

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

**Monday
November 25th, 2019**

MEMBERS PRESENT:

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

ALSO PRESENT:

Mayor Joseph DiGirolamo
Joe Pizzo, Township Solicitor
Lauren Gallagher, Township Solicitor
Harold Gans, Township Engineer
Russell Benner, Township Engineer
Debora McBreen, Council Clerk/Recording Secretary

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 microphones.

1. PLEDGE OF ALLEGIANCE:

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

2. PUBLIC COMMENT:

Council President Knowles invited Public Comment on Agenda items, but no one came forward and the first of two public portions was closed.

3. APPROVAL OF COUNCIL MINUTES:

Council Secretary Pilieri motioned to approve the Minutes as presented for *November 12th, 2019*, **Council Member Tokmajian** seconded and the motion carried 5-0.

4. **ADVICE AND CONSENT OF MAYORAL APPOINTMENT OF ONE MEMBER TO THE ZONING HEARING BOARD:**

Mayor indicated Marc Bourne, a board member on the Zoning Hearing Board had resigned effective immediately and suggested Harry Kramer be appointed to finish out the term of Mr. Bourne which will expire on December 31st, 2022. Mr. Kramer is currently on the Planning Commission Board and will be stepping down from that position. **Council Vice President Kisselback** motioned to approve, **Council Secretary Pilieri** seconded and the motion carried 5-0.

5. **CONSIDERATION AND PUBLIC HEARING ON AN ORDINANCE AUTHORIZING AND DIRECTING THE INCURRENCE OF DEBT OF THE TOWNSHIP OF BENSLEM, BUCKS COUNTY, PENNSYLVANIA BY THE ISSUANCE OF FEDERALLY TAXABLE GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES OF BONDS AND AUTHORIZING OTHER NECESSARY ACTION IN CONNECTION THEREWITH.**

John Chaykowski, Finance Manager for the Township, explained the following: the Township is doing an advance refunding of the 2015 bond issuance for the purpose of saving interest. **Mr. Chaykowski** indicated Brian Bradley with RBC and Hank Van Blunk from Eastburn and Gray were available to answer any questions. A conversation ensued reiterating the information given to Council during their Executive Session. **Council Member Sloane** asked how long would it take for the rate to be locked in, Mr. Bradley with RBC indicated they were looking to lock it in, in the early part of December. **Council Member Sloane** asked **Mr. Chaykowski**, if approved this evening, would he please send an email to council indicating the final numbers. **Council Secretary Pilieri** made a motion to approve, **Council Vice President Kisselback** seconded and the motion carried 5-0.

6. **CONSIDERATION OF A RESOLUTION FOR A 537, KNOWN AS THE PA SEWAGE FACILITIES ACT PLAN REVISION FOR NEW LAND DEVELOPMENT OF A PARCEL OF LAND IDENTIFIED AS CRUNCH FITNESS AT HOME DEPOT PLAZA:**

Solicitor Pizzo indicated Crunch Fitness will be moving into the former Babies-R-U's. The gym will need additional sewer capacity that was not already allotted to the Babies-R-U's store. In order to obtain the additional sewer capacity it requires an approval of the DEP as well as the County Water and Sewer Authority and the Philadelphia Water Department. In order to receive the approval one of the things that is required is the approval of the Township for a revision to its Act 537 Plan. This is fairly a routine matter, it is in a form required by the DEP for these sorts of Resolutions. **Council Member Sloane** motioned to approve, **Council Member Tokmajian** seconded and the motion carried 5-0.

7. **CONSIDERATION OF A PRELIMINARY AND FINAL LAND DEVELOPMENT:**

Applicant: AQ Saint Katharine Drexel LP
Location: 1663 Bristol Pike
Proposed Use: Mixed Use
Zoning Classification: MUR – Mixed Use Residential
Tax Parcel: 2-060-015

