

**BENSALEM TOWNSHIP COUNCIL  
MEETING MINUTES**

**Monday  
November 9<sup>th</sup>, 2020**

**Zoom – Virtual Public Meeting**

**VIRTUAL COUNCIL MEMBERS PRESENT:**

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

**OTHER VIRTUAL PRESENCE BY:**

Joseph Pizzo, Township Solicitor  
Edward Rudolph, Township Solicitor  
Russell Benner, Township Engineer  
Quinton Nearon, Principal Inspector  
Debora McBreen, Council Clerk/Recording Secretary  
Bill Zadrovicz, Traffic Planning and Design, Township Traffic Engineer

**PLEASE NOTE:**

**Due to the COVID-19 pandemic and all of the orders and declarations from the Federal, State, and County governments, the Bensalem Township Council held its' regular monthly meeting as a virtual public meeting utilizing the Zoom Meetings platform.**

**PLEASE NOTE:**

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

**1. PLEDGE OF ALLEGIANCE:**

**Council President Kisselback** opened the meeting with a moment of silence or prayer which was followed by the Pledge of Allegiance.

2. **PUBLIC COMMENT:**

[publiccomments@bensalempa.gov](mailto:publiccomments@bensalempa.gov)

3. **APPROVAL OF COUNCIL MINUTES:**

**Council Member Tokmajian** motioned to approve the Minutes of the Council Meeting dated October 13<sup>th</sup>, 2020, with a minor change. **Council Secretary Knowles** seconded and the motion carried 5-0.

**Council President Kisselback** indicated Agenda Item #7, Consideration of a Minor Subdivision, regarding the applicant, Anthony Oelschlegel, had requested to be heard at a different date. This decision will be made when Agenda Item #7 is addressed.

4. **CONSIDERATION OF A MINOR LAND DEVELOPMENT:**

<b>Applicant:</b>	<b>Foley, Inc.</b>
<b>Location:</b>	2975 Galloway Road
<b>Proposed Use:</b>	Modular Office Building
<b>Zoning Classification:</b>	G-I General Industrial
<b>Tax Parcel:</b>	2-33-66-7

**Council President Kisselback** asked who was representing this client. **Solicitor Pizzo** indicated the following people will be participating:

**Ed Gudaitis**, Vice President of Rental Services Division, Foley CAT  
**George Hartman**, P.E., Project Manager, Bohler  
**Rob Horlacjer**, Modular Genius

**Cory Christian**, P.E., Senior Design Engineer, Bohler  
**John Kopceuch**, Director of EHS & facilities, Foley CAT  
**Mike Barnesevitch**, Environmental Health & Safety Manager, Foley CAT

**George Hartman, P.E.**, Project Manager, Bohler., indicated before they presented any details of the plan he would like Ed Gudaitis, Vice President of Rental Services Division, Foley CAT to talk briefly about the Foley CAT operation and why they are proposing this approximate 3,000 ft. building. Mr. Gudias indicated they would like to move the employees from the current building, which is starting to show its wear, by upgrading the space for a new facility.

**Mr. Hartman** indicated the Minor Land Development application before Council this evening for an approximate 3,000 ft. facility with 5 parking spaces, asphalt paved area to access the parking spaces adjacent to the building. The area is currently a gravel yard used to store the rental equipment. All of the engineering items and concerns have been addressed.

**Council President Kisselback** indicated Council will address the waivers for this applicant.

**Township Engineer, Mr. Benner**, indicated the applicant had two waiver requests. The first waiver is from Section 201-10(c)(1) which states street trees shall be planted by the developer along all streets where suitable street trees do not exist. The applicant is requesting a waiver for providing the 27 street trees along the PA Turnpike and are proposing a fee in lieu of planting the trees and that fee would be \$300 per tree times 27 trees that would be a total of \$8,100. The second waiver the applicant is asking for is from Section 201-112(i) which states all nonresidential parking areas and access driveways shall be paved and curbed, no curb is being proposed for the parking area or along the proposed access drive. Mr. Benner indicated this particular development is a leased area from the current Giles and Ransome site.

**Council Secretary Knowles** asked Mr. Benner if he thought not having curbs in the parking area was okay. Mr. Benner explained the applicant commented they have a lot of heavy equipment that runs through the area and this is essentially, a large open area and the Township has no objection to not having curbs. Council Secretary Knowles asked if the money would go into the tree fund, Mr. Benner replied yes.

**Council President Kisselback** indicated if Council grants the waiver for the curbs there will be a fee in lieu of based on our Ordinance and asked Solicitor Pizzo if this was a correct assumption. Solicitor Pizzo indicated that was correct.

**Solicitor Pizzo** asked Mr. Hartman or one of his team members if they had a copy of the plans to put up on the screen for Council. Mr. Hartman presented the plans to Council and explained the area is off of a main road onto an access road which is presently being used as a large storage area and will remain with a portion of it being used for the facility and parking area and a proposed sidewalk.

**Council Secretary Knowles** asked Solicitor Pizzo if the curbing the applicant was referring to was street or parking curbs as he was not quite clear on why there would be a fee in lieu of if it was parking curbs. Solicitor Pizzo indicated Councilman Knowles was correct and there would be no fee in lieu of, when the question was asked earlier regarding waiver of curbs and sidewalk, the discussion was curbs along the roads.

