful council explicatively waved. Council should also have the same requirement under the land development approval that the land developer comply with the comments set forth in the November 3rd, 2021 T an M letter regarding the petition for change of zoning.

Council Secretary Kisselback changed his motion to include the Solicitors recommendations, **Council Member Sloane** amended his second.

Council Member Tokmajian wanted to address the overdevelopment topic that came up and said he has done his due-diligence and to answer the question they had an overlay plan done in the last two years of similar acreage, roughly 40 acres. Each any every one of the council members have fought with the developer in terms of scaling the project back as much as possible, in addition to the fact that the Township picked up roughly 8 ½ acres. Council went through a number of reiterations of the project, there is significant stormwater improvements for Hansell Drive, as well as economic advantages.

Council President Pilieri asked for an individual vote, Council Member Sloane voted yes, Council Member Tokmajian voted yes, Council Vice President Knowles voted yes, Council Secretary Kisselback voted yes and Council President Pilieri voted no. The motioned carried 4-1-0.

12. **PUBLIC COMMENT:**

Council President Pilieri invited Public Comment and seeing no one come forward, the second of two Public Comments was closed.

13. **OTHER BUSINESS:**

The Mayor acknowledged Veterans Days and reminded everyone the Township building is named after veterans.

Council Member Sloane asked the Township Engineer if council could get an update on the whole dirt pile situation regarding Mr. Popli's property. Congratulated those who won the

election. Wished everyone future success in their terms and hopefully all Bensalem residents will benefit. Wished everyone a Happy Veterans Day and thanked everyone who served.

Township Engineer Benner indicated it was his understanding Mr. Popli was issued a ten-day letter. Also, Mr. Popli has just returned from India on Friday and will be reaching out to Mr. Farrall and Mr. Benner to talk about those items.

Council Member Tokmajian thanked everyone for coming out on Tuesday, Election Day. Asked the Mayor if he could update council on the redevelopment of the Neshaminy Mall. Thanked all of the Veterans.

The Mayor indicated no one has brought anything to the table and the owners are not cooperating.

Council Vice President Knowles thanked everyone for coming out on Election Day and congratulated those who won. Wished everyone a Happy Veterans Day.

Council Secretary Kisselback thanked all Veterans for their service. Gave a history report on how Veterans Day came about. Spoke about his two sons who are serving in the Armed Forces.

Council President Pilieri thanked all Veterans who put their lives on the line to protect this country every day.

14. **ADJOURNMENT:**

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

The Bensalem Township Council Meeting of November 8th, 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