Doug Maloney with Begley, Carlin and Mandio, on behalf of the applicant, submitted the records of notification to **Solicitor Pizzo** who indicated the notices were in order. **Mr. Maloney** presented Mixed Use Residential plans regarding the Drexel property. **Mr. Maloney** explained in detail the background of Saint Katharine Drexel. The property presents some unique development challenges. The cemetery on the property will be preserved in its present location along with most of the Motherhouse. **Len Poncia** spoke about his commitment to respecting and preserving the history, the spirituality and the legacy of Saint Katharine Drexel. **Mr. Poncia** went into extensive detail on the commitment of the preservation of the historic buildings and to revitalize the Drexel property and keeping it open to the community. **Mr. Maloney** announced the development team members from Marathon Engineering and Environmental Services who were present in the audience: Karen Ingram, Dave Fleming and Steve Mervine along with John Cluver who is an architect with Voith & Mactavish and specializes in historic preservation, Mark Roth the Traffic Engineer from McMahon Associates, Tom Etchelman general counsel, Mike Catchum and Pete Stampfl from Stampfl Associates and John Brenmar, head of construction, are here to answer any questions about any areas of their expertise. **Mr. Maloney** pointed out the proposal of six lots and described in detail each individual lot and their uses. A conversation ensued regarding traffic signals, their positioning and how they will function entering and exiting the property. **Mr. Maloney** referred to the memo dated November 4th, 2019 from the Township Engineering firm, T and M, prepared by Mr. Russell Benner, Township Engineer, and indicated a written extensive response, item-by-item, from Marathon Engineering dated November 15th, 2019. The 12 zoning comments are all a will comply, of the 73 sub-division and land development and ordinance comments 62 of them are a will comply, of the 12 stormwater management comments all of them are a will comply and of the general engineering comments, all of them are a will comply. There are 13 proposed waivers from Marathon Engineering in which **Mr. Maloney** indicated he would be happy to entertain any questions council had regarding those waivers.

Comments and Questions from Council:

Council Member Tokmajian asked about the Motherhouse and the 48 units along with the office space and the commitment to having it open to the community and will that be a part of the Homeowners Association language guaranteeing access to the building and how often will the public and or community have access.

Mr. Poncia responded that if any organization in the community wanted to utilize a portion of the space for some gathering they would be open to those requests. **Council Member Tokmajian** asked if they would commit to putting that kind of language in the Homeowners

Association Agreement, **Mr. Poncia** said yes. **Council Member Tokmajian** mentioned the No Trespassing signs, the No Picture Taking signs didn't seem as though the community was in fact invited onto the property. **Mr. Poncia** explained it was an insurance requirement the Sisters had to conform to which is why the additional signage was installed for insurance reasons since the property is now primarily vacant. **Council Member Tokmajian** asked **Solicitor Pizzo** to explain what exactly the applicant was requesting. **Solicitor Pizzo** indicated the applicant has requested preliminary and final sub-division and land development approval this evening and will be up to council exactly what council will grant. A conversation ensued regarding zoning. A conversation ensued regarding the MUR Ordinance (Mixed Use Residential) regarding this property. A conversation ensued regarding ownership of the different proposed lots.

Council Vice President Kisselback asked who will be responsible for the cost of maintaining the six lots. **Mr. Poncia** explained the Homeowners Association will handle the maintenance and each of the individual lots will participate in the cost.

Council Member Sloane questioned the zoning and a conversation ensued regarding the number of units proposed for each lot.

Council Vice President Kisselback asked how you get the money for the roadways, sidewalks and the maintenance of the proposed lots if the construction is not started at the same time for each individual lot. **Mr. Poncia** explained there are certain components that need to be done out of the gate to provide the necessary funding for the project to be undertaken. The townhomes, the assisted living, the memory care and the active adult are hopefully well underway to be the first out of the gate for the project. The intent is to finish enough of the construction in advance to allow the funding to be in place for the common improvements.

Council Member Sloane was looking for information regarding the MUR (Mixed Use Residential) Ordinance and how it was being applied to the 6 lots. **Mr. Poncia** explained in the Zoning Ordinance section 3210-1-2 specifically mentions sub-divided lots.