**Council Secretary Knowles** needed clarification on the Fire Marshal memos. Mr. Hartman indicated all of the rejections were addressed as indicated in the memo.

**Council Member Tokmajian** addressed the BCPC memo dated May 19<sup>th</sup>, 2020 and asked Mr. Benner if the impervious surfaces were addressed and Mr. Benner indicated it was addressed. Council Member Tokmajian asked about the dumpster location on the plans and indicated parking space number five seems to be blocking it from an outside source to pick up the waste. Mr. Hartman indicated the tilt dumpster was going to be moved to the location wherever they need for the operation, so there will be access to the tilt dumpster.

**Council Member Sloane** indicated he was looking at the engineering drawings, specifically drawing C-30, and the top left has a little table. It lists what is required then it breaks it down to what is provided for lot one and lot two and asked if his assumption of this not being a subdivision was correct and that this is really just one lot. Mr. Hartman indicated that was correct and the building is located on lot one and the other property area is lot two.

**Council Vice President Pilieri** indicated this is leased from the people that use to own the company that has the big parcel. Mr. Hartman replied yes. **Council Vice President Pilieri** asked if they come in to do something with that parcel this will have to be separated off of this and they can't include this in any other projects they bring in, correct? Mr. Hartman stated he was not privy to any of the details to anything else going on here. The 20 acres is a separate parcel and Foley CAT has a long-term lease agreement for that parcel to operate. Mr. Benner indicated they would have to resolve it in some way shape or form if a future development comes in. Whether not to use it, sub-divide it, it would be depending upon what proposal they come in with and how this would interact with that.

**Council President Kisselback** wanted to clarify if the request of the waiver of the curbing was for the walkway, also or just the dark grey area where the blacktop will be. Mr. Hartman explained they were not proposing curbing anywhere.

**Council Secretary Knowles** noted the Traffic Planning and Design memo dated August 12<sup>th</sup>, 2020 and stated that is why there was some confusing regarding the curbing because the General Comments notes three concerns and asked if they were addressed. Mr. Benner indicated they added the stop bar and the stop sign and they have designed the ramps which access the crosswalk which accesses the parking on the other side of the drive aisle, they put two ramps at both of those locations, they've addressed that comment. Mr. Benner indicated the pathway is not along a roadway and has no objection to it, however, once again, if Council feels they should require then they can. But if you look at the drawing it is kind of where or how would you put the curbing in, because at the top it is just a pathway.

**Council President Kisselback** indicated this was addressed twice in Council's packet. One memo from T and M Associates, Township Engineer and the other memo from Traffic Planning and Design, Township Traffic Engineer. If curbs are not going to be put in, then a waiver would be necessary, and since it is an internal sidewalk, it would not need a second waiver to request a non-fee in lieu of. Solicitor Pizzo indicated a waiver of the curb requirement is necessary, they are called for under the Sub-Division Land Development Ordinance. The question of whether a fee in lieu of is required is based on the discussion this evening. Solicitor Pizzo indicated they would not normally require a fee in lieu of for internal curbing or internal sidewalks, therefore, there is no need for anyone to waive a fee in lieu of because it is not something the Township would otherwise require. A waiving of the curbing itself, is required.

**Council Member Tokmajian** motioned to approve Foley CAT, the first waiver, Section 201-10(c)(1) street trees, the applicant has agreed to pay a fee in lieu of the amount of \$8,100. The second waiver, Section 201-112(i) the access drives being paved, and the third waiver of the curbs along the pathway inside the property and the applicant will comply with the Impact Fee. Council Secretary Knowles seconded and the motion carried 5-0

## 5. CONSIDERATION OF A MINOR LAND DEVELOPMENT:

<b>Applicant:</b>	<b>William Haas</b>
<b>Location:</b>	1601 State Road
<b>Proposed Use:</b>	Restaurant/Catering & Portable Tent/Catering
<b>Zoning Classification:</b>	G-I General Industrial
<b>Tax Parcel:</b>	2-64-1-1 & 2-60-69

**Solicitor Pizzo** admitted the following people in for the applicant William Haas:

**Douglas Maloney**, Esquire  
**William Haas**, President, Director, General Manager  
**Douglass Waite**, P.E., Gilmore & Associates, Inc.

**Solicitor Maloney** presented a short background to the Pen Ryn Mansion and proceeded with the applicants request. In April of 2019 Mr. Haas secured a Conditional Lease from the County for the space where this Garden Pavilion currently exist. COVID hit, and this project went quickly from the back burner to the front burner because this structure qualifies as a COVID compliant facility, as indicated under the Governor's order.

The Governor's Orders in March put severe restrictions on the ability to host the type of events that Mr. Haas and Pen Ryn specialize in which are predominantly weddings but they can be corporate functions, any functions inside. This tent qualified as an outside facility. Mr. Haas worked with the Township staff and the County staff to at least get this going on a temporary basis to get him through the COVID crisis. Mr. Haas and Pen Ryn have already cancelled over 200 weddings due to COVID. The project itself involves a portable tent. The tent fabric is portable and the frame is aluminum and the frame will remain all year round, but the portable fabric will be typically taken down sometime after October 31<sup>st</sup>. This year under Mr. Haas' temporary permit it can stay up until November 30<sup>th</sup>. The tent itself is 200 square feet, it includes a restroom and a kitchen area, so the total tent area is about 980 square feet. The tent has a sound system and a sound compressing system that Mr. Haas has personally tested with neighbors to make sure there was no adverse impact. There is no parking immediately adjacent to the tent. All quests will arrive by shuttle that is provided by Pen Ryn.