Solicitor Pizzo indicated the Ordinance, as it was presented to the Township Council earlier in the year and was viewed by the Township in concert with the plan on the screen or at least a plan that was pretty similar or identical to that plan, and the discussions that surrounded the undertaking of this Ordinance at the time Council approved it, all envisioned, all provided for the development of this site as a single tract. Clearly, if the Ordinance is calling for a tract area of 40 acres, the intent certainly could not be that each one of these separate lots had to be 40 acres. **Solicitor Pizzo** said Council talked about the development of the tract area as a 40 acre development. Within the development of the overall site the Ordinance does provide for, and in fact, requires a combination of permitted uses that include, by definition, townhouses, so again we are talking about housing dwelling units, dwelling lots that are going to be appreciatively smaller than 40 acres, together with the senior living campus, the active adult leased units, the cemetery and the like, the Ordinance then does go on to talk about the gross acreage of the tract and the individual lots within the overall development site. In the section that Mr. Poncia references 3210-1-2-3-4 goes on to say that sub-divided lots are not required to have frontage on public streets, community utility and maintenance easement shall be provided for shared infrastructure that is not constructed on a created lot. Lots to be created to allow for separate

ownership of facilities shall contain the minimum area necessary to contain an entire building where practical and the associated improvements for that particular facility, no internal setbacks or buffers are required for the newly created lots. The approval of the sub-division plan as presented, the concept of having the assisted living on a separate lot from all of the townhomes, which would be separate from the Motherhouse and the buildings that are being preserved it is both permitted and consistent with certainly the spirit, if not the letter of the law.

A discussion involving waivers from the Marathon Engineering memo referencing their checklist waiver request list ensued.

Council Member Tokmajian asked if the applicant did not feel this project had an impact to the community. **Mr. Maloney** answered that it had a positive impact to the community. **Mr. Poncia** stated, if you look at the property as it sits today, a property that was tax exempt for many years, what they are proposing will have primarily a senior community and self-contained and will have substantial ratables for the Township and that the impact for the Township is positive in so many respects. **Council Member Tokmajian** felt differently about the impact to the community.

Solicitor Pizzo wanted to clarify the word “impact” that was being used in the course of the conversation and what the report requires. The intent of the “impact” study in section 201-103 A and B of the Ordinance calls for is to take a look at what currently exists around the site in the way of schools, playgrounds, churches, libraries, things of that nature. It is not a traffic study, the ordinance calls for an entirely separate process to do a traffic study and that is not being waived if such a request were being made. You have a Traffic Impact Fee Committee that does a Traffic Impact Study, you have a Traffic Engineer who has reviewed all of these plans and the plans will go to PennDOT. So as far as “impact” as it pertains to things like traffic and the infrastructure and the highways and byways around the property that is not what this study that the Ordinance calls for is about. This is about, if we move “x” number of families, 90 families into the townhomes, and several hundred to the 55 or older individuals into those apartments or into the senior medical facility, what will be the “impact” on the schools, will there be a sufficient amount of recreational facilities to serve the people living in that community. Will there be a sufficient number of other community amenities that Bensalem fortunately has fairly an ample supply of in terms of our own library, churches of every denominations from one spectrum to the other. The question becomes, do we have an adequate number to accommodate the additional people who would be moving into the community or relocating within the community into this location. So again, understand that at the end of the day at most 90 of the townhomes are going to be occupied, would this have an “impact” on the schools so great that we would have to redistrict or build onto the schools and things of that nature. Will there be a need for recreational facilities, parks, and playgrounds, to accommodate the folks that are moving in. As part of that process, keep in mind that the ordinance does within the permitted uses, for the overall senior campus and the accessory uses that were discussed in the Spring, and I assume will be discussed again, include a certain number of amenities that would be available to the residents of the community including clubhouse facilities that we are talking about to be located within the existing structures. Library, museum, historical things of that nature, so a study may be worthwhile. Again, the study council is talking about is one largely to deal with is the “impact” on schools and the need for

additional public facilities, public amenities, not things that are going to be the deeper dive, I know the one every council member

and members in the audience are concerned about which are the “impacts” on traffic and the infrastructure. **Council Vice President Kisselback** agreed with **Solicitor Pizzo** that the “impact” study that was just explained will need to be required if there is a motion.

A discussion involving waivers from the Marathon Engineering memo referencing their checklist waiver request list continued.

Phil Wursta, Traffic Engineer for the Township, talked about traffic signals, curbs and sidewalks and lighting along the frontage of Bristol Pike to allow safe movement for pedestrians. The discussion included a traffic signal at Kings Avenue and unfortunately PennDOT is not willing to put a traffic light at this location. A lengthy conversation ensued regarding pedestrian crossing, traffic signals, speed bumps and lighting.