Solicitor Maloney indicated a lease amendment was submitted to the County because when the site was built, Mr. Haas found it necessary to encroach somewhat off of the leased area into the County land and will need the County Commissioners approval and was happy to say they have secured the approval on November 4<sup>th</sup>.

The T and M Review letter of October 19<sup>th</sup>, 2020. Doug Waite from Gilmore and Associates is the Project Engineer and has responded to the review letter on November 4<sup>th</sup>, 2020 as well as a waiver request letter that Mr. Waite submitted with the application which is dated September 11<sup>th</sup>, 2020 both to be submitted into the record.

Other than the 7 waiver requests all items are a will complies in regards to the Township Engineer, Mr. Benner's letter. In regards to the TPD letter, the applicant has clean letters from the Fire Marshall and the Traffic Safety unit.

**Council Member Tokmajian** indicated to Mr. Maloney he had received County approval on November 4<sup>th</sup> and they noted they had to approve some of the projects and asked Mr. Maloney to elaborate.

**Solicitor Maloney** indicated what the County approved was a lease amendment, which Solicitor Maloney mentioned previously, on April 2019 they had an original conditional lease with the County which had a defined lease area to it. When that project got underway (Pre-COVID), Mr. Hass discovered two things. One is he wanted to construct a berm to shield the tent structure and the driveway from the Pen Ryn Mansion and the Belle Voir facility. Mr. Haas

wanted a berm outside his lease area that would be planted with arborvitae to provide that screening which was not provided in the original lease. Also, the driveway neck where it joins the stone parking lot, rather than coming into the 90° angle you'll note that it curves into the stone parking lot. That is because there was a couple of utility poles that would have been impacted and he would have lost several parking spaces. The configuration that you see, is the encroachment on the County land and is outside of the lease area. Mr. Maloney prepared a lease amendment to allow both the berm and that encroachment. Also, when the stone parking lot was put in, part of it was encroaching on the surrounding County land and wanted to clean-up any of the encroachments on the County land with this lease amendment.

**Council Member Tokmajian** asked Solicitor Maloney to provide more detail regarding the sound suppressing system that was previously mentioned.

**Solicitor Maloney** indicated he could not go into much technical detail and asked Mr. Haas to elaborate. Mr. Haas indicated Washington Crossing had issued and did not want that for his venue so he contacted neighbors, the Beemers, who live in the closest house, gave them a tour of the property and provided their cell phone numbers to them so they can call with any noise issues. Mr. Haas explained what they did so not to receive any calls was they built a 100 ft long, on the neighbor's side, a 6-inch-wide by 13-foot-high sound barrier. In addition to that, all music, DJ's, bands, etc., must play through Pen Ryn's PA system, not their amplifiers. Mr. Haas explained their system has a sound compressor which dictates the maximum decibel level of music. It is limited to 85 decibels, if the DJ or band try to go louder it mutes and distorts their sound to a lower level. Next to the DJ or band area is a large decibel meter which actually shows them the actual readout and also the head Maître D's walk around with a portable decibel meter. Mr. Haas indicated they are very tentative to the sound scenario.

**Council Member Tokmajian** asked if the venue events limited to the time of night.

**Mr. Haas** explained weddings usually go to 10:00pm but there have been a handful that have gone to 11:00pm. Mr. Haas explained they have more problems with park issues, and are in constant contact with the Rangers and Mr. Haas indicated they do a very good job. They are in contact with Mr. Bill Mitchell head of the Park Rangers who are policing that park,

**Council Member Tokmajian** asked if the capacity for this facility was 200 people.

**Mr. Haas** stated 250 people is the limit by the State at this time and the tent is in the area of 230 to 250 people.

**Council Secretary Knowles** asked if Council Member Tokmajian was concerned about the tent being closed in, with the walls that could be opened as explained by Mr. Haas, or is his concern due to COVID or some other safety issue.

**Council Member Tokmajian** explained that COVID is definitely a concern especially if it is being called an outside tent or an outside venue but if it is theoretically enclosed by whatever material he would not attend an event that is completely enclosed. Council Member Tokmajian indicated he attended events with an overhang but not something with panels that completely enclosed the area.

**Council Member Knowles** indicated the state would regulate the facility under COVID restrictions.

**Council Vice President Pilieri** indicated to Mr. Haas you are following the State guidelines for COVID. Mr. Haas stated they require masks, hand sanitizer is placed throughout the facility, the walls are open, people are six feet apart, tables are six feet apart. And are doing everything in their power to follow the State Mandated Guidelines with direct communication with the Health Department, Fire Marshall and such and do not want to jeopardize what they have been doing for 27 years.