Council Member Sloane asked what the plan for the ownership of the cemetery is. **Mr. Poncia** indicated there will be a plan between the Sisters and himself for perpetual maintenance of the cemetery and also, all of the Sisters of the Blessed Sacrament will be interred there.

Council President Knowles called for a 5 minute recess.

Council President Knowles invited public comment and the following residents came forward:

George Groves, 1072 Colonial Avenue, commented that he is protesting the density of the project and the traffic impact to the community. A conversation ensued regarding how this project, out of the 300 developers who bid on this project, would have the least traffic impact

compared to what could have been constructed on this property. Mr. Groves indicated he has lived in Bensalem for 22 years and his street has been salted and plowed every snowstorm and was very thankful to the Township and wished Council the best with their decision this evening.

Dr. Stephanie Morris, 2290 Galloway Road, is the former Director of the Archives of the Sisters of the Blessed Sacrament spoke on the background of Katharine Drexel. Out of the 300 bids, Aquinas Realty was the only one to respect the history of the buildings.

Father Phillip, 1731 Hulmeville Road, Pastor of the St. Charles Borromeo Parish, what he has observed is that the development is going to be very beneficial for the faithful. **Father Phillip** stated he was very surprised when assigned the pastoral care of the St. Charles community and noticed there were no nursing homes or retirement communities in his vicinity. **Father Phillip** stated when he goes out to serve those in nursing homes and retirement communities they usually do not have a dedicated place to celebrate mass or to worship or to have a prayer service. To have a dedicated sacred place with a consecrated altar and a chapel of historic significance to serve the spiritual needs of the sick and the aged speaks to a sensitivity to the pastoral care of the residents of this community that is most welcome in this proposal.

Lindsey Lehr, 1708 George Avenue, Questioned Mr. Ponica's statement regarding the Sisters of the Blessed Sacrament moving back to the site. **President Knowles** stated their administrative offices and headquarters would be on site and eventually maybe moving the Sisters back to the assisted care facility.

Eileen Keefe, 1318 Rosalie Avenue, was concerned about all of the traffic on Bristol Pike and only one traffic signal in place, why can't they have a road going through the site to Station Avenue.

Rosana Tang, 1118 Daisy Lane, fully supports the project and spoke about **Mr. Poncia** and how well respected he is and trust what he has presented before council.

Donna Fleming, 2260 Finley Avenue, is concerned about the traffic and the safety of the people in the neighborhood.

Katharine Alex, 957 Bristol Pike, was concerned about the traffic and the traffic lights need to be addressed.

John Dempsey, 705 Buck Road, Feasterville, was in favor of the project and spoke of his affiliation with the Sisters of the Blessed Sacrament.

Eric Lahoda, 1031 Kings Avenue, was in favor of the project and pleased with what was going to be constructed on the premises. Other concerns were traffic.

Marge Coney, Northeast Philadelphia, stated she supports any plan that is going to preserve the integrity of the Katharine Drexel property. Ms. Coney stated she knew this would be an impact to the community but to know that Katharine Drexel will still be a part of your community is a wonderful thing.

James Farrell, was elated that Aquinas Realty was the only bidder, out of the 300 developers, who is willing to step up and appreciate the value of the Motherhouse and chapel. Mr. Farrell strongly urged Council to approve the plan with a perfect balance that addresses the legacy and provides the balance of a responsible development of the community.

Mary Ann Griffin, 3101 Addison Court, talked about Juniper Village (Wood River) consisting of 20 acres and has been there for 30 years, it may not have the townhomes right on the property but there are close to 1,000 townhomes in the area with a small impact of traffic issues. Ms. Griffin supports the plan and commented how it will be a wonderful asset to the community.

Philip Valentino, 865 Village Lane, spoke on the character of Len Poncia. Mr. Valentino has been a practicing lawyer for the past 25 years and commented how well Bensalem Council is run compared to Philadelphia Council. The question and concerns from the residents were addressed and well answered and thanks council for doing their homework and being well prepared for the meeting. Mr. Valentino commented how he appreciates the traffic concerns, it is a busy area, change is going to happen and the good thing is this change seems to be a win-win for both the residents and the community and is looking forward to seeing the finished

project. Mr. Valentino strongly urged Council to approve the project and wished everyone a Happy Thanksgiving.