**Solicitor Pizzo** stated, in regards to COVID, this facility and a number of facilities throughout the Township, when the Governor and Secretary Levine took the state, and ultimately the County, which was done in different phases throughout the State, took the County from “RED” to “YELLOW and “YELLOW to GREEN”, and allowed outdoor eating, there was a mad rush on the Township for most of the restaurants and similar facilities in the Township, that “A” had the location and “B” had the financial ability to put up tents. The Township recognizing that all of these local businesses had been shut down, and the only way they were going to open was by way of allowing them to put up tents, the Township did everything it its power for this facility and every other one in the Township that had the wherewithal to do it, to make it possible for them to put up tents as quickly and as safely as possible so that those restaurants could again, start to operate. Insofar as the operation of those facilities, our Fire Marshall inspects the construction and installation of the tent. After that, it is up to the businesses themselves, to either self-police, or if they are regulated by the LCB, or the County Board of Health, consult with those entities to make sure their operations are in compliance. In this case, to the extent that the facility is being talked about this evening, has the ability to open, when the walls are open it is treated as a tent. If the walls are closed and it is fully enclosed, then it is treated as an indoor facility and different rules apply and it is up to the ownership of the restaurant to make sure they are doing what they do so not to put their liquor license in jeopardy and not to put their Board of Health approvals in jeopardy.

**Solicitor Maloney** discussed the T and M memo dated October 19<sup>th</sup>, and indicated the following seven waivers: First waiver, Section D, number 5 is to allow the improvements in the floodplain. The Township’s Ordinance requires Pen Ryn to seek this waiver.

**Council President Kisselback** read the first waiver request into record: *In accordance with the SLDO Section 201-102(f), land subject to flooding or other hazards to life, health or property shall not be utilized for residential occupancy nor any other uses which may increase the danger to health, life or property, or aggravate erosion or flood hazard.*

**Engineer Benner** indicated it is unique to be in SLDO, it is really governed through the Zoning Variance and the Floodplain Ordinance. The Zoning Hearing Board granted this variance.

**Council Member Sloane** asked Engineer Benner if he had any concerns of development in the floodplain in this situation.

**Engineer Benner** indicated they had a really good group in the Philadelphia office that is FEMA oriented. The proposal was viewed with that office and they had no objections to it which dovetailed into the Zoning Hearing Board granting the variance.

**Solicitor Maloney** discussed the second waiver request from Section D number 7 which is to allow grading and improvements within 3 feet of the property line. In this case it really involves the encroachments that were previously mentioned that the County has approved by virtue of the lease amendment. It is where they are grading not only within 3 feet of the property but grading over the property line. The County is fine with this and has leased this area to Pen Ryn.

**Engineer Benner** indicated he was fine with it as long as the County was fine with it.

**Solicitor Maloney** indicated with condition of the approval, Pen Ryn should provide the Township with signed copies as soon as they receive them from the County.

**Council Member Sloane** asked, if that would be for the area that abuts up to this new leased area and clarified it was not adjacent to another property owner.

**Solicitor Maloney** indicated the third waiver request from Section D is item number 8 regarding the tree requirement. When you look at the aerial photo of this property and the site it is hard to believe that Pen Ryn would actually need a tree waiver. Apparently under the Townships Ordinance Pen Ryn is 12 trees short. Mr. Haas has planted 260 giant arborvitae in this area that apparently don't count because they are not on the Township's list of approved trees. There are a lot of trees on this site, but could plant twelve more trees and believes it is sort of overkill.

**Council Kisselback** indicated relative to the ordinance approved trees there would be a fee in lieu of \$300 times the 12 additional trees and asked Solicitor Maloney if he would be in agreement with that if Council were to pass the waiver.

**Solicitor Maloney** indicated Mr. Haas would rather plant the trees.

**Council Vice President Pilieri** indicated there are many trees in this area. Where is the Township counting the trees?

**Mr. Haas** indicated they planted 450 trees and shrubs, 50 pear and plum trees and indicated he doesn't mind planting more tree and asked Council to take in consideration the arborvitae that were planted.

**Solicitor Maloney** indicated the fourth waiver request from Section D is item number 9 which is the width and paving of the access road which is the long road that ends in a cul-de-sac down by the tent. This road is supposed to be 24 ft wide, it is stone and 20 feet wide. This is not for public access, it is just for shuttle service and for vendor use only. The applicant does not want to create more impervious service than they have to and request the waiver.

**Solicitor Maloney** indicated the fifth waiver request from Section D is item number 12 involves the stone parking area which is supposed to be setback 15 feet from any property line. This is the area that actually encroaches on the property line which was already touched on in a previous waiver request.



**Solicitor Maloney** indicated the sixth waiver request from Section D is item number 13 which requires paving and curbing in the parking areas and access drive. Again, variances were granted by the Zoning Hearing Board for the exact same requirements. Would like not to pave and prefer the stone. Also, curbing in this particular area would impede the flow of stormwater, no curbs allows better dispersion of the stormwater.

**Solicitor Maloney** indicated the seventh and final waiver request from Section D is item number 14 which is regarding the lighting requirement. The Township Ordinance requires one-foot candle lighting in all parking areas. This is somewhat of a secluded area and the other parking fields don't have one-foot candle lighting, this would be an extremely bright area. They are requesting this waiver which is consistent with the rest of the parking areas. In this particular area will only be shuttle service to and from the venue.

**Council President Kisselback** asked Solicitor Maloney if he would agree to hold the Township non-labile for any lawsuits if an accident or something would occur relative to the appropriate one-foot candle lighting degree the Township requests normally.

**Solicitor Maloney** asked if Council President Kisselback was looking for an indemnification agreement. This assumption was correct and both the Solicitor and Mr. Haas agreed to the request.

**Solicitor Maloney** indicated all of the other items in Section D, other than the requested waivers, are a will comply. Section E – Chapter 196 – Stormwater Management Ordinance to all comments are a will comply. Section F – Chapter 104 0 Floodplain Management Ordinance to all comments are a will comply. Section G – General Comments are a will comply. Regarding the TPD letter of October 29<sup>th</sup> there are eleven comments, one through ten are will comply. The last comment, number eleven, deals with the pavers, and whether the pavers are going to extend up above the timber framework. The response the applicant provided is the pavers, as built, are actually lower than the timber frame. The applicant has already addressed and complied with the comment.

**Council Member Tokmajian** asked if there would be the potential of having all three venues going at the same time.

**Mr. Haas** indicated, once restrictions are lifted, yes, all three venues can be held at the same time. Mr. Haas stated this is why they are asking for a full and longtime approval.

**Council Member Tokmajian** indicated his biggest concern, and he has been down there several times, parking looks to be limited. Per the plan there appears to be 482 spaces required for these three venues. There is only three under and some odd spaces that are being planned, and asked for confirmation.

**Engineer Benner** indicated Pen Ryn site has 210 parking spaces, which was confirmed by the applicant.

**Solicitor Maloney** indicated behind the stone parking area on the plan, Mr. Haas has always had that very large field available for overflow parking and has never come close to having to use the overflow area. Ultimately, if Mr. Haas needed to he would extend the existing parking field, if necessary.

**Mr. Haas** indicated, even with three facilities fully up and running, they would not book the other facilities specifically knowing that there could be parking issues.

**Council President Kisselback** indicated as concerned as they are as Council members a variance was granted for the parking so it is beyond Councils' prevue in making this decision for this development.

**Solicitor Maloney** suggested as a condition of approval, Pen Ryn be required to maintain as open and available parking the area Mr. Maloney just eluded to which is the area behind the stone parking lot.

**Council Member Tokmajian** visited the site and indicated there is a lot of equipment on the side of the tent and the view from the park is not ideal.

**Mr. Haas** indicated it will take about a year for the arborvitae to grow in and the view should be much better, but ten of them have been stolen already, ripped right out of the ground. Mr. Haas indicated when Council Member Tokmajian visited the site it may have looked worse, but they have every intention of replanting the stolen shrubs.

**Council Member Tokmajian** indicated this is being referred to as a temporary structure. How are the aluminum poles or beams being supported in the ground and asked for detail.

**Engineer Benner** indicated they did not do a structural analysis on those particular beams and asked Mr. Haas to elaborate. Engineer Benner indicated the tenting material can come off and this is the Townships biggest concern regarding the floodplain.

**Mr. Haas** indicated the whole tent went through code enforcement and fire marshal offices. There are four six-foot stakes that were hydraulically pounded into the ground, the frame is capable of 140 mile an hour winds with the canvas on, it is much higher without the canvas on. The canvas will not be on during the winter months.

**Council Member Sloane** indicated there was one comment on the Bucks County Planning Commission letter regarding the East Coast Greenway Trail. The recommendation from the Commission was to coordinate with regards to this development for that portion of the trail. Is it part of the parcel?

**Solicitor Maloney** indicated it was their understanding, which is noted in their response letter, the trail is currently planned to be located on the other side of State Road.

**Mr. Haas** indicated Solicitor Maloney was correct the trail actually comes along the train tracks to Wharf Road which is what the other side of Pen Ryn's driveway is between the train tracks and State Road and then continue north.

**Council Member Sloane** indicated, with respect to the Zoning Hearing Board, had an opportunity to review the minutes from that meeting and there are some conflicting which he asked for clarification. He stated under Mr. Haas testimony he noted he had never seen water come over the wall not even six inches. But there was a resident that commented there was water that has come over the wall and there were concerns of water movement as early as March.

Mr. Haas indicated he has been on that property for 27 years, when there is literally a full moon and hurricane season, which obviously is very, very rare, the most that Mr. Haas has seen it over the river wall, in the Pen Ryn easement, is about six inches. This is typically evidence by an area with debris for example tree branches and such, this is all Mr. Haas has seen. Mr. Haas indicated even if it came over 3 feet or 6 feet, none of that gets near the tent which is 100 feet back.

These Public Comments have been addressed during the course of the meeting and they are:

**Darci Brodecki**, 341 Herringbone Lane, complaint was regarding noise around 11:00pm and parking which both have been extensively discussed.

**Mr. Haas** stated he spoke to a resident, not sure if it was this particular neighbor, a few weeks ago and discussed the noise, documented the date and told them the Pen Ryn event ended at 10:00pm and the noise they heard was not from their event but from the park because the rangers had not closed the park.

**Mr. Haas** stated he could not see someone dressed up parking in the park and walking over to an event then not being able to get their car at the end of the night because the park is closed. It would be bizarre and there is no logic for a guest to park their car in the park.

**Margo Mocarski**, 241 Herringbone Lane, wanted to share her frustration with the proposed minor land development for Rivers Edge at Pen Ryn Estate. Why is the meeting happening more than 7 months after the site work? Also, its disregard for the use of the public park in the surrounding area. It is frustrating that the rules of sound planning and review seem to fall to the wayside so easy for some folks. This project was fully completed without an oversight from Council and Zoning Board who only reviewed it after the fact.