John Doody, 1539 Tyson Avenue, asked when the traffic study was done and continued to say he believes it was a two day study and school was not in session. **Mr. Doody** does not believe that study to be accurate. **Council President Knowles** told **Mr. Doody** he would get the information for him and pass it on. **Council Member Tokmajian** stated the information **Mr. Doody** is looking for is in the TPD memo stating traffic study done by McMahon and Associates performed in June 2019 which states the study clearly.

Robert Homolka, 3213 Whitney Court, spoke on historical points. **Mr. Homolka** spoke about the curbs and sidewalks the applicant will be putting in and reminded Council of the historic mile marker in front of the property. **Mr. Poncia** stated he was committed to preserving the historic mile marker which the plans show it being worked around. **Mr. Homolka** passed out literature to Council regarding the demolition of the historic laundry building and requested Council deny demolition of the building because of its national historic registry status. A question regarding the MUR Ordinance was talked about and **Solicitor Pizzo** explained the applicant would have to come before Council if they were to decide to demolish any other historic building on the property. **Mr. Homolka** requested a roll call vote.

Sister Sandra Schmidt, speaking for the Sisters of the Blessed Sacrament, and supports the plan. The Sisters were joyful when they heard the Chapel was going to be saved. Sister Sandra Schmidt explained how the Archdiocese was preparing to demolish the Chapel and how **Mr. Poncia** worked with the Archdiocese to keep the Chapel from being demolished. **Sister Sandra Schmidt** explained how the Chapel was the most important thing to the Sisters. **Sister Sandra Schmidt** stated her concerns and how if they didn't move forward with this plan now they were trying to figure out where they were going to put their offices, but if the plan is approved they know now they can stay which means a lot to the Sisters that they can say their Headquarters is still located on the Katharine Drexel property.

Tony Belfield, 2475 Greenland Court, was happy to hear the Chapel will remain consecrated. **Mr. Belfield** spoke about possibly interconnecting sidewalks within the community to look at it as a better public thoroughfare. **Mr. Belfield** stated a road connection to Station Avenue would exacerbate cut-through traffic. **Mr. Belfield** stated he was in favor of the project.

Deborah Gallagher, 925 Clarmont Avenue, stated we don't need the apartments behind Tyson Avenue make it open, create some trails and stated everyone will be hearing from her as she is going to try and change the location of the apartments on the property.

Council President Knowles asked **Mr. Poncia** to address the laundry building. **Mr. Poncia** stated the gentleman was correct in stating the laundry building would sit right in the middle of Independent Living the Assisted Living Care facility. **Mr. Poncia** indicated they are and have committed to so much already that they are respecting and maintaining that it is a monumental undertaking. They did receive State Historic Preservation Office approval at the state level.

The MUR code that pertains to this property is more stringent to historic than the current code of the Township. The Federal approval that the gentleman mentioned in regards to Historic properties does not pertain here because you need to be either a Federal Project or Federally Funded. They cannot accommodate that building and still be able to develop the project that needs to be developed. The Sisters of the Blessed Sacrament are the ones who initiated any of the Historic preservations on the property. If the Sisters are supportive of what we are keeping and what we are not keeping I would hope that would tell it all.

Council Member Tokmajian asked if **Mr. Poncia** was willing to save more of the Historic buildings that are currently on site. **Mr. Poncia** replied, no. **Council Member Tokmajian** asked about the improvements at the intersection of Kings and Bristol Pike if **Mr. Poncia** was willing to support anything off of the base of the recommendations by our Township Engineer, PennDOT or Township Officials in regards to placing flashing lights, painting crosswalk or any signage or anything that can make that intersection safe. **Mr. Poncia** replied, yes. **Council Member Tokmajian** asked about sidewalks on both sides of the road, **Mr. Poncia** replied he would attempt to accomplish that but did not know this evening if that can be done throughout, but will do their best. **Council Member Tokmajian** asked about lamp posts, **Mr. Poncia** replied he would attempt to but could not commit to anything unless he could do his homework. **Solicitor Pizzo** indicated if the sidewalks are going to be put in then the street lights that would be put ion along that frontage are required to be consistent with the Cornwells Heights/Andalusia Streetscape Project. **Council Member Tokmajian** asked **Mr. Poncia** if he was willing to put in underground water basins to eliminate the outdoor basins to create more useable recreation space. **Mr. Poncia** replied, no, I am not. **Council Member Tokmajian** asked **Mr. Poncia** if he was willing to reduce the footprint of the project. **Mr. Poncia** replied, no, I am not. **Council Member Tokmajian** asked **Mr. Poncia** if he was willing to make the entire project age restricted. **Mr. Poncia** replied, no, I am not. **Council Member Tokmajian** asked **Mr. Poncia** if he was willing to accept strictly a preliminary approval pending the completion of the community impact study for further review of PennDOT's review. **Mr. Poncia** replied they were here for a preliminary and final approval.