**Solicitor Maloney** indicated Mr. Haas worked very closely with the staff to get this off the ground. It was thoroughly engineered, reviewed by the Township Planning Commission, by the Township Building Inspectors and by the Township Fire Marshall. This was presented to the Planning Commission as a sketch plan to get feedback from the Township as early as possible. Then went to the Zoning Hearing Board and reviewed it with them as well. All review letters were responded to, so it is beyond the bail to suggest this was never reviewed.

**Council Vice President Pilieri** motioned to approve along with the waivers that were requested and waive the no fee in lieu of the trees, and will comply with all of the items in Engineer Benner's letter as well as the TPD letter, **Council Member Sloane** seconded and the motion carried 5-0.

## 6. CONSIDERATION OF A MINOR SUBDIVISION:

<b>Applicant:</b>	<b>Manish Shah</b>
<b>Location:</b>	2866 Wine Avenue
<b>Proposed Use:</b>	Single Family Detached Residential
<b>Zoning Classification:</b>	R-2 Residential
<b>Tax Parcel:</b>	2-39-86

**Solicitor Pizzo** admitted the following into the meeting:

**Dean Bogin**, Esquire

**Anand Bhatt**, P.E., LEED AP, of Arna Engineering Corp., Project Engineer

**Manish Shah**, applicant

**Solicitor Bogin** indicated currently on the property is a single home, detached garage and shed in which his client plans on tearing it down, sub-dividing the property to put two new single homes.

**Council President Kisselback** referred to the review letter from the Township Engineer, Mr. Benner, dated November 3<sup>rd</sup>, 2020 and asked the applicant's Engineer, Mr. Bhatt if he will comply with all of the comments, or are there any waivers to be addressed.

**Engineer Bhatt** indicated his client is requesting four waivers and asked for clarification on some of the fees in lieu of. Section D – Chapter 201 – Subdivision and Land Development Ordinance (SLDO) Comment 13 request his client to pay a fee in lieu of recreation land which consist of a fee of \$2,000 for each dwelling unit and asked for conformation since they are adding one additional lot, if the fee is for one lot.

**Solicitor Pizzo** indicated yes, that is the correct application for the Township Ordinance.

**Engineer Bhatt** indicated Section D – Chapter 201 – Subdivision and Land Development Ordinance (SLDO) 1 through 24 everything is a will comply. Number 25 is a waiver request of curbs and if granted the applicant is requesting to not pay the fee in lieu of and comment Number 26 for the sidewalks is asking the same.

**Engineer Benner** indicated it is appropriate to require the fee in lieu of, it is agreed there is no curbs or sidewalks adjacent to this property so a fee in lieu of the curb and sidewalk would be appropriate. Then explained how the fee is calculated.

**Council Member Sloane** explained this is something Council consistently does when someone is building a new home on an empty plot.

**Solicitor Bogin** stated all the residential homes in that area do not have any curbs or sidewalks and move you move across the street to the more commercial area the curbs and sidewalks start and decided to put it before Council as a waiver.

**Council Member Sloane** indicated technically, the Township requires that fee just in case the Township decides at some future point the Township wants to install curbs and sidewalks consistently throughout that neighborhood then the Township will have that funding in place to do so.

**Council Secretary Knowles** asked the Township Engineer, Mr. Benner, then stated the Township normally charges a fee in lieu of for curbs and sidewalks along front yards. His question is for the existing lot, also, in front of that, and then is the corner lot another lot so that yard would be considered.

**Engineer Benner** stated that was correct and explained the recreation fee as required for a new dwelling as opposed to an existing dwelling.

**Engineer Bhatt** indicated the rest of the comments are a will comply.

**Council President Kisselback** asked Engineer Bhatt to verify his waivers. Engineer Bhatt indicated there were four waivers. This ads Number 15 regarding grading and Number 17 regarding street trees which the applicant is willing to pay the fee.

**Council Member Sloane** asked Engineer Benner under Section D – Chapter 201 – Subdivision and Land Development Ordinance (SLDO) Number 16 regarding the position of the downspout and how the landowner is diverting the water onto the property of another landowner. Without this being resolved there are concerns of flooding for the neighboring properties. There were concerns from a neighboring property, from the last Council meeting who submitted a comment with concerns of the proximity of the new house to the existing homes in that area.

**Solicitor Pizzo** indicated Council Member Sloane’s recollection is correct and proceeded with the Public Comment portion:

**Chris Estel**, 2317 McKinley, was against the building of a new house so close to the dividing property line of his lot. Me. Estel noticed on the revisions requesting one of the many items, was the plan to include a roof drain and sub-pump discharge locations. Trying to cram two houses onto this lot seems to be too much and not very appealing. Privacy is another factor with windows facing his property, whereas his neighbor has no windows facing his property.

**Council Member Sloane** indicated another concern, regarding this applicant, was waiver number 15 which states no proposed grading shall be permitted within three feet of any site property line, which property line would that be applicable too, because if that is abutting to the Estel property there are serious concerns regarding how it effects their property.

**Engineer Bhatt** indicated one of the trees in question to the adjacent neighbor, this tree is an existing tree and an existing fence, and the existing fence remain but the tree will have to go. In regards to the proximity of the property the applicant does meet the requirements from the Township for the side area. Regarding the stormwater, the applicant feels they are making the situation better for the neighboring property. In regards to the privacy, the building has not been designed as of yet, but will keep the comment in mind.

**Solicitor Pizzo** asked the applicant to display the plan showing the minor subdivision.

**Engineer Bhatt** displayed the plan showing the tree and fence and the adjacent properties and explained the tree removal and water conditions again.

**Council Member Sloane** explained from his perspective and what seems to be the comments provided by the adjacent property, that large of a house seems to encroach on somebody that is already living there and said he would rather see a plan with the proposed houses and how they would be situated on the property.

**Council Vice President Pilieri** indicated he agreed with Council Member Sloane regarding the applicant shoving a lot of house into a small area and it does not fit into the neighborhood as to what is being proposed and was not comfortable moving forward until he saw the plan with the houses situated on the property.

**Council Secretary Knowles** agreed with the other councilmen and indicated his concerns regarding lot number 2, it looks like they put the 25 yard front yard and took a chunk out of lot one to make the 25 yard front yard fit and then have a little square but then the actual property line for lot one looks like it is in the front yard and does not know how many feet it is from the front yard line and the back yard line of lot one to the actual house. Does not like the shape of the lot.

**Engineer Benner** explained it is an odd configuration and unfortunately there is nothing in the ordinance which prevents them from doing what Council Secretary Knowles is concerned about.

**Council Secretary Knowles** motioned to deny the subdivision as presented, **Council Vice President Pilieri** seconded and the motion carried 5-0. 2:33:5

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

**Applicant:** Anthony Oelschlegel  
**Location:** 3349 West End Avenue  
**Proposed Use:** Residential  
**Zoning Classification:** R-2 Residential  
**Tax Parcel:** 2-39-86

Applicant requested to be tabled.

**Council Vice President Pilieri** motioned to table this item to a date certain of December 14<sup>th</sup>, 2020, **Council Member Tokmajian** seconded and the motion carried 5-0.

8. **CONSIDERATION OF A RESOLUTION FOR THE DIRECTOR OF ADMINISTRATION TO SUBMIT AN APPLICATION FOR A TRAFFIC SIGNAL APPROVAL TO PENNDOT AND TO SIGN THE APPLICATION ON BEHALF OF THE MUNICIPALITY:**

**Intersection:** St. Charles School on Bristol Pike and Hulmeville Road  
**Upgrade:** Existing/School Warning

**Council President Kisselback** asked Solicitor Pizzo if Agenda items 8 through 11 were similar.

**Solicitor Pizzo** indicated, they are and in fact Items 8 and 9, both Resolutions involve the intersection of Bristol Pike and Hulmeville Road where St. Charles and St. Charles School are located and these are a variety of improvements that are associated with the St. Katharine Drexel project. These are widenings, restriping's, adding of turning lanes and readjustments of the various traffic signals and the timing system of those signals that are located along Bristol

Pike. As to both items 8 and 9 both are Resolutions that would provide for the amendment of the existing traffic signal permits that are in the Township's name for those facilities located at that intersection. They have been reviewed and prepared by the Township Traffic Engineer and the Resolutions are in the standard PennDOT form and are in a form acceptable for Council's approval and consideration, and that would pertain to Agenda item 8 and Agenda item 9.

**Council Member Sloane** asked when the work at the intersection of Bristol Pike and Hulmeville Road will start.

**Solicitor Pizzo** stated the Developer has not yet, it is not at Record Plan stage, they are still doing engineering based on the approvals provided by the Township, and not at Land Development Agreement Phase. Actual construction won't begin by the applicant in the immediate future but sometime in 2021.

**Council Vice President Pilieri** asked why does this go to Newportville Road which is at the other end of the Township.

**Solicitor Pizzo** indicated there are a number of 18 traffic signals that extended the length of Hulmeville Road that communicate with each other from Bristol Pike all the way down and over the bridge to Newportville Road.

**Council Vice President Pilieri** motioned to approve Agenda Item 8 and Agenda Item 9 as presented, **Council Member Tokmajian** seconded and the motion carried 5-0.

9. **CONSIDERATION OF A RESOLUTION FOR THE DIRECTOR OF ADMINISTRATION TO SUBMIT AN APPLICATION FOR A TRAFFIC SIGNAL APPROVAL TO PENNDOT AND TO SIGN THE APPLICATION ON BEHALF OF THE MUNICIPALITY:**

**Intersection:** Bristol Pike and Hulmeville Road

**Upgrade:** Existing System consisting of 18 signals between Bristol Pk. & Newportville Rd.

Agenda Item 8 and 9 presented together.

**Council Vice President Pilieri** motioned to approve Agenda Item 8 and Agenda Item 9 as presented, **Council Member Tokmajian** seconded and the motion carried 5-0.