Council Member Sloane asked **Mr. Poncia** in regards to the Chapel, to explain how it would work. **Mr. Poncia** replied Aquinas will be the administrator and overseer of the Chapel but there are strict requirements that are part of the agreement from the Archdiocese to utilize the Chapel under the direction and requirements of the Catholic Church. **Council Member Sloane** asked if it would be opened to public use as well. **Mr. Poncia** replied, that is correct. **Council Member Sloane** indicated there were a lot of concerns regarding traffic asked **Mr. Poncia** if he would consider an easement or access point on the side closest to Station Avenue as a cut through whether it is purchasing additional property or such to allow either traffic flow or pedestrian access to allow ease of access to the train station. **Mr. Poncia** replied he would be open to try and find a path for it, obviously they have expressed it is a monumental undertaking in of itself, but willing to work with everyone.

Seeing no one else come forward the public portion was closed.

Council Vice President Kisselback made a motion for a preliminary and final approval for AQ Saint Katharine Drexel LP, located at 1663 Bristol Pike, TMP 2-060-015, based on the November 4th, 2019 letter from T and M Associates as well as the revised application dated November 15th, 2019 and the Marathon Engineering and Environmental Services Design waiver request. The new lots be recorded and the deeds be recorded and reviewed by the Township Solicitor and Engineer. The applicant will comply with the Fire Marshalls traffic report and the Impact Fee. With the existing Historic structures that they will be maintained on the property be consistent with the plans and consistent with the discussion this evening will all be subject to a restrictive covenant or similar documents that will guarantee their preservation and perpetuity and will be covenants running with the land in favor of the Township and enforceable by the Township. The applicant will not exceed the number of 48 units in the Motherhouse. Design memo, we will accept the waiver of 201-62-A, Document D-26, from the sub-division land development part of the letter, D-28 we will not grant that waiver on the Formal Community Impact statement which was a discussion concerning different impacts regarding the surrounding areas and how that will be affected. We will grant the waiver for D-37, which is 201-104-C-4 based on the PennDOTs review and our Township Engineer. We will grant the waiver on the 201-104-F-4 again this will be based on the Township Engineer's review. Solicitor Pizzo stated on 201-101-C-4 and 201-104-F-4 both are waivers but indicated consistent with this evenings discussion the applicant will comply with whatever PennDOT might require, if PennDOT does not require then a waiver is granted. We will grant D-45 which is 201-104-G-1 and comply with D-47 201-106-A-2 a-4, D-60 and D-61 combined together the applicant will comply with the sidewalks on Bristol Pike and grant a waiver for curbs on Bristol Pike as well as the curbs and sidewalks on Langstroth Road and the applicant will pay in lieu of those being constructed, section 201-110-B and 201-110-E as well as 201-111-A and 201-111-I. **Solicitor Pizzo** indicated consistent with the installation of sidewalks along Bristol Pike will be the requirement that any streetlights along Bristol Pike frontage will be consistent with the Cornwells Heights/Andalusia street lighting requirements that are in place. **Council Vice President Kisselback** indicated no Historic monuments will be moved and sidewalks and such will be created around the mile marker. A waiver will be granted for D-65 which is 201-112 relative to the foot candles which are going to be increasing the illumination in dark areas. **Solicitor Pizzo** indicated all of that lighting will be subject to review an approval by the Township Engineer. A waiver will be granted for D-62 which is 201-111-B using a 3 foot walkway as opposed to a 4 foot walkway in a specific area. A waiver will be granted for 201-41-D-8, as well as 201-41-D-9 and 201-41-D-11 n-1, Solicitor Pizzo indicated those would correspond to paragraph D-4, D-5 and D-14 respectively the T and M review letter. **Solicitor Pizzo** said he believes it is **Council Vice President Kisselback's** intention as to the T and M review letter of November 4th, he spoke to those paragraphs for which waivers will apply. Accordingly, as to Chapter C of that review letter. Items 1 through 12 are all will comply items, as paragraph D, paragraphs 1, 2, 6, 7 through 13, 15 through 25, 27, 28, 29, 30 through 35, 36, 38 through 42, 44, 46, 48 through 59, 63, 64, 66 through 73 are all will comply items consistent with the discussion earlier this evening as to where waivers will apply. As to Section E all items are will comply items, as to Section F all items are a will comply items. **Solicitor Pizzo** mentioned to **Vice President Kisselback** what he had indicated earlier in regards to Section D the motion would carry the day as to those items are will comply as to those that are waived. **Solicitor Pizzo** indicated both 37 and 43 it was stated that the applicant will comply with the determinations with PennDOT and the Township Engineer. If PennDOT does not have a problem with the waivers as requested, then the waivers are granted. **Council Vice President Kisselback** indicated included in the letter the applicant will comply with all the Zoning Ordinances Chapter 232 page 10, Chapter 201 Sub-Division Land Development as well as