10. **CONSIDERATION OF A RESOLUTION FOR THE DIRECTOR OF ADMINISTRATION TO SUBMIT AN APPLICATION FOR A TRAFFIC SIGNAL APPROVAL TO PENNDOT AND TO SIGN THE APPLICATION ON BEHALF OF THE MUNICIPALITY:**

**Intersection:** Rockhill Drive & NB Ramps/Neshaminy Mall

**New:** Rockhill Drive Interchange

**Solicitor Pizzo** indicated Agenda Item 10 and 11 can be presented together. These are Resolutions approving the submission of the applications to PennDOT for the improvements to the intersections as well as revisions to the traffic signals and other pertinent facilities located at

Rockhill Drive and US 1. Agenda Item 10 would be for the new northbound on and off ramps coming from Route 1 onto Rockhill Drive and Agenda Item 11 would be for the new southbound on and off ramps coming from Route 1 to Rockhill Drive. These are part of the planned improvements to US 1 and a number of which are already taking place and other locations along the length of US 1. Sometime in our future, work will begin on the interchange at Rockhill Drive and US 1. These permit approvals will allow for the changes to those two intersections as well as the changes to the signalization. They have been prepared and reviewed by the Township Traffic Engineer. The Resolutions are in the standard PennDOT form and are in a form acceptable for your consideration and approval.

**Council Secretary Knowles** motioned to approve Agenda Item 10 and 11 as presented, **Council Vice President Pilieri** seconded and the motion carried 5-0.

11. **CONSIDERATION OF A RESOLUTION FOR THE DIRECTOR OF ADMINISTRATION TO SUBMIT AN APPLICATION FOR A TRAFFIC SIGNAL APPROVAL TO PENNDOT AND TO SIGN THE APPLICATION ON BEHALF OF THE MUNICIPALITY:**

**Intersection:** Rockhill Drive & Horizon Blvd./SB Ramps  
**New:** Rockhill Drive Interchange

Agenda Item 10 and 11 presented together.

**Council Secretary Knowles** motioned to approve Agenda Item 10 and 11 as presented, **Council Vice President Pilieri** seconded and the motion carried 5-0.

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

**Developers Request:** Samarpan Hindu Temple – Release #5  
**Location:** 2746 Mechanicsville Road  
**Tax Parcel:** 2-36-8  
**Amount:** \$ 273,200.72

**Engineer Benner** indicated they have reviewed the request by the applicant and an Inspector, did a site inspection to make sure the items requested were satisfactory.

**Council Member Sloane** asked why they were submitting an escrow release on work that was not complete.

**Quinton Nearon**, Township Principal Inspector, indicated the applicant was requesting retaining wall money be released. Typically, in construction, when you bring materials on site, there is an allowance you get as a GC, which you can get for staging, and the GC thought he could get this from the Township but the Township doesn't do that until it is actually installed.



**Council Member Tokmajian** motioned to accept and approve the escrow release as presented, subject to an audit by the Township Finance Department, **Council Member Sloane** seconded and the motion carried 5-0.

13. **PUBLIC COMMENT EMAILS:**

**Council President Kisselback** asked **Solicitor Pizzo** if there were any Public Comment Emails that needed to be addressed.

**Solicitor Pizzo** indicated the following Public Comments were submitted. These comments can be heard in their entirety at the following websites:

[www.bensalempa.gov](http://www.bensalempa.gov) or [www.youtube.com](http://www.youtube.com)

Below are the correspondents and a short synopsis of their email:

**Joseph Connelly**, 568 Bristol Pike, asked when is the dirt pile going to be removed. Parking lot at the smoke shop is extremely dangerous. There have been multiple fights and shouting matches from customers trying to back out of the parking spot that is being blocked in by the drive-thru lane traffic while pedestrians are walking behind the parked cars. Renovations to the smoke shop are not safe.

14. **OTHER BUSINESS:**

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

[www.bensalempa.gov](http://www.bensalempa.gov) or [www.youtube.com](http://www.youtube.com)

**Mayor** commented on Veterans Day approaching and wanted to recognize two of the Council Members, Ed Kisselback and Jesse Sloane who served our Country and thanked all the Veterans.

**Council Secretary Knowles** acknowledged Veterans Day. Saw the Mayors show on Veterans housing that was approved and asked Veterans to contact the Mayor's office in reference to the Veterans apartments on Mechanicsville Road.

**Council Member Tokmajian** indicated it was nice to see so many people at the poles and using their right to vote and thanked all of the pole workers. With Veterans Day approaching he thanked Ed Kisselback and Jesse Sloane for their service and thanked all of the Veterans for their service.

**Council Member Sloane** spoke to Skip Bates, Chairman of the Townships Veterans Advisory Board, and informed him they are having trouble filing the last few spots of the Veterans housing facility. There is information on the Township website for the Veterans Housing with a move in date of December 1<sup>st</sup>. Thank a Veteran.

**Council Vice President Pilieri** thanks Ed Kisselback and Jesse Sloane for their service. Indicated Skip Bates can meet with the Veterans who might need some help and on the

Township website there is a number he can be reached at if anyone would like to set up an appointment and thanked all Veterans for their service.

**Solicitor Pizzo** echoed everyone's sentiments and thanked Ed Kisselback and Jesse Sloane for their service and thanked all of the Veterans.

**Council President Kisselback** agreed with all the comments made and indicated he had two sons in the service, one of which is still active. Spoke to Skip Bates and was surprised their were still opening at the Veterans Housing facility. God Bless, Happy Veterans Day, put your flags out and God Bless America.

**15. ADJOURNMENT:**

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

The Bensalem Township Council Meeting of November 9<sup>th</sup>, 2020 can be viewed in its entirety at the following websites:

[www.bensalempa.gov](http://www.bensalempa.gov)

or

[www.youtube.com](http://www.youtube.com)

**Respectfully Submitted,**

**Debora F. McBreen  
Recording Secretary**