Storm Water Management on page 31 items 1 through 12 and in the general comments 1 through 32 at the end of the letter submitted. **Solicitor Pizzo** indicated, consistent with this evening's discussion, the applicant will comply with all of the items set forth in the Township Traffic Engineer report review letter of August 16th, 2019 and any other items that were discussed during this evening's hearing. **Council Secretary Pilieri** seconded and **President Knowles** called for a roll call vote, **Vice President Kisselback** voted yes, **Council Member Tokmajian** voted no, **Council President Knowles** voted yes, **Council Secretary Pilieri** voted yes, **Council Member Sloane** voted no. The motion carried 3-2-0.

8. PUBLIC COMMENT:

Council President Knowles invited public comment and the following residents came forward:

Jake Kaplan, Kaplan Properties, Inc., received an Agreement from Mr. Phil Wursta, Township Traffic Engineer, for a portion of property that Mr. Kaplan manages at the intersection of State Road and Camer Drive, Mr. Wursta advised Mr. Kaplan that the Grant of Temporary Access and Construction Easement and Grant of Permanent Shared-Use Path Easement would have very little effect on his property and if he did not grant the Township this Easement Agreement it would be taken through Eminent Domain and he would have to maintain it. Brief review of the impact of taking the easement from his property that it has significant impacts via setbacks, via additional impervious surface and is in the R55 Revitalization zone which Mr. Kaplan believes will essentially make it impossible for him to develop the property. **Solicitor Pizzo** indicated this was part of the East Coast Greenway Trail that the Township has approved the engineering and construction of and the project has been approved by the Township for a number of years now is in the process of acquiring the necessary easements where they currently don't exist for the construction of that trail. **Council President Knowles** told Mr. Kaplan it would be looked into by the Administration.

Seeing no one else come forward the second of two public portions was closed.

9. OTHER BUSINESS:

Solicitor Pizzo indicated the Mayor had to leave in the middle of the meeting due to a call he received from home but wanted to extend his wishes to everyone for a very Happy Thanksgiving and **Solicitor Pizzo** echoed those same sentiments.

Councilman Sloane indicated a resident left a photograph of trucks parking in Hidden Valley along a certain stretch of road and using it as a parking lot and can we send someone out to take a look at the situation. The information was given to **Quinton Nearon**, Township Principal Inspector, to look into the request and wished everyone a Happy Thanksgiving.

Council Secretary Pilieri said his Flyers were driving him crazy and wished everyone a Happy Thanksgiving.

Councilman Tokmajian thanked **Solicitor Pizzo** for getting back to Council with the information on the RDA status regarding Colmar. Thanked the Valley 15 Boys Soccer Team

who came out and helped with Community Service and wished everyone a Happy Thanksgiving.

Council President Knowles exclaimed the Eagles are one game out of first place and wished everyone a Happy Thanksgiving.

Council President Knowles indicated the next meeting would be the Budget Meeting on December 2nd and wished everyone a Happy Thanksgiving.

10. ADJOURNMENT:

There being no other business to discuss **Council Secretary Pilieri** made a motion to adjourn, **Council Member Tokmajian** seconded and the motion carried 5-0.

Respectfully Submitted,

Debra F. McBreen
Recording Secretary